

FY 2024  
Award Packet  
For the  
Emergency Management Performance Grant (EMPG)



Award Distributed By  
Utah Department of Public Safety's (DPS)  
Division of Emergency Management (DEM)

Federal Funding Provided By  
The United States Department of Homeland Security's (DHS)  
Federal Emergency Management Agency (FEMA)

# Award Letter

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8/05/2024

Tammy Gallegos  
San Juan County

The Utah Division of Emergency Management is pleased to inform you that a grant award for San Juan County has been approved in the amount of \$44,000.00 from the Fiscal Year (FY) 2024 Emergency Management Performance Grant.

This allocation covers the **period of performance of July 1, 2024 through June 30, 2025.**

The Emergency Management Performance Grant received a 10% reduction in funding at the federal level for the FY24 grant year. This had a large impact on the amount of funding that the state of Utah receives as well as the amount of funding available for the pass-through program. We do not expect to see a repeat of this 10% reduction in FY25 and anticipate allocations will return to at least what they were for FY23.

This letter and its attachments outline the terms and conditions of accepting this award. Please read all terms and conditions carefully, sign, and return no later than October 31, 2024. The signed award letter should be sent via email to the DEM EMPG email address ([EMPG@utah.gov](mailto:EMPG@utah.gov)). After we have received your signed award packet, the funding outlined will be obligated to your agency, enabling you to request reimbursement via DEM's Reimbursement Request Form (85-21).

We look forward to working with you on this award. Please coordinate with your respective Utah Regional Coordination Council Chairs or designees as well as neighboring jurisdictions to maximize the potential capacity of your emergency management programs. Should you have any questions or need additional information, please contact your regional Liaison and Tracy Bodily at [EMPG@utah.gov](mailto:EMPG@utah.gov).

Sincerely,



Kris Hamlet, Director  
Utah Department of Public Safety  
Division of Emergency Management

# Statement of Work

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## 1. Purpose

***Participating jurisdictions should prioritize the use of grant funds to maintain/ sustain current capabilities, to validate capability levels, and to increase capacity for high-priority core capabilities with low capability levels.***

Any jurisdiction receiving funding from EMPG is considered a “subrecipient” and must comply with all applicable grant requirements provided by the relevant Notice of Funding Opportunity, FEMA Grants Preparedness Manual, articles of agreement, and the 2 CFR 200. This statement of work document is intended to outline how the grant works along with the responsibilities of jurisdictions receiving an award.

## 2. Background

The full **Notice of Funding Opportunity (NOFO)** from **FEMA** for **EMPG** can be found [here](#). The **Code of Federal Regulations** which applies to all federal awards can be found [here](#). The Department of Homeland Security expects EMPG participating jurisdictions (state/county/city/tribe/IHE) to prioritize grant funding to address capability targets and gaps identified through the annual THIRA and SPR process.

## 3. DEM’s Objective

The **objective** of the EMPG Program is to support a comprehensive, all-hazard emergency preparedness system by building and sustaining the [core capabilities](#) contained within each [mission area](#) of the [NPG](#).

## 4. Approvals

A **cost match** is required under this program. Only acceptable non-federal costs qualify as cost sharing and must conform to other necessary and reasonable provisions to accomplish the program objectives. The Federal share that is used towards the EMPG Program budget **shall not exceed 50%** of the total budget. To meet matching requirements, the **contributions must be verifiable, reasonable, allowable, allocable, and necessary** under the grant program and must comply with all federal requirements and regulations.

**Examples** of EMPG funded activities include but are not limited to:

- Initiating or achieving a [whole community approach](#) to security and emergency management;
- Strengthening a state or community’s emergency management program;
- Updating emergency plans;
- Completing a Threat and Hazard Identification and Risk Assessment ([THIRA](#)) process;
- Designing and conducting exercises that engage a whole community of stakeholders and validate core capabilities;
- Conduct and attend training.

EMPG participants should consult with the EMPG program manager prior to making any investment that does not clearly meet the allowable expense criteria established in the [FEMA Preparedness Grants Manual](#), the [Authorized Equipment List](#) and the EMPG Program NOFO.

- a. Requests for extension of the Period of Performance (PoP) must be submitted to DEM prior to 2 months from the end of a grant cycle. An extension request must justify the need for

the extension, and provide milestones to completion of program activities. DEM will review the extension request and, if supported, will provide an amendment to the award.

- b. Failure to meet requirements outlined in the Notice of Funding Opportunity, Preparedness Grants Manual, 2 CFR 200 or Articles of Agreement and Statement of Work will result in funding denials.
- c. DEM assigns all responsibility for assuring allowability of expenses submitted under any award to the subrecipient. DEM will review and approve all reimbursement requests as part of the State's Investment justification, however, this does not constitute DEM assuming liability resulting from any review of expenses not directly managed by DEM.

## 5. Recipient Responsibilities

- a. It is the recipient's responsibility to ensure their compliance with all federal award and state requirements as outlined in this Statement of Work, EMPG guidance, 2 CFR 200, the Articles of Agreement, FEMA's Preparedness Grants Manual, the program's Notice of Funding Opportunity as well as any of their existing local policies and procedures. Local policies and procedures may be more restrictive than some of the federal or state requirements but they cannot be less restrictive in any area. It is also the recipient's responsibility to communicate progress towards completing the performance standards under this award. If there are any set-backs that may prevent any performance standards from being completed during the period of performance, this needs to be communicated with the State EMPG program manager as early as possible.

## 6. Reimbursements and Reporting

- a. On a quarterly basis by the reporting deadline, the jurisdiction shall submit the following to Utah DEM via the online progress reporting tool and EMPG email:

**Required:** A progress report reflecting work accomplished during each reporting period. The report should have detailed narratives as to what has been completed. Backup documentation should be kept on hand within the emergency management program for local use and grant monitoring visits. Reports for personnel activities are required for any EMPG funded personnel.

**If requesting reimbursement:** A Reimbursement Request Packet which includes an 85-21 (Reimbursement Request Form), a reimbursement narrative/memo, and all supporting documentation (proof of purchase as well as proof of payment are required).

Thorough documentation in support of the reimbursement request. All expenses listed in this report must be paid and supporting documentation shall be attached and submitted via the [empg@utah.gov](mailto:empg@utah.gov) email.

**Protocol for all documentation:**

Subject Line should always state the **period of reporting (Year or Reporting Period A-D)**, **title of the form** you are submitting and the **Jurisdiction Name**

Examples:

- 24-25 Reporting Period A Reimbursement Request - Sandy City
- 2024 Application - Rich County


## 7. Monitoring

- a. All recipients of EMPG funding must comply with all monitoring requests from DEM and FEMA.

8. Holds and Special Conditions

- a. Holds related to [training requirements](#)?
  - i. No Hold
- b. Holds related to incomplete application? ([PARA](#)/[FFATA](#))
  - i. No Hold

# Award Document

<b>Award Document</b>	<b>Utah Department of Public Safety (DPS)</b> <b>Division of Emergency Management (DEM)</b> Funding Entity: Federal Emergency Management Agency (FEMA) Federal Award Identification Number (FAIN): EMD-2024-EP-05000 Federal Award Date: 09/01/2024			
<b>1a. Agreement No.</b> DEM-EMPG-2024-053	<b>2. Amendment No.</b> N/A	<b>3. UEI No.</b> YKMUM1NJE9A9	<b>4. Type of Action</b> Award	
<b>6. Recipient Name</b> San Juan County San Juan County EM 117 S Main Street, PO Box 9 Monticello, Utah 84535	<b>7. POC</b> Tammy Gallegos	<b>8. Contact Information</b> tgallegos@sanjuancounty.org	<b>9. Grant POC</b> Tracy Bodily EMPG@utah.gov	
<b>10. Effective Date of This Action</b> 07/01/2024	<b>11. Assistance Arrangement</b> Cost Reimbursement	<b>12. Period of Performance</b> From: 07/01/2024 To: 06/30/2025		
<b>13. Description of Action/Hold?</b> Indicate funding obligation of award relating to EMPG Performance Standards				
<b>Program Name</b>	<b>CFDA No.</b>	<b>Prior Award</b>	<b>Amount Awarded</b>	<b>Current Total Award</b>
Emergency Management Performance Grant	97.042	\$0.00	+\$44,000.00	\$44,000.00
<b>Acceptance and Certification</b>				
By signing below, the signatory official and emergency management contact certify that they have read, understand, and will comply with all requirements set forth in this document.				
<b>Recipient Signatory Official/Authorized Official*</b>		<b>Date:</b>		
<b>Printed Name and Title</b>				
<b>DEM Signatory Official</b>		<b>Date: 08/05/2024</b>		
<b>Printed Name and Title</b>	Kris Hamlet, Director			
*A signatory is someone who signs a contract, therefore creating a legal obligation. The person who signs this document needs to have the authority to enter into a legal obligation for your jurisdiction.				

## Article I. Summary Description of Award

EMPG provides funds to supplement pre-established local emergency management programs in building capabilities to implement the National Preparedness System and support the National Preparedness Goal (NPG). Funds should be utilized for addressing gaps in the existing emergency management program. Match funds or reimbursable expenses are limited to specific activities and authorized equipment. Please review all guidance before expending funds.

## Article II. Special Considerations and Funding Holds

Recipients must comply with and/or resolve any Special Considerations and/or Funding Holds outlined within the Statement of Work found within this award packet. Failure to comply with special considerations or addressing holds may result in the deobligation and clawback of funds under this obligation.

## Article III. Limited English Proficiency

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services.

## Article IV. Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

## Article V - Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. sections 12101- 12213), 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.

## Article VI - SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

## Article VII - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. section 794,) which provides that no otherwise qualified handicapped individuals 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.

## **Article VIII - National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

## **Article IX - Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

## **Article X - USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

## **Article XI - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

## **Article XII - Civil Rights Act of 1964 - Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. section 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. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

## **Article XIII - Applicability of DHS Standard Terms and Conditions to Tribes**

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

## **Article XIV - Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.



## **Article XV - Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. section 7104. The award term is located at 2 C.F.R. section 175.15, the full text of which is incorporated here by reference.

## **Article XVI - Acceptance of Post Award Changes**

In the event DEM determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

## **Article XVII - Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

## **Article XVIII - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. sections 8101-8106).

## **Article XIX - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

## **Article XX - Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at:

<https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

## Article XXI - DHS Specific Acknowledgements and Assurances

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. 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 federal financial assistance award 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.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administrative Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

## Article XXII - Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance at: [http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf) and Privacy Template at [https://www.dhs.gov/sites/default/files/publications/privacy\\_pia\\_template\\_2017.pdf](https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf) as useful resources respectively.

## Article XXIII - Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, 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 (see 42 U.S.C. section 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. 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 C.F.R. Part 100, Subpart D.)

## **Article XXIV - Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

## **Article XXV - Activities Conducted Abroad**

Recipients must ensure 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.

## **Article XXVI - Energy Policy and Conservation Act**

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. section 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

## **Article XXVII - Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. section 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contains the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

## **Article XXVIII - Performance Goal**

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

## **Article XXIX - Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

## **Article XXX - Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold

(currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

### **Article XXXI - 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. section 2225a, recipients must 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, (codified as amended at 15 U.S.C. section 2225.)

### **Article XXXII - Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

### **Article XXXIII - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. section 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. section 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

### **Article XXXIV - Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

### **Article XXXV - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. section 1352, which provides that none of the funds provided under a federal financial assistance 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 related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

## **Article XXXVI - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. sections 3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

Article XXXVII - Federal Debt Status All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

## **Article XXXVIII - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

## **Article XXXIX - Disposition of Equipment Acquired Under the Federal Award**

equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313.

## **Article XL - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. section 1681 et seq.), which provide 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. DHS implementing regulations are codified at C.F.R. Part 17 and 44 C.F.R. Part 19.

## **Article XLI - Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

## **Article XLII - Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

## **Article XLIII - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO 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.

## Article XLIV - Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

Article XLV - Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B

Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances - Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002. By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. section 170.315, certify that the recipient's policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

## Article XLVI - Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. section 401.14.