

U.S. Department of Justice  
National Institute of Corrections



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# **Guidelines Manual: Instructions for Applying for Federal Assistance**

149972

This Manual contains the requirements and procedures to follow when applying for and receiving Federal assistance from the National Institute of Corrections. It should serve as the primary reference document that interprets Federal grant administration and financial management policies and procedures. Grantees are responsible for implementing the applicable requirements and procedures upon award.

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U.S. Department of Justice  
National Institute of Corrections

NCJRS

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U.S. Department of Justice  
National Institute of Justice

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## PREFACE

The National Institute of Corrections **Guidelines Manual: Instructions for Applying for Federal Assistance** serves as a guide for financial questions and identifies the financial management and administrative policies and procedures required of grantees.

This Manual was last revised in December 1986. Since then, a number of changes and new requirements for grant applicants have been implemented. They are contained in this revised version. Some of the major revisions include, but are not limited to, the following:

- A. **Grants** -- The term *grants* applies to cooperative agreements as well as grants.
- B. **Grantor agency** -- The term *grantor agency* refers to the National Institute of Corrections.
- C. **Application for Federal assistance** -- Standard Form 424 entitled "Application for Federal Assistance" is the required form to submit when seeking assistance from a grantor agency. A duly executed and completed application form is required from all applicants. (A copy of the application is provided in Appendix A.)
- D. **Government-wide nonprocurement, debarment, and suspension requirements and procedures** -- A nonprocurement, debarment, and suspension certification is required from applicants applying for Federal assistance. (A copy of the disclosure certification is provided in Appendix A.)
- E. **Government-wide drug-free workplace requirements and procedures** -- A drug-free workplace certification is required from applicants applying for Federal assistance. (A copy of the disclosure certification is provided in Appendix A.)
- F. **New Government-wide restrictions on lobbying** -- Legislative directives require applicants seeking assistance in excess of \$100,000 to file a written declaration, "Disclosure of Lobbying Activities," certifying the restrictions on lobbying with Federal appropriated and nonappropriated funds. (A copy of the disclosure certification is provided in Appendix A.)
- G. **A list of Offices of Department of Justice Regional Inspectors General for Audit.** (Refer to Appendix B.)
- H. **A list of States requiring State review pursuant to Executive Order 12372.** (Refer to Appendix C.)
- I. **Guidelines on preparation of printed materials by grantees** -- These guidelines include rules for preparing camera-ready copy. (Refer to Appendix D.)

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# CHAPTER I

## Specifications for National Institute of Corrections Grant Applications

### GENERAL

This chapter contains the general requirements, eligibility rules, and other specifications that govern awarding grants from National Institute of Corrections (NIC) funds allocable under Title 18, United States Code, Sections 4352-4353, of NIC's enabling legislation: the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415. These specifications apply to all applications for NIC grant awards. They should be reviewed carefully by potential applicants.

### PROGRAMS CONSIDERED

Applications will ordinarily be considered only if the proposed project falls within program priorities set forth in the **NIC Annual Program Plan**.

### ELIGIBLE GRANTEES

- A. NIC is authorized to make awards through grants or cooperative agreements to all kinds of public and private profitmaking and nonprofit organizations, including but not limited to:
1. Federal agencies;
  2. State agencies;
  3. Units of local government;
  4. Educational institutions; and
  5. Individuals.
- B. Usually, NIC will make grants to:
1. States or combinations of states;
  2. General units of local government;
  3. Nonprofit organizations;
  4. Educational institutions; and
  5. Individuals.

### MULTI-STATE OR MULTI-UNIT PROJECTS

NIC encourages multi-state, regional, or cooperative projects involving multiple units of states, local governments, or a formal joint venture among several private organizations. To facilitate such projects, a flexible approach to application procedures has been adopted.



- A. Applications may be submitted by:
1. One government unit in the group on behalf of the others;
  2. All units in the group jointly;
  3. A special combination or association created by a group of government units for general or grant application purposes; or
  4. Partners in a joint venture (an organization formed by other organizations that are mentioned specifically as being involved in the submission of the proposal).
- B. In the case of joint ventures or consortiums, the following conditions should exist:
1. The joint applicants have agreed, and so indicate in the application, that they jointly share responsibility for programmatic performance of the grant and that this joint responsibility represents no more than 65 percent of the programmatic responsibility by one party and no less than 35 percent by the other. More than 65 percent programmatic responsibility will necessitate that the applicants submit an application with the principal performer shown as the applicant and the other party as a prospective sub-recipient under the grant.
  2. Joint applicants agree on each party's cost participation in the joint venture and the number of hours each will contribute in carrying out the grant.
  3. Joint applicants develop and follow appropriate mechanisms for joint decisionmaking in carrying out the grant.
  4. Each of the joint applicants have performed a significant role in developing the grant application by negotiating their role with NIC if necessary.
  5. Joint applicants are able to demonstrate to the satisfaction of the NIC project monitor that there is sufficient programmatic interrelatedness among the tasks to be performed on the grant to warrant a joint venture rather than an applicant/subrecipient relationship.

## **SPECIAL REQUIREMENTS**

NIC is required to ensure that all proposed projects meet certain administrative and legal requirements before funding. Therefore, the applicant, as the most knowledgeable party concerned, must ensure that the following requirements are addressed in the application:

- A. **Clean Air Act Violations** -- In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857), as amended by P.L. 91-604; the Federal Water Pollution Act (33 U.S.C. 1251 et seq.), as amended by P.L. 92-500; and Executive Order 11738, grants or contracts

cannot be entered into, reviewed, or extended with parties convicted of offenses under these laws.

**B. Relocation Provisions** -- In accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646, 84 Stat. 1894:

1. The applicant shall ensure that any program or project using NIC financial assistance resulting in the displacement of any individual, family, business, and/or firm shall provide that:
  - a. Within a reasonable period of time before displacement, comparable decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with such regulations issued by the Attorney General;
  - b. Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons as required in such regulations issued by the Attorney General;
  - c. Relocation or assistance programs shall be provided for such persons in accordance with such regulations issued by the Attorney General; and
  - d. The affected persons shall be adequately informed of the available benefits and the policies and procedures relating to the payment of monetary benefits.
2. Such assurances shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems.

**C. Environmental Impact**

1. The National Environmental Policy Act of 1969 established environmental review procedures to determine if a proposed federally funded program or project is a "major Federal action significantly affecting the human environment." Each proposed action listed below must include an environmental evaluation, which is a report of the environmental effects of the proposal that should consist of questions and narrative answers, as well as supporting documentation that substantiates conclusions. (Refer to Appendix E.)
  - a. New construction;\*
  - b. Renovation or modification of a facility that leads to an increased occupancy of more than 25 persons;
  - c. Implementation of programs involving the use of pesticides or other harmful chemicals;

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\*Note: NIC is not authorized to fund construction.

- d. Implementation of programs involving the use of microwaves or radiation;
  - e. Research and technology whose anticipated or intended future application could be expected to have a potential effect on the environment; and
  - f. Other actions determined by the Director of NIC to have a potentially significant effect on the quality of the environment.
2. A determination shall thereafter be made by the responsible Federal official as to whether the action will have a significant effect on the environment, requiring the preparation of an environmental analysis (a draft environmental impact statement). A negative declaration will be filed by the Director of NIC if the environmental evaluation does not indicate a significant environmental impact.
  3. An environmental analysis must be submitted with the original application in cases where the proposed action would significantly affect the environment. The analysis will be used in the preparation of an environmental impact statement.
- D. **Historic Sites** -- Before applying for grants involving renovation, purchase, or lease of facilities, the applicant shall consult with the State Liaison Officer for Historic Preservation to determine whether the undertaking may have an effect on the properties listed in the National Register of Historic Places. If so, the Director of NIC shall notify the Advisory Council on Historic Preservation.
- E. **Civil Rights Compliance** -- In accordance with the regulations implementing Title VI of the Civil Rights Act of 1964, 28 CFR 42.101 et seq., subpart C, all applicants must provide assurances as to compliance with all requirements imposed by or pursuant to this subpart. (Refer to Appendix F.)
- F. **Security and Privacy** -- The grantee agrees that none of its officers or employees shall use or reveal any research or statistical information furnished by any person and identifiable to any specific private person for any purpose other than that for which it was obtained. Copies of such information shall be immune from legal process and shall not, without consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

## **SUBMISSION DATES**

Applications for grant awards should be submitted to NIC in accordance with deadlines announced in the **NIC Annual Program Plan**.

## **FISCAL ADMINISTRATION**

NIC grants will be administered in accordance with NIC's **Financial Management Guidelines for Grantees**, which incorporates the provisions of the Office of Management and Budget

(OMB) Circulars applicable to grants. When a grant is awarded, copies of these OMB Circulars will be provided to all grantees.

## **CONTINUATION SUPPORT**

In general, one year is viewed as the normal project period. However, where circumstances warrant, the Director of NIC may consider multi-year projects.

## **ALLOWABILITY OF COSTS**

The allowability of costs incurred under NIC grants shall be determined in accordance with the general principles of allowability and standards, set forth in OMB Circulars A-21, A-87, and A-122 and NIC's **Financial Management Guidelines for Grantees**.

- A. Each project proposed for funding under the NIC grant program will be the subject of a separate grant application, incorporating a detailed budget of proposed project costs. Grant funds may be expended only for purposes and activities set forth in the approved project plan described in the grantee's application, and in accordance with the approved budget set forth in the application or otherwise accompanying the award notice. Funds must be obligated by the end of the grant award period and liquidated within 90 days. Any funds that are not liquidated within the 90-day period must be refunded by check payable to the National Institute of Corrections.
- B. The budget narrative will set forth the details of cost items specified in the **Financial Management Guidelines for Grantees** as requiring specific prior approval.
- C. Award of the grant will constitute approval in each instance of specified cost items; therefore, prior approval items will receive consideration and subsequent approval or disapproval as part of the award process.

## **CONFLICT OF INTEREST**

In the use of NIC grant funds, grantee project personnel shall avoid any action that might result in or create any appearance of the following:

- A. Using an official position for private gain;
- B. Giving preferential treatment to any person;
- C. Losing complete independence or impartiality;
- D. Making a binding decision outside official channels; or

- E. Adversely affecting the confidence of the public in the integrity of the Government or the program.

**Note:** No official or employee of a state or unit of local government and no nongovernmental grantee/subgrantee shall personally participate through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which grantor agency funds (including program income or other funds generated by grant activities) are used, where to his/her knowledge, he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest, or less than an arms-length transaction.

### **LOBBYING ACTIVITIES**

Certain types of lobbying activities by nonprofit grantees cannot be charged to a grant awarded by NIC, although lobbying itself is not restricted. The costs of the following activities may not be charged to a Federal grant.

- A. Federal, state, or local electioneering and support of such entities as campaign organizations and political action committees;
- B. Most direct lobbying of Congress and much lobbying of state legislatures to influence legislation;
- C. Lobbying of the Executive Branch in connection with decisions to sign or veto enrolled legislation;
- D. Efforts to use state or local officials to lobby Congress or state legislatures;
- E. Grassroots lobbying concerning either Federal or state legislation; or
- F. Legislative liaison activities in support of unallowable lobbying activities.

Other activities that may not be charged to a Federal grant or contract award include advertising, fundraising, and entertainment. OMB Circular A-122 covers lobbying activities by nonprofit organizations in greater detail.

See Appendix A for the form "Disclosure of Lobbying Activities" and fill it out, if applicable.

## **CERTIFICATION REQUIREMENTS FOR DRUG-FREE WORKPLACE (28 CFR, Part 67)**

Subpart F of 28 CFR, Part 67 provides guidance on requirements that grantees shall meet in order to receive Federal funds (refer to Appendix A).

- A. All grantees receiving grants from any Federal agency shall certify to that agency that they will maintain a drug-free workplace, or, in the case of a grantee who is an individual, certify to the agency that his or her conduct of grant activity will be drug-free. If a grantee makes a false certification, the grantee is subject to suspension, termination, and debarment.
- B. A grantee is required to make the certification for each grant or supplemental award. The one exception to this rule is that a grantee who is a state, including a state agency, may elect to make a single annual certification to each grantor agency for which it obtains grants, rather than making a separate certification for each grant or workplace. Only one such annual certification need be made to each Federal agency, which will cover all of that state agency's workplaces.
- C. There are two different certifications: one for individuals and one for organizations. A copy of each is provided in Appendix A of this manual.

## **APPLICABILITY OF OFFICE OF MANAGEMENT AND BUDGET CIRCULARS**

All NIC grants are subject to several OMB Circulars dealing with allowability of costs and administrative requirements. The nature and purpose of the grant and the type of grantee are the factors determining which OMB Circular or other regulation applies.

- A. Grantees that are agencies of state or local government are subject to:
  - 1. OMB Circular A-87, concerning cost principles applicable to grants and contracts with state and local governments;
  - 2. "The Common Rule for State and Local Governments," dated March 11, 1988; and
  - 3. OMB Circular A-128, "Audits of State and Local Governments."
- B. Grantees that are public or private institutions of higher education are subject to:
  - 1. OMB Circular A-21, "Cost Principles for Educational Institutions;" and
  - 2. OMB Circular A-133, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations."

- C. Grantees that are nonprofit organizations or individuals are subject to:
  - 1. OMB Circular A-110; and
  - 2. OMB Circular A-122, "Cost Principles for Nonprofit Organizations."
- D. Grantees that are profit-making organizations are subject to:
  - 1. OMB Circular A-110, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations;" and
  - 2. 48 CFR Part 31, "Cost Principles for Commercial Organizations."

### **BASIC PRINCIPLES**

The policy guides and general allocability and allowability principles set forth in the aforementioned circulars adequately define NIC policies and assumptions concerning cost determinations in connection with NIC grants and the programs and projects to which the grants relate. The basis for determining, examining, or applying allowability of costs within the circulars' framework depends on the extent to which the cost items contribute to the purposes and execution of the grant program. It will be assumed that:

- A. Grantees will bear their appropriate share of allocated costs as allowable not only under the circulars, but also under state and/or local law or regulation.
- B. Grantees and their subrecipients will accept responsibility for expending and accounting for NIC funds in a manner consistent with:
  - 1. Pertinent agreements and program objectives; and
  - 2. Policies and procedures that apply uniformly to both federally assisted and other activities of the grantees.
- C. Grantees and their subrecipients have the primary responsibility for employing whatever organization and management techniques are necessary to ensure proper and efficient fiscal administration and cost allocation, including accounting, budgeting, reporting, auditing, and other review controls.
- D. State and local agency grantees are aware that costs pertinent to carrying out functions of government unrelated to correctional programs receiving grant support are not allowable. There can be no recognition of "profit" or other gain above true cost to any grantee in executing NIC funds.

## MEDICAL RESEARCH

Medical research to be conducted by any grantee or subrecipient with NIC funds must be specifically detailed in the grant application for review and prior approval by NIC. The application must detail the type of research; where it will be conducted and by whom; amount of research funds available to the project (without NIC support); and research methodology, including data on the use of chemical agents or medical procedures, use of human volunteer or animal subjects, and a description of any anticipated experiments.

Generally, it is NIC policy not to fund grant applications for medical research or for the use of medical procedures that seek to modify behavior by means of any aspect of psychosurgery, aversion therapy, chemotherapy (except as part of routine clinical care), or physical therapy for mental disorders. Such proposals will be referred to the Secretary of the Department of Health and Human Services (HHS) for appropriate consideration.

This policy does not apply to a **limited** class of programs involving procedures generally recognized and accepted as not subjecting the patient to physical or psychological risk (e.g., methadone maintenance and certain alcoholism treatment programs). Such programs, however, must be specifically approved in advance by NIC, which will consult with, and be advised by, HHS.

This section is not intended to cover those types of behavior modification programs that involve environmental changes or social interaction where no medical procedures are utilized.

## SURVEY REQUIREMENTS

For those projects and programs that require a grant recipient to engage in the collection of information, grantor agencies **must** seek and obtain OMB approval before award.

An agency is **not** considered to be the sponsor of information collection undertaken by a recipient of a Federal grant unless the collection meets one or both of the following two conditions:

- A. The grant recipient is collecting information at the specific request of the sponsoring agency; and/or
- B. The terms and conditions of the grant require that the sponsoring agency approve the collection of information or the collection procedures.

If one or both of these conditions are met, the agency sponsoring the collection must obtain OMB approval, and the grantee **must** display the OMB control number on the collection instrument.



## **STATE REVIEW OF TECHNICAL ASSISTANCE GRANT APPLICATIONS**

Executive Order 12372, "Intergovernmental Review of Federal Programs," established a "single point of contact" in each state to review proposed Federal award actions. Regulations establishing the procedures became effective April 30, 1983.

The single-point-of-contact agency in a state has 30 days to review and comment on financial awards that are renewals and 60 days to comment on proposed new awards. Applications submitted under the NIC's Technical Assistance Grant program are required to undergo these state-level reviews by the single-point-of-contact agency. Not all states, however, have elected to comment on the NIC Technical Assistance Grant program. (Refer to Appendix C for the list of states that require this approval.)

Applicants for technical assistance grants may contact NIC's Grants Control Office, 320 First Street, NW, Washington, DC 20534, telephone 202-307-3106 x159, for more information. Application packages being delivered by messenger or in person should be brought to NIC's office address: 500 First Street, NW, 7th Floor, Washington, DC 20534.

## CHAPTER II

# Application for Federal Assistance

### STANDARD APPLICATION FORM

The "Application for Federal Assistance" (Standard Form 424) is the required form to submit when seeking Federal assistance. This form and instructions for completing it are included in this Manual. (Refer to Appendix A and to "Preparation of Standard Form 424" below.)

Because of the variety of program funding categories, parts of the standard form may not seem appropriate for a specific application. In such cases, applicants should be as responsive as possible.

The submitted application must also include a program narrative, following the instructions listed below.

- A. **Objectives and Need for Technical Assistance** -- Pinpoint any relevant physical, economic, social, financial, institutional, or other problems requiring a solution. Demonstrate the need for assistance and state the principal and subordinate objectives of the project. Any relevant data based on planning studies should be included or footnoted.
- B. **Results or Benefits Expected** -- Identify results and benefits to be derived. For example, when applying for a grant to establish a neighborhood health center, provide a description of who will occupy the facility, how the facility will be used, and how the facility will benefit the general public.
- C. **Approach**
  1. Outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for each grant program, function, or activity provided in the budget. Cite factors that might accelerate or decelerate the work and your reason for taking this approach as opposed to others. Describe any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.
  2. For each grant program, function, or activity, provide quantitative monthly or quarterly projections of the accomplishments to be achieved in such terms as the number of jobs created, the number of people served, or the number of patients treated. When accomplishments cannot be quantified by activity or function, list them in chronological order to show the schedule of accomplishments and their target dates.
  3. Identify the kinds of data to be collected and maintained and discuss the criteria to be used to evaluate the results and successes of the project. Explain the methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified in item 2 above are being achieved.

4. List organizations, cooperators, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution.
- D. **Geographic Location** -- Give a precise location of the project or area to be served by the proposed project.
- E. **Information to be Included, if Applicable**
1. For research or demonstration assistance requests, present a biographical sketch of the program director with the following information: name, address, phone number, background, and other qualifying experience for the project. Also list the name, training, and background for other key personnel engaged in the project.
  2. Discuss accomplishments to date and list in chronological order a schedule of accomplishments, progress, or milestones anticipated with the new funding request. If there have been significant changes in the project objectives, location approach, or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change. If the scope or objectives have changed or an extension of time is necessary, explain the circumstances and justify. If the total budget has been exceeded, or if individual budget items have changed by more than the prescribed limits contained in attachment K to OMB Circular A-102 and in the Common Rule, explain and justify the change and its effect on the project.
  3. For supplemental assistance requests, explain the reason for the request and justify the need for additional funding.

## **APPLICATION SUBMISSION**

Applications **must** be submitted with a signed original and five copies to the National Institute of Corrections, 320 First Street, NW, Washington, DC 20534.

## **PREPARATION OF STANDARD FORM 424**

Although page 2 of Standard Form 424 provides instructions for completing the application, the following directions will also help an applicant applying for NIC assistance.

### **Page 1**

- |        |   |
|--------|---|
| Item 2 | Applicant's identifier. This space should be left blank, as it will be completed by the grantor agency.   |
| Item 6 | Employer Identification Number (EIN). This is your state or organization number (a nine-digit number) and <b>must</b> be included in the application. |

- Item 7 Type of Applicant. This **must** be completed by the applicant. (Indicate if you are state or local, nonprofit, etc., from the listing given on the form.)
- Item 10 Catalog of Federal Domestic Assistance Number. The program number that appears in the "Catalog of Federal Domestic Assistance" should be entered. NIC's programs by catalog number are:
- 16.601 Corrections, Training, and Staff Development;
  - 16.602 Corrections, Research, and Evaluation and Policy Formulation; and
  - 16.603 Corrections, Technical Assistance, and Clearinghouse.
- Item 18 Signature of Certifying Representative. The signature **must** be that of an individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He/she will normally be the chief officer of the organization or government unit involved who can commit the entity to the project.

### Page 3: Budget Information -- Nonconstruction Program

#### Section A -- Budget Summary

- Column (a) Grant Program Function or Activity. Applicants **must** indicate the type of funding being requested, which corresponds to the aforementioned program numbers (e.g., training and staff development, etc.).
- Column (b) "Catalog of Federal Domestic Assistance" Number. This column will always reflect the "Catalog of Federal Domestic Assistance" program number, which corresponds to the function or activity number in column (a). This is the same number that appears on page 1, item 10, of the application.

#### Section B -- Budget Categories

Instructions for completing this section are contained on page 5 of the application. NIC applicants must also provide a separate budget narrative detailing the Federal and non-Federal share by budget category. The budget narrative is the **only** place that the non-Federal share will be reported. Otherwise, NIC **does not** require its grantees to report non-Federal costs.

- Item a Personnel. List each position by title (and name of employee, if available), the annual salary rate, and the percentage of time to be devoted to the project by the employee.

**Note:** These individuals must be employed by your organization.

- Item b Fringe benefits. Indicate each type of benefit included and the total cost allowable to employees assigned to the project.
- Item c Travel. Itemize projected travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show the basis for computation (e.g., "five trips for X purpose at \$150 average cost--\$50 transportation and two days per diem at \$50" or "six people to three-day meeting at \$70 transportation and \$630 subsistence"). In projects where travel and subsistence of trainees are included, the number of trainees and the unit costs involved should be listed separately.
- Item d Equipment. Each type of equipment to be purchased should be separately listed with unit costs.
- Item e Supplies. Items in this category should be listed by major types (office supplies, training materials, forms, etc.) and show the basis for cost computations.
- Item f Contractual. The application must show the basis for selecting any contract or subcontract or prospective contract or subcontract mentioned.

For individuals and/or organizations to be reimbursed for services on a fee basis, each type of consultant or service should be listed with the proposed fee rate (by day, week, or hour) and the amount of time to be devoted for requested or proposed services.

The procurement procedure and selection basis to be used for contracts or proposed contracts must be included as part of the application. If the contemplated sole-source procurement aggregate expenditure is expected to exceed \$25,000, prior NIC approval of the contract is required.

#### **Notes Concerning Procurement**

States. When procuring property and/or services under a grant, a state will follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will ensure that every purchase order or other contract includes any clauses required by Federal statutes and Executive Orders and their implementing regulations.

All Others. All other applicants will use their own procurement procedures, which must reflect applicable state and local laws and regulations, provided that the procurements conform to applicable Federal law and its standards.

- Item g Construction. Construction refers only to minor renovations. As noted on page 4 of this Manual, NIC is not authorized to fund construction.

- Item h Other. Included under "other" should be such items as renting or leasing of space, renting or leasing of equipment, etc., and telephone, postage, and maintenance services. Items should be listed by major type with the basis for cost computation shown.
- Item j Indirect charges. NIC is committed to keeping indirect charges at a minimum. Therefore, NIC may accept any indirect cost rate previously approved for an applicant by any Federal grantor agency in accord with the provisions set forth under OMB Circulars A-21, A-87, A-122, and Procurement 31-200. In some instances, the indirect cost rate will be negotiated between NIC and the applicant.

### **Notes Concerning Establishing an Indirect Cost Rate**

The following is applicable only when the Department of Justice (DOJ), including NIC, is the cognizant Federal agency (i.e., provides the preponderance of funds): Applicants who do not have an indirect cost rate approved by a Federal agency and who are interested in establishing one should contact the Department of Justice, Office of Justice Programs, Office of the Comptroller, Financial Services Branch, 633 Indiana Avenue, NW, Washington, DC 20531, (202) 307-3186.

For further information concerning the establishment of indirect cost rates, you may consult the brochures listed below, which are published by HHS and describe the procedures involved in the computation of indirect cost rates. Copies of these brochures may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

OASC-1 (Rev) "A Guide for Colleges and Universities: Cost Principles and Procedures for Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare;"

OASMB-5 (Rev) "A Guide for Nonprofit Institutions: Cost Principles and Procedures for Establishing Indirect Cost and Other Rates for Grants and Contracts with the Department of Health, Education, and Welfare;" or

OASC-10 "A Guide for State and Local Government Agencies: Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government."

## GRANT ASSURANCES

The grant assurances contained on pages 7 and 8 of Standard Form 424 are incorporated in and made a part of all grant awards, as are the current general conditions contained in Chapter III of this Manual.

- A. **Review of Grant Assurances** -- Applicants should review grant assurances carefully because these define the obligations of grantees and express commitments that will have binding contractual effects once a grant award is approved by NIC and accepted by the grantee.
  
- B. **"Special Conditions"** -- In addition to the standard general conditions set forth in Chapter III of this Manual, to which all grantees must adhere, NIC will impose additional conditions for certain projects or programs, as deemed necessary. These "special conditions" can be negotiated beforehand with the applicant and, upon notification of award, are included as part of the grant package.

Some examples of these special conditions might include, but are not limited to, those that set forth:

1. Grant administration policies (e.g., allowable costs);
2. NIC regulatory pronouncements (e.g., written approval of changes);
3. Policies for securing additional project information or detail;
4. Approval by NIC on such critical project elements as key staff, evaluation designs, dissemination of manuscripts, design of brochures, contracts, survey instruments, etc.; and
5. Procedures for establishing special reporting requirements.

## **CHAPTER III**

### **General Conditions for All NIC Grantees**

In accepting a grant from NIC, the grantee understands and agrees to the following conditions.

#### **EXPENDITURE OF FUNDS**

Funds awarded can only be expended for the purposes and activities described in the grantee's approved plan and budget.

#### **TERMINATION OF GRANT**

A grant may be terminated unilaterally at any time before the date of completion, in whole or in part, by the Director of NIC for failure to comply with any terms or conditions or with project goals or plans set forth in the grantee's application, or literally for the convenience of the United States of America. The grantee shall be notified in writing of any decision to terminate for the reasons described and shall be allowed a reasonable time, where feasible, to terminate project operations or seek support from other sources.

No termination shall affect grant obligations or costs incurred prior to receipt of notice of termination, provided such obligations or costs were properly incurred and are otherwise allowable. Funds shall not be considered obligated solely by virtue of grantee commitments to participating agencies or project contractors for work or services not yet performed.

#### **BUDGET FORMULATIONS AND FUND EXPENDITURES**

Project budget formulations and fund expenditures shall conform to the following conditions:

- A. Unless otherwise specified, travel and subsistence charges shall be limited to levels allowed by the grantee's uniform travel regulations or, in the absence of uniform travel regulations, to levels allowed under current Federal Government travel regulations, including use of less than first-class accommodations in air and rail travel and the current per diem/subsistence limit. However, in cases where travel and per diem/subsistence rates exceed current Federal Government levels, prior approval from NIC is required.
- B. No funds will be spent for construction, real estate purchases, payment of real estate mortgages or taxes, entertainment expenses, or purchase of automobiles.
- C. Expenditures will be limited to those items that were specifically budgeted in the grantee's application or in any amendments approved in writing by NIC.



## **OBLIGATION OF GRANT FUNDS**

Grant funds cannot be obligated prior to the effective date of the grant award, unless approved in writing by the Director of NIC, or after the completion date of the grant. Any obligations outstanding as of the completion date of the grant must be liquidated within 90 days after that date.

## **LIQUIDATION OF OBLIGATIONS**

A grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period to coincide with the submission of the "Final Financial Status Report." A grantee may request, in writing, an extension of this period.

## **INTEREST AND OTHER INCOME**

All interest or other income earned by the grantee with respect to grant funds or as a result of the conduct of the grant project (sale of publications, registration fees, service charges or fees, etc.) must be accounted for. Interest on grant funds in excess of \$100 must be returned to NIC by a check payable to the United States Treasury, if the grantee is not an agency of state government, and other income must be applied either to reduce project costs or to pursue other activities connected with the project. The grantee may keep interest amounts up to \$100 per year for administrative expenses.

## **REQUIRED REPORTS**

The grantee shall submit quarterly programmatic and monthly or quarterly financial reports to NIC on a regular basis and a final programmatic and financial report upon completion of the grant project. The grantee may publish the results of grant activity at its own expense. Any media product (written, visual, or sound), whether produced at the grantee's or Government's expense, shall contain the following statement:

"Prepared under Grant Number \_\_\_\_\_ from the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

## **PUBLISHED MATERIAL AND WRITTEN REPORTS**

All published material and written reports submitted under the grant or in conjunction with third-party agreements under the grant must be originally developed unless otherwise specifically provided for in the award papers. When material not originally developed is included in the report, the source must be identified in the body of the report or in a footnote. This provision applies to any material presented verbatim or in extensive paraphrase form.

## **DISCOVERY OR INVENTION**

If any discovery or invention occurs or is developed in the course of, or as a result of, work performed under the grant, the grantee shall refer the discovery or invention to NIC. NIC grants are bound by the provision of 35 U.S.C. 206, the Patent and Trademark Amendments of 1980, and by OMB's implementation that appears in OMB Circular A-124. Generally, NIC grantees will take title to inventions made in performance of NIC grants, including the right to any royalties resulting from the patent.

## **PROJECT DIRECTOR AND PERSONNEL**

The project director and key program personnel designated in the approved application shall be replaced only for compelling reasons. Approval of the successor or successors is contingent upon submission of a resume and a verified statement of most recent salary for NIC concurrence. Prior concurrence is also required to substitute members of an advisory board, where applicable. The procedure to be followed regarding changes in other program personnel is the same as for the project director, unless otherwise designated in the award document.

## **USE OF IDENTIFIABLE-SOURCE DATA**

No research data or statistical data that are identifiable to any specific person and that have been furnished to the grantee by any agency or person in conjunction with work performed under the grant shall be used or disclosed for any purpose other than that for which it was obtained. Such data shall not be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings without the consent of the person furnishing the data. The grantee shall conform to the provisions of the Privacy Act of 1974.

## **POTENTIAL POST-AWARD REDUCTIONS**

The following general condition applies to all grants awarded by NIC. This grant, or portion thereof, is conditional upon subsequent congressional or Executive action that may result from Federal budget deferral or rescission actions pursuant to the authority contained in sections 1012(A) and 1013(A) of the Congressional Budget and Impoundment Control Act of 1974, 31 U.S.C. 1301, P.L. 93-344, 88 Stat. 297, July 12, 1974.

## **COPYRIGHTS**

Where grant projects produce original books, manuals, films, or other copyrightable material, the grantee may obtain a copyright unless otherwise restricted from doing so by NIC. NIC reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use, such materials. Where such license is exercised, appropriate acknowledgment of the grantee's contribution will be made.

When the grantee or contractor copyrights the report of an NIC-funded project, the following statement **must** be included below the copyright notice on the title page:

"The National Institute of Corrections reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use, all or any part of the copyrighted material contained in this publication."

In addition, the grantee must furnish with the report a written statement granting NIC permission to reproduce and publish the report and to authorize others to do so.

### **PREPARATION OF PRINTED MATERIAL**

No NIC grant funds are to be used to print any publication or announcement unless (a) such printing is specifically included in the approved grant application and budget, (b) the document is reviewed and approved for publication by the Director of NIC, and (c) the document adheres to the guidelines that govern the preparation of printed materials by grantees. (Refer to Appendix D.)

### **RELEASE OF MATERIALS**

The grantee agrees not to release to the general public, correctional community, or interested others, any preliminary or final copies of a product prepared under an NIC grant until six months after the completion of the grant, except with the express written permission of NIC.

### **REPORTING REQUIREMENTS**

The grantee agrees to ensure adherence to (a) such reporting requirements as may be established by NIC, including the requirements for quarterly financial and other progress reports prescribed by NIC, and (b) administrative and financial administration requirements set forth by NIC.

### **SEX DISCRIMINATION**

The grantee will comply with the provision of 20 U.S.C. 1681-1682, which prohibits discrimination based on sex. Individuals shall not be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination based on sex under any program or activity funded by NIC.

### **AGE DISCRIMINATION**

As required by P.L. 94-135, the grantee engaged in the performance of an NIC-funded project shall not, in connection with the employment, advancement, or discharge of employees, or in connection with the terms, conditions, or privileges of their employment, discriminate against

persons on the basis of their age except on the basis of a bona fide occupational qualification, retirement plan, or statutory requirement.

### **DISCRIMINATION BASED ON RACE**

The grantee will comply with the provision of P.L. 88-352, which prohibits discrimination based on race, color, or national origin. Individuals shall not be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by NIC.

### **DISCRIMINATION BASED ON HANDICAPS**

No otherwise qualified handicapped individual in the United States as defined in section 7 (5) of the Rehabilitation Act of 1973 (P.L. 93-112) shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded by NIC.

### **PROFESSIONAL SERVICES**

The requirement with respect to contracting for services with individuals, other governmental units, or nongovernmental organizations, including contractors and consultants, where services may be engaged and charged to NIC-funded grants is as follows.

**A. Arrangements with individuals must ensure that:**

1. Dual compensation is not involved (i.e., the individual may not receive compensations from his/her regular employer and the retaining grantee or subgrantee for work performed during a single period of time even though the services performed benefit both);
2. The contractual arrangement is written, formal, proper, and otherwise consistent with the grantee's usual practices for obtaining such services;
3. Time and/or services for which payment is to be made and rates of compensation are supported by adequate documentation; and
4. Transportation and subsistence cost for travel performed are at an identified rate consistent with the grantee's general travel reimbursement practices and at levels consistent with existing Federal travel regulations.

**B. Arrangements with other government units shall ensure that the work or services for which reimbursement is claimed must be directly and exclusively devoted to grant purposes and charged at rates not in excess of actual costs to the "contractor" government agency.**

- C. Arrangements with nongovernment organizations shall ensure that:
1. The arrangement is written, formal, proper, and consistent with the usual practice and policies of the grantee or subgrantee in contracting for or otherwise obtaining services of the type required;
  2. Indirect costs or overhead charges in cost-type arrangements are based on an audited or negotiated rate previously approved by a state or Federal agency or are based on an indirect cost submission reflecting actual cost experience during the contractor's last annual or other recently completed fiscal period; and
  3. The customary fixed fee or profit allowance in cost-type arrangements does not exceed 10 percent of total estimated costs.
- D. Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace. Consideration will be given to compensation including fringe benefits for those individuals whose employers do not provide the same. The following is the policy in regard to compensation of various classifications of consultants who perform like-type services:
1. Consultants associated with educational institutions. The maximum rate of compensation that will be allowed is the consultant's academic salary projected for 12 months, divided by 260. These individuals normally receive fringe benefits that include sick leave for a full 12-month period even though they normally only work 9 months per year in their academic positions.
  2. Consultants employed by state and local government. Compensation for these consultants will only be allowed when the unit of government will not provide their services without cost.
  3. Consultants employed by commercial and nonprofit organizations. These organizations are subject to competitive bidding procedures.
  4. Independent consultants. The rate of compensation for these individuals must be reasonable and consistent with that paid for similar services in the marketplace. Compensation may include fringe benefits.
- E. A grantee should not circumvent the requirements set forth under the aforementioned paragraphs by contracting for a fixed product that would not be subject to the professional services fee limitation. This is particularly significant in contracting for the services of individuals. If any of the requirements outlined above are not met, prior approval must be obtained from the grantor agency or state agency, whichever is applicable.

Grantees must maintain payroll, time, and attendance or other documentation to support the fees paid under an NIC project. Failure to document such fees may result in an audit exception or disallowance of the amounts paid.

## **AFFIRMATIVE ACTION POLICY FOR TRAINING**

Whenever an award contains training activities, the grantee shall adhere to NIC policy ensuring that women and minorities are fairly represented in training programs conducted or funded by NIC. The grantee must develop and make available a written strategy or plan to ensure that increased numbers of women and minorities are made aware of the training opportunities offered through grants. (It shall be the responsibility of the grantee working with appropriate NIC staff to prepare the required recruitment plan at the time of submission of the grant application.) To this end, grantees will be notified of the following conditions at the time an application is solicited:

- A. The grantee's advertisement and brochures for training programs shall contain the following statement regarding NIC's affirmative action policy for training.

"It is the policy of the National Institute of Corrections to ensure that women and minorities are fairly represented in training programs conducted or funded by the Institute."

- B. Before NIC monitoring staff will participate in trainee selection activities, the grantee shall certify in writing to the project monitor that the recruitment plan was indeed executed.

## **TRAINING SITE SELECTION**

Whenever an award contains training activities, the grantee shall, prior to selecting site locations, consult with and obtain approval of NIC as to the site suitability. In addition, selection of all participants in any training project shall be approved by NIC.

## **INDIRECT COSTS**

NIC currently uses two types of indirect cost rates (predetermined and final). Use of these rates prohibits any adjustment during the project period. Therefore, the indirect cost as approved in the grant award cannot be adjusted for the duration of the grant award period.

## **AUDIT REQUIREMENTS**

This section establishes responsibilities for the audit of organizations receiving grantor agency funds. Its intent is to identify agency policies for determining the proper and effective use of public funds rather than to prescribe detailed procedures for the conduct of an audit. At the time a grant application is submitted to NIC, it is the responsibility of the applicant to follow the applicable auditing procedures as outlined below.

## A. Audit Responsibilities

1. OMB Circular A-128, "Audits of State and Local Governments." State and local governments that receive \$100,000 or more in Federal financial assistance in any fiscal year must have a single audit for that year in accordance with OMB Circular A-128. These audits are due to the cognizant Federal agency not later than 13 months after the end of the grantee's fiscal year. State and local governments receiving at least \$25,000 but less than \$100,000 have the option of performing a single audit or separate program audits required by the applicable Federal statutes and regulations. State and local governments receiving less than \$25,000 in any fiscal year are exempt from a single audit.
2. Audits of Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations
  - a. OMB Circular A-110, "Audits of Institutions of Higher Education, Hospitals, and Other Nonprofit Institutions," requires such organizations to provide for organization-wide audits that include testing the fiscal integrity of the financial transactions, as well as compliance with the terms and conditions of the Federal grants and other agreements. The required audits must be independently performed and must be in accordance with Government auditing standards. These audits are due to the cognizant Federal agency not later than 13 months after the end of grantee's fiscal year. **Audit requirements from OMB Circular A-110, subparagraph 2h, attachment F, shall apply to audits of institutions for fiscal years prior to January 1, 1990.** (See OMB Circular A-133, which affects audits for any fiscal year starting on or after January 1, 1990.)
  - b. OMB Circular A-133, "Audits of Institutions of Higher Education and Other Non-profit Institutions." Institutions of higher education, hospitals, and other nonprofit institutions that receive \$100,000 or more a year in Federal funds shall have an audit made in accordance with OMB Circular A-133. Institutions of higher education, hospitals, and other nonprofit institutions that receive Federal awards between \$25,000 and \$100,000 a year shall have an audit made in accordance with OMB Circular A-133 or have an audit made of each Federal award. The required audits are to be on an organization-wide basis, independently performed, and must be in accordance with Government auditing standards covering financial audits. However, a coordinated audit approach that tailors the scope of the audit to individual circumstances may be worked out between the grantee and the cognizant agency or the grantor agency providing the most funds to a grantee when a cognizant agency has not been assigned. These audits are due to the cognizant Federal agency not later than 13 months after the end of the grantee's fiscal year. Audit requirements from OMB Circular A-133 shall apply to audits of institutions for fiscal years that begin on or after January 1, 1990.
3. Department of Justice policy. Departmental policy is that where state and local governments receive grants or other agreements less than \$100,000 of total Federal financial assistance or nongovernmental grantees receive less than \$100,000 of DOJ

funding, and do not obtain audits that meet the requirements of OMB Circulars A-128 or A-133, the grantee organizations shall ensure that Federal funds are spent in accordance with applicable laws and regulations. Techniques for determining grantee compliance with Federal requirements are:

- a. Grantee-obtained audits made in accordance with Government auditing standards;
- b. Previous audits performed on grantee's operations;
- c. Desk reviews by program officials of project documentation;
- d. Project audits by auditors or auditors obtained by grantees; and
- e. Evaluations of grantee's operations by program officials.

**B. Audit Objectives** -- Grants and other agreements are awarded subject to conditions of fiscal, program, and general administration to which the grantee expressly agrees. Accordingly, the audit objective is to review the grantee's administration of grant funds and required non-Federal contributions in order to determine whether the grantee has:

1. Established an accounting system integrated with adequate internal fiscal and management controls to provide full accountability for revenues, expenditures, assets, and liabilities. This system should provide reasonable assurance that the organization is managing Federal financial assistance programs in compliance with applicable laws and regulations.
2. Prepared financial statements that are presented fairly, in accordance with generally accepted accounting principles.
3. Prepared financial reports (which may include financial status reports, cash reports, and claims for advances and reimbursements) that contain accurate and reliable financial data and are presented in accordance with the terms of applicable agreements.
4. Expended Federal funds in accordance with the terms of applicable agreements and those provisions of Federal law or regulations that could have a material effect on the financial statements or on the awards tested.

**C. Implementation** -- Audits under OMB Circular A-128 shall be made annually unless the state or local government has established by January 1, 1987, a constitutional or statutory requirement for less frequent audits. Audits under OMB Circular A-110, subparagraph 2h, attachment F, or OMB Circular A-133 shall be conducted with reasonable frequency, usually annually but not less frequently than every two years.



1. **Audit Reporting Requirements**
    - a. If the auditor becomes aware of illegal acts or other irregularities, prompt notice shall be given to grantee management officials above the level of involvement. The grantee, in turn, shall promptly notify the cognizant Federal agency of the illegal acts or irregularities and of proposed and actual actions, if any. Also, all grantor agency personnel have the responsibility to inform the Office of Professional Responsibility and the Inspector General's Office, DOJ, and state and local law enforcement agencies or prosecuting authorities, as appropriate, of any known violations of the law within their respective areas of jurisdiction.
    - b. Failure to have audits performed as required may result in the withholding of new awards and/or withholding of funds or change in the method of payment on active grants.
  2. **Audit Report Submission** -- Refer to Appendix B for a list of the Department of Justice's Regional Inspector General Offices. Audit reports shall be submitted to the grantee's cognizant Federal agency.
- D. Audit of Subgrantees** -- When direct awards are subgranted to another organization or organizations, the grantee shall require that subgrantees comply with the audit requirements set forth in paragraphs A, B, and C of this section. Grantees are responsible for ensuring that subgrantee audit reports are received and for resolving any audit findings. Known or suspected violations of any law encountered during audits, including fraud, theft, embezzlement, forgery, or other serious irregularities, must be communicated to the grantee.
- E. References** -- The following directives, regulations, and reports provide specific information regarding the audit of grantees, subgrantees, and contractors under grants or subgrants:
1. OMB Circular A-128, "Audits of State and Local Governments;"
  2. OMB Circular A-110, subparagraph 2h, attachment F;
  3. OMB Circular A-133 "Audits of Institutions of Higher Education and Other Nonprofit Institutions;" and
  4. "Guidelines for Financial and Compliance Audits of Federally Assisted Programs," U.S. General Accounting Office (effective edition).
- F. Technical Assistance** -- The Office of Inspector General, DOJ, is available to provide technical assistance to grantees in implementing the audit requirements of this section where DOJ is the assigned cognizant audit agency or no other cognizant agency has been assigned to a grantee. This assistance is available for areas such as:
1. Review of the audit arrangements and/or negotiations;

2. Review of the audit program or guide to be used for the conduct of the audit; and
  3. Onsite assistance in the performance of the audit, when deemed necessary, as a result of universal or complex problems that arise. Requests for technical assistance should be addressed to the appropriate Regional Inspector General's Office, DOJ.
- G. **Full-Scope Auditing** -- In addition to arranging and providing for the organizational, financial, and compliance audits required by OMB circulars, individual grantees and subgrantees are encouraged to provide for additional audit coverage, as deemed appropriate. The additional audit coverage that may be provided should be determined based on the circumstances surrounding the particular organization, function, program, or activity to be audited, management needs, and available audit capability. Additional audit coverage could involve organizational determinations related to such questions as the following:
1. Are resources managed and used in an economical and efficient manner?
  2. Are desired results and objectives achieved in an effective manner?
  3. Are the organization's accounting system and system of internal controls acceptable prior to the receipt of grantor agency funds?
  4. Are the organization's systems and controls adequate to detect fraud, waste, and abuse?

## **ALLOWABLE COSTS**

The recipient shall be reimbursed for the costs incurred in carrying out the purposes of the award that are determined by NIC to meet the provisions of the cost principles applicable to the award, the terms of the award, and any negotiated advance understandings on particular items of cost. Applicable cost principles are those contained in OMB Circular A-21 for awards to public or private institutions of higher education, OMB Circular A-87 for awards to agencies of state or local government and Indian Tribal Organizations, OMB Circular A-122 for awards to other nonprofit organizations, 45 CFR 74E for awards to public and private hospitals, and 31 CFR 2 for awards to profitmaking organizations.

## **TERMINATION**

- A. **For Cause** -- An award may be terminated for cause at any time, in whole or in part, by the Director of NIC upon written notice to the recipient, whenever it is determined that the recipient has failed to comply with the conditions of the award.
- B. **For Convenience** -- An award may be terminated for convenience at any time by either party, in whole or in part, if both parties agree that the continuation of the award would not produce beneficial results commensurate with the further expenditure of funds. Both parties shall agree upon termination conditions, including the effective date and, in the case

of partial terminations, the portion to be terminated. The agreement to terminate shall be set forth in a letter from the Director of NIC to the recipient.

### **COVENANT AGAINST CONTINGENT FEES**

The recipient warrants that no person or selling agency has been employed or retained to solicit or secure an award upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the recipient for the purpose of securing business. For breach or violation of the warrant, the Government shall have the right to annul the award without liability or, at its discretion, to deduct from the award sum, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

### **OFFICIALS NOT TO BENEFIT**

No member of or delegate to Congress or resident Federal Commissioner shall be admitted to any share or part of an award or to any benefit that may arise therefrom, but this provision shall not be construed to extend to an award if made to a corporation, educational, or nonprofit institution for its general benefit.

### **PROTECTION OF THE INDIVIDUAL AS A RESEARCH SUBJECT**

**Note:** This provision is applicable when human subjects are involved in research financed by the award. See 45 Procurement 46.

- A. Safeguarding the rights and welfare of human subjects involved in research supported by NIC is the responsibility of the organization to which support is awarded. It is the policy of NIC that no work shall be initiated under any award for the support of research involving human subjects unless the research is given initial and continuing review and approval by an appropriate committee of the applicant organization. This review shall ensure that (a) the rights and welfare of the individuals involved are adequately protected, (b) the methods used to obtain informed consent are adequate and appropriate, and (c) the risks and potential medical benefits of the investigation are assessed.
- B. The organization must provide written assurance to NIC that it will abide by this policy for all research supported by NIC involving human subjects. This assurance shall consist of a written statement of compliance with the requirements regarding initial and continuing review of research involving human subjects and a description of the organization's review committee structure, its review procedures, and the facilities and personnel available to protect the health and safety of human subjects. In addition to providing the assurance, the organization must also certify to NIC for each proposal involving human subjects that its committee has reviewed and approved the proposed research before any work may be initiated.

- C. Since the welfare of the subject individual is a matter of concern to NIC as well as to the organization, NIC advisory groups, consultants, and staff may independently review all research involving human subjects and prohibit research that presents unacceptable hazards. This provision, however, shall not derogate in any manner from the responsibility of the organization set forth herein.

Any training manuals, manuscripts, computer software programs, videotapes, videocassettes, audiotapes, and/or audiocassettes produced or developed under a grant or cooperative agreement funded by NIC are to be free of any copyright, patent, data, and/or trademark restrictions that would inhibit the replication of the above-listed items and the free dissemination of those items in accordance with NIC's mission as found in 18 U.S.C. 4351-4353.

#### **DISCLOSURE OF FEDERAL PARTICIPATION REQUIREMENT (STEVENS AMENDMENT)**

On October 1, 1988, the President signed into law the Department of Defense Appropriations Act (Stevens Amendment). Section 8136 of this law, which has Government-wide application, provides that:

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, **ALL** grantees/subgrantees receiving Federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project that will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

## **CHAPTER IV**

### **Accounting Systems and Financial Records**

#### **GENERAL**

- A. **Purpose** -- The purpose of this chapter is to establish accounting system requirements and to offer some guidance on procedures that will assist all grantees and subgrantees in:
1. Complying with the statutory requirements for the awarding, disbursement, and accounting of funds;
  2. Complying with regulatory requirements of NIC, OMB, and the U.S. Department of the Treasury for the financial management and disposition of funds;
  3. Generating financial data that may be used in the planning, management, and control of programs; and
  4. Facilitating an effective audit of funded programs and projects (refer to Chapter III of this Manual, "Audit Requirements").
- B. **Requirement** -- All grantees, subgrantees, contractors, and other organizations under grants, cooperative agreements, or purchase of service arrangements are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records shall include both Federal funds and all matching funds of state, local, and private organizations. State grantees shall expend and account for grant funds in accordance with state laws and procedures for expending and accounting for its own funds. Subgrantees of states shall follow the financial management requirements imposed on them by states. (State and local procedures must ensure that they meet the financial management standards given in the Grant Common Rule and in this Manual.) Other grantees and their subgrantees shall meet the financial management standards contained in OMB Circular A-110 and in this Manual.
- C. **References** -- Common Rule; Uniform Administrative Requirements for Grants and Cooperative Agreements for State and Local Governments; 28 CFR Part 66 (paragraph 15b(9)); Proposed Common Rule, Uniform Administrative Requirements for Grants and Cooperative Agreements (paragraph 15b(17)); and OMB Circular A-110 (paragraph 15b(10)) provide guidance on accounting systems and financial records.

#### **SUPERVISION AND MONITORING RESPONSIBILITIES**

- A. **Grantee Responsibilities** -- All grantees receiving direct awards from the grantor agency are responsible for the management and fiscal control of all funds. Responsibilities include the accounting of receipts and expenditures, cash management, the maintaining of adequate financial records, and the refunding of expenditures disallowed by audits.

**B. Responsibilities for Accounting by Subgrantees** -- Where the conduct of a program or one of its components is delegated to a subgrantee, contractor, or other organization, the grantee is nevertheless responsible for all aspects of the program, including proper accounting and financial recordkeeping by the subgrantee. These responsibilities also include:

1. **Reviewing financial operations.** Grantees should be familiar with, and periodically monitor, their subgrantee's financial operations, records, systems, and procedures. Particular attention should be directed to the maintenance of current financial data.
2. **Recording financial activities.** The subgrantee's grant award or contract obligation, as well as cash advances and other financial activities, should be recorded in the books of the grantee in summary form. Subgrantee expenditures should be recorded on the books of the grantee, or evidenced by report forms duly filed by the subgrantee. Non-Federal contributions applied to programs or projects by subgrantees should likewise be recorded, as should any program income resulting from program operations.
3. **Budgeting and budget review.** The grantee should ensure that each subgrantee prepares an adequate budget on which its award commitment will be based. The detail of each project budget should be maintained on file by the grantee.
4. **Accounting for non-Federal contributions.** Grantees will ensure, in those instances where subgrantees are required to furnish non-Federal matching shares, that the requirements, limitations, and regulations pertinent to non-Federal contributions are applied.
5. **Audit requirement.** Grantees are required to ensure that subgrantees have met the necessary audit requirements. (See Chapter III of this Manual.)
6. **Reporting irregularities.** Grantees and their subgrantees are responsible for promptly notifying the grantor agency and the cognizant agency of any illegal acts or irregularities and of any proposed or actual actions. Illegal acts and irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

**C. Debarred and Suspended Organizations** -- Grantees and subgrantees must not award or permit any award at any level to any party that is debarred or suspended from participation in Federal assistance programs. For details regarding debarment procedures, refer to Appendix A. (See 28 CFR 67, Government-Wide Debarment and Suspension [Nonprocurement] and Government-Wide Requirements for Drug-Free Workplace [Grants].)

## **ACCOUNTING SYSTEM**

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls for itself and for ensuring that an adequate system exists for each of its

subgrantees and contractors. An acceptable and adequate accounting system is considered to be one that:

- A. Presents and classifies projected historical cost of the grant as required for budgetary and evaluation purposes;
- B. Provides cost and property control to ensure optimal use of grant funds;
- C. Controls funds and other resources to ensure that the expenditure of funds and use of property are in conformance with any general or special conditions of the grant;
- D. Meets the prescribed requirements for periodic financial reporting of operations; and
- E. Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

#### **MAINTENANCE AND RETENTION OF RECORDS AND ACCESS TO RECORDS**

In accordance with the Grant Common Rule or OMB Circular A-110, all financial records, with supporting documents, statistical records, and all records pertinent to grants, subgrants, or contracts under grants shall be retained by each organization participating in a program or project for **at least three years** for purposes of Federal examination and audit. State or local governments may impose record retention and maintenance requirements in addition to those prescribed. Details of this retention are as follows:

- A. **Coverage** -- The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under a grant, subgrant, or contract, whether they are employed full-time or part-time. Time and effort reports will be required for consultants.
- B. **Retention Period** -- The three-year retention period starts from the date of the submission of the final expenditure report or, for grants that are continued or renewed annually, from the date of submission of the annual expenditure report. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues that arise from it or until the end of the regular three-year period, whichever is later. (Refer to the Grant Common Rule or OMB Circular A-110.)
- C. **Maintenance** -- Grantees and subgrantees are expected to see that records of different Federal fiscal periods are separately identified and so maintained that information desired may be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the

grantee's/subgrantee's principal office, a written index of the location of records stored should be on hand and ready access to the records should be ensured.

- D. **Access to Records** -- The grantor agency and the Comptroller General of The United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees that are pertinent to the grant in order to make audits, examinations, excerpts, and transcripts. The right of access must not be limited to the required retention period but shall last as long as the records are retained.

## **CASH DEPOSITORIES**

Federal agencies shall not require physical segregation of cash deposits or the establishment of any eligibility requirements for funds that are provided to a recipient. In accordance with the Grant Common Rule or OMB Circular A-110, grantees and subgrantees are encouraged to use minority banks (banks that are owned at least 50 percent by minority group members). A list of minority-owned banks may be obtained from the Minority Business Development Agency, U.S. Department of Commerce, Washington, DC 20230.

## **PROGRAM INCOME**

Program income means gross income earned by the grantee or subgrantee during the funding period, as a direct result of the grant award. Direct result is defined as a specific act or set of activities that are directly attributable to grant funds and that are directly related to the goals and objectives of the project.

Examples of the various types of program income are:

1. Sale of property;
2. Royalties;
3. Attorney's fees and costs; and
4. Registration or tuition fees and other.



# **CHAPTER V**

## **Evaluation and Monitoring of NIC Grants**

### **BACKGROUND**

Evaluation and monitoring of grants are integral components of NIC's programs. All grants are monitored by an NIC staff member who has been assigned agency responsibility for seeing that the terms of the grant are met. Where evaluation of grant activity is required, the requests for proposals on those projects will specifically state that applicants must include an evaluation plan, as described in this section.

### **PROJECT MONITORING**

- A. Projects will be monitored by NIC personnel on a periodic basis. Monitoring can be expected to include:
  - 1. A comparison of actual activities carried out and the results actually achieved with the activities and results originally specified in the grant application;
  - 2. An examination of the objective and subjective results and impacts on projects and program objectives and on the specific problems addressed by the project; and
  - 3. An assessment of the progress and problems of the project.
- B. Monitoring can involve site visits by NIC project monitors and interviews with project staff and clients.

### **EVALUATION PREREQUISITES**

When applicable, applications for grant funds must provide the prerequisites for evaluation of the activities to be carried out by the grantee. At a minimum, these include:

- A. Identification of the problem in measurable terms;
- B. Well-defined objectives of the project stated in measurable terms;
- C. Specific indicators and measures to be used to assess the results of the project against its own objectives and also to assess the project's contribution to NIC's general program;
- D. A description of the means to be used in collecting data and information needed to measure and assess project performance;

- E. A description of the type and nature of the evaluation and monitoring reports to be provided; and
- F. A description, where appropriate, of the role and qualifications of the evaluators or potential evaluators of the project.

## EVALUATION PLAN REQUIREMENTS

- A. The elements noted in the previous paragraphs must be encompassed in an evaluation plan included in grant applications, where applicable. The evaluation plan should be included under section C (Approach) of the program narrative portion of the application. (Refer to "Standard Application Form" in Chapter II.)
- B. In describing an evaluation plan, the applicant shall:
  - 1. Describe the evaluation design, the evaluation activities that will take place (site visits, interviews with staff and clients, recordkeeping and data collection methods, submission of reports, etc.), and who will be responsible for these activities.
  - 2. Explain the measures of effectiveness to be used to evaluate the project (e.g., the percent of reduction in court backlog) and why these indicators are accurate measurements of the impact of the project.
  - 3. Describe the data and information necessary for evaluation, including:
    - a. Kinds of data to be obtained;
    - b. Source and date of the data;
    - c. Extent to which the data are expected to be accurate and their expected relevance to the measurement of project results and impact; and
    - d. Frequency and format in which the data will be collected.

Where possible, examples of all forms to be used in collecting data and information should be included.

- 4. Indicate what steps will be taken to provide for the continuous feedback of evaluation findings to the project and to what uses the evaluation results will likely be put.
- 5. Provide a separate cost breakdown for evaluation in the project budget and explain these costs in the budget narrative.
- 6. Describe the qualifications and experience of the evaluator needed to conduct the evaluation, and, where the applicant recommends a specific contractor/evaluator, the

method of selecting the contractor, the reasons the contractor was selected, and a description of the specific qualifications of that contractor.

## **METHOD OF EVALUATION**

There are two types of performance measurements that NIC expects to take place with respect to grants: (a) a self-assessment by the grantee and (b) an assessment by an independent NIC-selected contractor to be conducted in accordance with an evaluation design approved by NIC. Such intensive evaluations shall be conducted by an independent evaluator selected competitively by NIC. They shall incorporate a sound evaluation methodology including experimental designs developed prior to project implementation, control groups, independent data collection and analysis, and in-depth case studies where appropriate.

### **A. Self-Assessment**

1. Where appropriate, NIC may determine that the grantee should perform a self-assessment in accordance with an approved evaluation or self-assessment plan. This evaluation can take one of two forms: an analysis by the grantee or an analysis by an outside contractor. The outside evaluator shall be selected competitively by the grantee.
2. The grantee's self-assessment of its performance shall include:
  - a. Analysis of the project's impact on the problem that the project was originally designed to address, including to what extent the specific objectives were achieved;
  - b. Comparison of the status of the problem before and after the project, and a description of the nature of the change in status, set forth in as quantitative a way as possible;
  - c. Description of the project's implementation and operation over its time frame; and
  - d. Modifications of program activities called for by the self-assessment findings or by any monitoring or evaluation findings.
3. Self-assessment reports shall be submitted by the grantee to the NIC project monitor upon completion of the project. If continuation funding is requested for the project, the self-assessment report must accompany the request.

### **B. NIC-Selected Program Evaluations**

Selected programs that are similar to, or have the same objectives as, other NIC-funded programs will be evaluated in depth by NIC. These evaluations will be carried out by an independent NIC-selected evaluator in accordance with an evaluation plan developed by NIC. NIC will consult with other appropriate offices concerning which programs are to

be evaluated and the selection of evaluators. Although initially a limited number of programs will be subjected to this level of evaluation, it is required that, in advance of funding, all projects related to a program being evaluated indicate their willingness to cooperate and participate in program evaluation.

#### **DISSEMINATION OF EVALUATION RESULTS**

All evaluation reports and results will be made available to NIC, which will have the responsibility for disseminating those results.

**APPENDIX A**  
**Application Forms**  
**(May be Photocopied)**

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB  
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>	<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b>  year _____ quarter _____  date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b></p> <p><input type="checkbox"/> Prime                      <input type="checkbox"/> Subawardee  Tier _____, if known:</p> <p>Congressional District, if known: _____</p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p> <p>Congressional District, if known: _____</p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> <p>\$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</b></p> <p>_____</p> <p><b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</b></p> <p>_____</p> <p style="text-align: center;"><i>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</i></p>		
<p><b>11. Amount of Payment (check all that apply):</b></p> <p>\$ _____      <input type="checkbox"/> actual      <input type="checkbox"/> planned</p>	<p><b>13. Type of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other; specify: _____</p>	
<p><b>12. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind; specify: nature _____  value _____</p>		
<p><b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b></p> <p>_____</p> <p style="text-align: center;"><i>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</i></p>		
<p><b>15. Continuation Sheet(s) SF-LLL-A attached:</b>      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p>		
<p><b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p><b>Signature:</b> _____</p> <p><b>Print Name:</b> _____</p> <p><b>Title:</b> _____</p> <p><b>Telephone No.:</b> _____      <b>Date:</b> _____</p>	
<p><b>Federal Use Only:</b></p>		<p>Authorized for Local Reproduction Standard Form - LLL</p>

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity 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 a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Approved by OMB  
0348-0046

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

Authorized for Local Reproduction  
Standard Form - LLL-A



# APPLICATION FOR FEDERAL ASSISTANCE

		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION: <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction  <i>Preapplication</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): [ ][ ] - [ ][ ][ ][ ][ ][ ][ ][ ][ ]		7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/>	
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es). <input type="checkbox"/> <input type="checkbox"/> A Increase Award    B Decrease Award    C Increase Duration D Decrease Duration    Other (specify): _____		A State B County C Municipal D Township E Interstate F Intermunicipal G Special District H Independent School Dist. I State Controlled Institution of Higher Learning J Private University K Indian Tribe L Individual M Profit Organization N Other (Specify) _____	
		9. NAME OF FEDERAL AGENCY:	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: [ ][ ][ ] - [ ][ ][ ][ ][ ][ ][ ][ ][ ] TITLE: _____		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):			
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a Applicant	b Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____	
b. Applicant	\$ .00	b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O 12372	
c. State	\$ .00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
d. Local	\$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
e. Other	\$ .00	<input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No	
f. Program Income	\$ .00		
g. TOTAL	\$ .00		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED			
a Typed Name of Authorized Representative		b Title	c Telephone number
d Signature of Authorized Representative		e Date Signed	

## INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry:   | Item: | Entry:   |
|-------|--|-------|--|
| 1.    | Self-explanatory.  | 12.   | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.    | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).  | 13.   | Self-explanatory.  |
| 3.    | State use only (if applicable).  | 14.   | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.    | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  | 15.   | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.    | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.   | 16.   | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.    | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  | 17.   | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.    | Enter the appropriate letter in the space provided.  | 18.   | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.    | Check appropriate box and enter appropriate letter(s) in the space(s) provided:<br>— "New" means a new assistance award.<br>— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |       |  |
| 9.    | Name of Federal agency from which assistance is being requested with this application.   |       |  |
| 10.   | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.  |       |  |
| 11.   | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.  |       |  |

# BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

## SECTION A — BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

## SECTION B — BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$
7 Program Income	\$	\$	\$	\$	\$

47

48

<b>SECTION C - NON-FEDERAL RESOURCES</b>					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	
<b>SECTION D - FORECASTED CASH NEEDS</b>					
13. Federal	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	\$	\$	\$	\$	\$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
<b>SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT</b>					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTALS (sum of lines 16 -19)	\$	\$	\$	\$	
<b>SECTION F - OTHER BUDGET INFORMATION</b> (Attach additional Sheets if Necessary)					
21. Direct Charges:		22. Indirect Charges:			
23. Remarks					

## INSTRUCTIONS FOR THE SF-424A

### General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A,B,C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A,B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

### Section A. Budget Summary Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in *Column* (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

### Lines 1-4, Columns (c) through (g.)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

### Lines 1-4, Columns (c) through (g.) (continued)

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

**Line 5** — Show the totals for all columns used.

### Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

**Lines 6a-i** — Show the totals of Lines 6a to 6h in each column.

**Line 6j** — Show the amount of indirect cost.

**Line 6k** — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

## INSTRUCTIONS FOR THE SF-424A (continued)

**Line 7** - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

### Section C. Non-Federal-Resources

**Lines 8-11** - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

**Column (a)** - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

**Column (b)** - Enter the contribution to be made by the applicant.

**Column (c)** - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

**Column (d)** - Enter the amount of cash and in-kind contributions to be made from all other sources.

**Column (e)** - Enter totals of Columns (b), (c), and (d).

**Line 12** - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

### Section D. Forecasted Cash Needs

**Line 13** - Enter the amount of cash needed by quarter from the grantor agency during the first year.

**Line 14** - Enter the amount of cash from all other sources needed by quarter during the first year.

**Line 15** - Enter the totals of amounts on Lines 13 and 14.

### Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

**Lines 16 - 19** - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

**Line 20** - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

### Section F. Other Budget Information

**Line 21** - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

**Line 22** - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Line 23** - Provide any other explanations or comments deemed necessary.

**ASSURANCES — NON-CONSTRUCTION PROGRAMS**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. 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.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED



**Certification Regarding  
Debarment, Suspension, and Other Responsibility Matters  
Primary Covered Transactions  
(Direct Recipient)**

\_\_\_\_\_  
Application Number

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal 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;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Address of Organization

## Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding  
Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions  
(Sub-Recipient)**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 67, Section 67.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Address of Organization

\_\_\_\_\_

## Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.



U.S. DEPARTMENT OF JUSTICE  
NATIONAL INSTITUTE OF CORRECTIONS

CERTIFICATION REGARDING  
DRUG-FREE WORKPLACE REQUIREMENTS  
GRANTEES WHO ARE INDIVIDUALS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 28 CFR Part 67, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that their conduct of grant activity will be drug-free. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (see 28 CFR Part 67, Sections 67.615 and 67.620).

The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting any activity with the grant.

Organization Name (As Appropriate)

Application Number

Printed Name

Signature

Date



U.S. DEPARTMENT OF JUSTICE  
NATIONAL INSTITUTE OF CORRECTIONS

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS  
GRANTEES OTHER THAN INDIVIDUALS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 28 CFR Part 67, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension or debarment (see 28 CFR Part 67, Sections 67.615 and 67.620).

The grantee certifies that it will provide a drug-free workplace by:

- (a) 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;
- (b) Establishing a drug-free awareness program to inform employees about-
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) 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 (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
  - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
  - (2) 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;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraph (a), (b), (c), (d), (e) and (f).

Place(s) of Performance: The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (street address, city, county, state, zip code):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Organization Name \_\_\_\_\_ Application Number \_\_\_\_\_

Name and Title of Authorized Representative \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

# APPENDIX B

## List of Department of Justice Regional Inspector General (Audit) Offices

Regional Office	Geographical Area of Responsibility
<p><b>Atlanta</b> 101 Marietta St., Suite 2322 Atlanta, GA 30323-2401 (404) 331-5037 FTS: 242-5037</p>	<p>Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands</p>
<p><b>Chicago</b> 175 W. Jackson Blvd., Suite A-1335 Chicago, IL 60604 (312) 353-1203 FTS: 353-1203</p>	<p>Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin</p>
<p><b>Dallas</b> Department of Justice Office of Inspector General for Audit 207 S. Houston St., Box 4 Dallas, TX 75202 (214) 939-6625 FTS: 738-6625</p>	<p>Arkansas, Louisiana, New Mexico, Oklahoma, Texas</p>
<p><b>Denver</b> Department of Justice Federal Building 1244 Speer Blvd., Suite 640 Denver, CO 80204 (303) 844-3638 FTS: 564-3638</p>	<p>Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming</p>
<p><b>Northeast</b> Regional Inspector General for Audit Skyline Four 5113 Leesburg Pike, Suite 701 Falls Church, VA 22041 (703) 756-6294 FTS: 756-6294</p>	<p>Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia</p>
<p><b>San Francisco</b> Francisco Regional Audit Office 525 Market St., Suite 3522 San Francisco, CA 94105 (415) 744-6567 or 6568 FTS: 484-6567</p>	<p>Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, Northern Mariana Islands, Trust Territories of the Pacific Islands</p>

**APPENDIX C**  
**List of States Requiring State Review**  
**of Applications, Pursuant to**  
**Executive Order 12372**

Alabama  
Arizona  
Arkansas  
Connecticut  
Delaware  
Florida  
Georgia  
Indiana  
Iowa  
Kentucky  
Louisiana  
Maine  
Maryland  
Michigan  
Mississippi  
Missouri

Montana  
Nevada  
New Hampshire  
New Jersey  
New Mexico  
New York  
Ohio  
Oklahoma  
Oregon  
Pennsylvania  
South Carolina  
Tennessee  
West Virginia  
Wyoming  
District of Columbia  
Northern Mariana Islands



# APPENDIX D

## Preparation of Printed Materials by Grantees and Technical Assistance Consultants Producing Announcements/Reports for Publication

### General Conditions

Instructions contained here constitute "General Conditions" that apply to all NIC grant and contract awards and to consultants whose technical assistance (TA) assignment entails the preparation of a report for publication and public dissemination. No grant, contract, or TA funds are to be used to typeset and/or print any publication or announcement unless:

- a) such typesetting and/or printing is specifically included in the approved application and budget,
- b) the document is reviewed and approved for publication by the Director of NIC,
- c) the document adheres to the following conditions.

All documents to be printed with NIC award funds must relate to administrative aspects of the project and must be submitted to the NIC project manager and **approved** by NIC prior to the preparation of camera-ready copy for printing. Brochures, announcements, certificates, pamphlets, reports, and other materials to be printed by the grantee, contractor, consultant, or by NIC are covered by these General Conditions.

1. All documents prepared with grant/contract/TA funds are to bear the NIC and U.S. Department of Justice identification on the cover (unless they are **only** for internal use by the grantee agency). Where applicable, the Institute's Publications Office will provide the grantee/contractor/consultant with Institute cover designs and will advise the grantee/contractor/consultant of any other administrative requirements. The Publications Office will specify ink colors and papers to be used.
2. The date (month and year) the publication becomes available to the public must be included on the cover of brochures or the title page of documents.
3. Names of authors are **not** to appear on the cover of publications, but may be included on the title page.
4. Federal policy prohibits the use of government funds for printing (or engraving) stationery, business cards, memo pads, etc. with the names of individuals. NIC policy prohibits the use of federal funds for the printing of these items with the names of **projects** or **programs**, unless specific, written permission has been granted by the Institute.
5. No advertising of any type is to be included in material produced with federal funds, nor is it to be implied that the government (via the grantee) endorses or favors any specific commercial product, commodity, or service. For example, one would refer to "cellophane tape" rather than "Scotch tape," or "copier" rather than "Xerox machine."
6. Grant/contract/TA funds are not to be used for the preparation, printing, or reproduction of newsletters unless such a product is specifically described in the approved plan and budget.
7. At the discretion of the NIC project manager, press releases announcing or reporting on NIC grant activity must be approved by NIC prior to release.

8. Authors are to ensure that the National Institute of Corrections receives credit for the project. The title page of reports must bear the following statement:

"This document was prepared under grant (or contract, or TA event) number \_\_\_\_\_ from the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions stated in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice."

9. Only one color of ink may be used in printing materials with NIC funds, unless additional colors are needed for clarity. In such cases, the grantee/contractor/consultant should consult with the NIC Publications Office. A different color paper and various ink-shading techniques may be used.
10. Brochures, announcements, and documents should be self-mailers where feasible and economical.
11. Photographs are not to be used unless the grantee/contractor/consultant obtains the concurrence of the NIC project monitor and the NIC Publications Office. When used, photographs must contribute to the reader's understanding of the text; **they may not be used for decorative or design purposes**. Signed releases from any identifiable individuals appearing in a photograph must be furnished to NIC before the document will be printed.
12. Publications must be designed to accommodate economical cut from standard paper stock.
13. Reverse inking (achieving white lettering through inking the page) is not to be used on more than 25 percent of the total page area.
14. Grantees/contractors/consultants may copyright work produced under Institute auspices **unless specifically restricted from doing so** by the Institute. In such cases where author(s) do copyright materials, the following statement **must** appear immediately under the copyright notice on page ii (reverse side of the title page).

"The National Institute of Corrections reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use all or any part of the copyrighted material contained in this publication."

The grantee/contractor/consultant must furnish a letter of permission to NIC to publish and authorize others to do so. Further, where the product developed under Institute auspices contains material(s) copyrighted by others, the grantee/contractor/consultant must provide the Institute with written permission of the copyright holder(s) to publish and use the materials, and to authorize others to do so. Payment of any fees associated with using copyrighted material is the responsibility of the grantee/contractor/consultant.

15. Editorial guidelines and instructions for preparation of camera-ready copy for reports are attached. Where special formats are needed to convey the message, the grantee/contractor/consultant should consult with the NIC Publications Office.
16. NIC fully expects that camera-ready copy prepared under a grant, contract, or TA authorization will be free of grammatical and typographical errors.

## EDITORIAL GUIDELINES

1. All acronyms must be defined when first used, as follows: "the National Institute of Corrections (NIC)."
2. Care must be taken to ensure consistency in word usage, hyphenation, indentation, spelling, and capitalization throughout the report (e.g., "pre-trial" and "pretrial" should not be used interchangeably).
3. All materials developed under NIC auspices are to be written using neutral gender. "He" is not to be used to mean "he or she." Use "he/she," "his/her," etc. Use of "they" or the noun to which the pronoun refers (e.g., "correctional officer" instead of "he") can help ensure neutrality.
4. Use of the word "guard" to mean "correctional officer," or "convict" instead of "offender," is to be avoided.
5. The series comma should be used before "and" and "or" consistently throughout the report.
6. Punctuation must be placed **inside** quotation marks.
7. When capitalizing hyphenated words, both words should be initial cap (e.g., "Long-Term Commitments" instead of "Long-term Commitments").
8. One-of-a-kind items should not be referenced by number or letter. That is, if there is only one figure or only one appendix, it should **not** be referenced as Figure 1 or Appendix A. There should never be a 1 or A without a 2 or B.
9. In preparing camera-ready copy, any words hyphenated at the end of a line must be broken at a syllable. Hyphenation should be used when lack of it results in awkwardly short lines of text or gaps between words in right-justified text. Do not hyphenate compound adjectives where the first word ends in "ly" (e.g., necessarily stringent regulations, heavily populated area).
10. In preparing camera-ready copy, no less than two lines of a paragraph should end a column or page or begin a new column or page.
11. Care should be taken to use the words "that" and "which" properly.\*\*
12. Authors should ensure that the brand names of commercial products are not used. Generic terms should be used.
13. Blank left-hand pages should be avoided wherever possible. Where they do occur, do **not** number the blank page, but skip a number in sequence to allow for it. In almost all cases, documents will be printed 2-sided. Right-hand pages must have odd numbers; left-hand pages, even. The total number of pages in a report, including blanks, should be evenly divisible by 4.
14. Materials attached to a report as appendixes must be limited to those that are germane to the report and will be used by a majority of the readers.

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\*\*See Bernstein, Theodore M., The Careful Writer, Atheneum, New York, 1975, p. 444.

## I. MANUSCRIPT ELEMENTS

Order and Description of Elements. The elements of a manuscript will vary according to the nature of the work and information being reported. All manuscripts will consist of a title page, table of contents, foreword, abstract, executive summary, and text. While the abstract and executive summary will not always be included in the published report, they must be included in drafts submitted to NIC. (These summaries are useful to NIC for a variety of purposes.) When a manuscript consists of additional elements, it should be arranged in the following order and conform to the descriptions that follow:

- |                         |                      |
|-------------------------|----------------------|
| A. Title Page           | F. Acknowledgements  |
| B. Abstract             | G. Executive Summary |
| C. Table of Contents    | H. Text              |
| - List of Illustrations | I. Notes/Footnotes   |
| - List of Tables        | J. Glossary          |
| D. Foreword             | K. Bibliography      |
| E. Preface              | L. Appendix(es)      |

### A. Title Page. Include the following information on the title page.

1. Title. The title should clearly and briefly indicate the subject matter of the manuscript. If a subtitle is used, it should be subordinate to the main title. When a manuscript is prepared in more than one volume, repeat the primary title and use subtitles to identify volumes.
2. Author(s). Give name(s) and title(s).
3. Agency or Institution. Give name, city, and state. List no more than two organizational levels.
4. Date. Give the month and year the work was completed. Do not use a comma between the month and the year.
5. Disclaimer.

"This document was prepared under grant (or contract or TA) number \_\_\_\_\_ from the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions stated in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice."

6. Copyright Notice. When the grantee/contractor/consultant copyrights the product of an NIC-funded project, the following statement must be included below the copyright notice on the reverse side of the title page:

"The National Institute of Corrections reserves the right to reproduce, publish, translate, or otherwise use, and to authorize others to publish and use all or any part of the copyrighted material contained in this publication."

In addition, the grantee/contractor/consultant must furnish a written statement granting NIC permission to reproduce and publish the report, and to authorize others to do so.

When materials not originated in the performance of the grant or contract are copyrighted by other than the grantee/contractor/consultant and are contained in a report, a copyright notice is not included. However, copyrighted portions of the report must be clearly identified. To assure protection of the copyright owner, the copyright notice should be incorporated within related text or captions, given as a footnote for the author's name. A listing of all copyrighted material, by page and paragraph when

applicable, must be included in an acknowledgement, on the inside front cover, or in other front matter. Copyright notices must be subordinate in size of type to that of both text and captions for illustrations. Statements granting permission to NIC to reproduce the materials must be obtained by the author from the copyright owners and submitted with the report.

- B. Abstract. The abstract should state the following facts about the project: purpose, scope, methodology, findings, and conclusions. The abstract should not exceed 200 words.
- C. Table of Contents. Include the title and beginning page number of each element of the report: foreword, preface, acknowledgements (if not part of preface), introduction, text divisions (sections), references, glossary, bibliography, and appendix(es). The subheads in long sections should also be included. When the report is particularly long and covers a wide range of topics on a main subject, sub-subheads should also be included. Generally, no more than three levels of headings should be included in the Table of Contents.

List the figure number, title, and page number of each illustration, and the table number, title, and page number of each table. These entries should be at the end of the Table of Contents, listed as follows:

#### ILLUSTRATIONS

<u>Figure</u>		<u>Page</u>
1		
2		

#### TABLES

<u>Table</u>		<u>Page</u>
1		
2		

- D. Foreword. The foreword is an introductory note from the Director of the National Institute of Corrections. The message will be drafted by the grantee/contractor/consultant or the NIC project monitor for review and revision or approval by the Director.
- E/F. Preface and Acknowledgements. The preface is a preliminary statement by the author, agency, or institution setting forth the purpose and scope of the project and acknowledging the contributions or assistance of others. If the acknowledgements are lengthy, they should be put in a separate section following the preface.
- G. Executive Summary. The summary should provide the briefest possible condensation of the text, presenting the report in miniature and in such fashion as to be able to stand alone. The summary is comprehensive, stating briefly and clearly (within 20 pages, double-spaced) the purpose, scope, methodology, findings, and conclusions of the project.

**NOTE: ALL PAGES CARRYING THE ABOVE ELEMENTS SHOULD BE NUMBERED IN LOWER-CASE ROMAN NUMERALS, EXCEPT THE TITLE PAGE (which counts as page i).**

- H. Text, including Introduction. Usually the text begins with an introduction. Here, the author should place any preliminary material that prepares a reader for the body of the report, especially information that is necessary for an understanding of what follows. If the report is divided into sections, the introduction should be the first section. In this case, the first page of the introduction, numbered Arabic numeral one, must be a right-hand page.

The organization of the text is as essential as the writing to the readability and comprehension of the report. A well-organized text will carry its reader smoothly from one fact to the next as information is presented in the various text divisions or referred to in the footnotes, references, illustrations, tables, bibliographies, and appendixes. The following paragraphs present guidelines for organizing the text into sections and subsections. The details of handling other elements of the text, such as notes, footnotes, illustrations, and tables, are covered in the MANUSCRIPT PREPARATION section of this paper.

1. Sections. Section titles should be chosen with care because the purpose is to give the reader a clue as to what main topic of the report is to be discussed. When listed in the table of contents, section titles give potential readers an idea of the nature and extent of the report. Therefore, the author should avoid short, snappy titles; cute titles; and long titles in which a word could be used instead of a phrase.
  2. Subsections. The author should use subheads to break long and complex sections into subsections. Subheads can also be used to give emphasis to important points or aspects of the section. Subheads serve as guides to the reader and facilitate location of certain passages. Their inclusion in the table of contents gives the potential reader a better idea of what is in the report. Like section titles, subheads should be brief, concise, and meaningful. Some particularly long or complex reports may require sub-subheads and even further subdivisions of long sections to better organize and identify the subject matter. The handling of subheads is covered in the MANUSCRIPT PREPARATION section.
- I. Notes/Footnotes. References to sources of additional information and commentaries that are **not essential** to an understanding of the text are called "notes" and are listed in a section following the text. Guidelines for handling notes that are references to sources of information are the same as those given under Bibliography.

References that amplify or explain statements and are **necessary** for better comprehension of the text are called "footnotes" and are placed at the bottom of the page or column in which they annotate the text. The author should consider whether some or all of the material treated as footnotes could be included in the text. Numerous footnotes can cause problems and delay in preparing camera-ready copy. The handling of footnotes is covered in the MANUSCRIPT PREPARATION section.

- J. Glossary. List and define uncommon words or technical terms in alphabetical order in a glossary. When only a few such words or terms appear, a glossary is not necessary; instead, words can be defined the first time they are used in the text.
- K. Bibliography. In the bibliography, list alphabetically (by authors' names) selected documents that are cited in the text and would be of interest to the reader for additional study. There is no need to repeat in the Bibliography documents cited as Notes.
1. Books. Include the following information about books: (a) name of the author(s), the editor(s), or the institution responsible for writing the book; (b) full title of book (in quotation marks); (c) series or volume number (if any); (d) city of publication; (e) publisher's name; and (f) date of publication.

2. Articles. Include the following information about articles: (a) name of the author(s), the editor(s), or the institution; (b) title of article (in quotation marks); (c) name of the document or periodical (underlined or italics); (d) volume number; (e) date; and (f) page numbers occupied by the article.
- L. Appendix(es). An appendix should be used for long lists, charts, and/or tables; citations of documents, laws, regulations, policies, standards; and when the author wishes to provide the reader with further information or amplification of subject matter that is germane to the report. An appendix should not be used as a catch-all for material that is essential to a complete discussion of the subject matter; such material must be included in the text. Nor should an appendix be used to display masses of information that is not of particular relevance to the report or of interest to the majority of readers.

When more than one appendix is used, designate them as Appendix A, Appendix B, etc. Each should be titled. When only one appendix is used, omit the letter designation. Start each appendix on a new page and continue the pagination sequence of the text. Appendixes must be referenced in sequence in the text. Divider pages should not be used between the appendixes.

## II. MANUSCRIPT PREPARATION

This section discusses the preparation of camera-ready copy by word processor or desktop publishing system. For simplicity, the words "type" and "typing" are used generically for all systems of manuscript preparation. **Grantees/contractors/consultants should retain word processing disks of the report, for submission to NIC upon request, until after the report is published.**

- A. Spacing. Paragraphs can be flush left with no indent, or indented 3 spaces on double column, or 5 on single column that runs across the page. At least ½-inch (preferably 1-inch) margins should be left on both sides and 1-inch margins at the top and bottom of each page. Right and left margins must be equal to accommodate two-side printing. (Page numbers should be placed ½-inch from the bottom edge of the paper, within the 1-inch margin area.) Start each element (section, appendix, etc.) on a new page. Do not use unnecessary blank pages or divider sheets. Where only a few lines of text appear on a page, attempt to edit or reformat the preceding pages to eliminate the short page.
- B. Camera-Ready Copy of Text. "Camera"-ready refers to an initial process in printing where a negative is made of each page. Therefore, all pages of the report submitted by the grantee/contractor/consultant must be the **original**, single-spaced, typed material that has been proofread and is ready to be copied. (Prior to approval of the report by the Institute, a final, edited, double-spaced draft copy of the report must be submitted; double-spaced typing facilitates substantive review.)

Camera-ready copy is usually prepared as 8½ x 11, but a 5½ x 8½ format may be used if appropriate for the subject and length of the report. All flyers must be prepared in a 4 x 9 format. Camera-ready copy for both 5½ x 8½ and 4 x 9 formats may be prepared on 8½ x 11 sheets of paper, using appropriate margins.

Type on only one side of sheets of white paper. The same typeface must be used throughout the manuscript. For word processor and desktop systems, only Times Roman and Helvetica should be used, the former for text and the latter (if desired) for heads, tables, and charts. Preferred typewriter fonts are Courier, Prestige Elite, Press Roman, or Univers.

- C. Camera-Ready Copy of Graphics. Graphics consist of illustrations, maps, charts, graphs, photographs, and complex tables. The **original** artwork of all graphics must be submitted. All graphics must be clear and sharp in definition and prepared in black ink only. Only original glossies or satisfactory negatives of photographs are acceptable. Do not use tape on originals. Also, avoid press-on letters.
- D. Corrections. Handwritten inserts, typed inserts, corrections between lines, corrections in margins, and messy corrections are not acceptable in camera-ready copy. If correcting copy manually, use rubber cement or neat cut-ins. Do **not** use tape on any of the originals.
- E. Page Numbering. Number the pages of the manuscript at the center of the bottom of each page. Number all pages from the title page (not marked) to the end of the executive summary in lower case Roman numerals. Number all other pages consecutively, beginning with 1, from the first page of the text to the last page of the manuscript (including appendixes) in Arabic numerals.

In numbering pages, keep in mind that pages are printed back to back; when bound, the even-numbered pages must fall on the left and the odd-numbered pages on the right. Page numbers must be consistently placed the same distance up from the bottom edge of the paper, preferably at ½-inch from the edge. Do not number a blank page, but skip a number in sequence to allow for it and insert a blank sheet of paper in its place.

- F. Section Titles and Subheads. The relative importance of subheads in a section is indicated through the use of point sizes, capitalization, and positioning on the page. The different levels of subheads are referred to as first-degree subheads, second-degree subheads, etc.
- G. Footnotes/Notes. Guidelines for typing footnotes follow. (See paragraph I in the MANUSCRIPT ELEMENTS section for the distinction between notes and footnotes.)
1. Placement of footnotes. Footnotes should always be placed at the bottom of the page or column in which they are referenced. Carrying over footnotes from one page or column to the next should be avoided. Footnotes to charts, graphs, tables, and illustrations should be placed immediately beneath such material.
  2. Footnote symbols. Footnotes should be marked by symbols in the following sequence on each page: (\*) asterisk, (†) dagger, (‡) double dagger, (§) section mark, and (¶) paragraph symbol. Should more marks be needed, these are then doubled, again in sequence. (The use of symbols for referencing footnotes is helpful when a manuscript also has notes for citing sources. In this case, the notes are referenced by superscript numbers.)

Symbols and numbers should come at the end of a sentence, clause, or quotation. Placing symbols or numbers at the end of, or within, section titles and subheads should be avoided; instead, they should be placed in an appropriate spot in the text. If the footnote applies to an entire section, it should be unnumbered and placed at the bottom of the first page of the section.

- H. Tables. Whenever a mass of information becomes cumbersome in the text, a table should be considered. Tables should be constructed to present tabular material as simply as possible so the meaning of the data can be easily grasped. Because tabular material can be so varied, extensive, and complex, only a few guidelines are presented here. For more detailed discussion of tabular material, refer to the U.S. Government Printing Office *Style Manual*.
1. Placement of tables. Place tables after (but **not necessarily immediately** after) the first text reference made to them, except in special situations such as when a manuscript



contains relatively few text pages and many tables. In those cases, place the tables in numerical sequence at the back of the manuscript. The statement that tables need not be placed immediately after their text reference means that a paragraph or discussion should not be broken awkwardly to allow for the table. Continue the text and place the table later on that page or the next. If a table is too wide for a page, it may be prepared as a "turn page," positioned so that the page is turned clockwise for reading. If the tabular material will not fit onto a turn page, it may be possible to present it across two full pages. If not, the table should be prepared oversize for reduction and a "frame page," stating the table number, title, and page number, should be provided. **Do not prepare tables as fold-outs** without first consulting with the NIC Publications Office.

2. Table numbers. Each table must be numbered and referenced in the text by its number, not by such phrases as "the following table," "the table above," etc. Number tables in the order in which they are first mentioned. If the manuscript contains few tables, number them consecutively in Arabic numerals, e.g., Table 1, Table 2, etc. **Do not use Roman numerals.** When the manuscript contains numerous tables interspersed throughout several or all of the sections of a lengthy report, number the tables within sections as follows: Table 1-1, Table 1-2, Table 2-1, Table 2-2, etc.
  3. Table titles. A brief title, following the table number and placed above the body of the table, should identify the nature and content of the tabular material. When the table presents data for specific periods of time (e.g., "Fiscal Year 1991" or "by quarters, 1988-1990") or for specific categories or locations (e.g., "By States and Counties"), the information should be included in the title. When all the figures in a table represent a specific amount -- "In thousands of dollars" or "In millions of dollars"-- use a subheading to the title (usually enclosed in parentheses) to show this information, or any other units of measurement that apply to the entire table.
- I. Illustrations. The guidelines for the placement, numbering, and titling of tables also apply to illustrations. The **originals** of charts, maps, graphs, drawings, and photographs must be submitted with the manuscript.
  - J. Copyrighted Materials. Author(s) must obtain written permission from copyright holders to include materials protected by copyrights. These permissions must authorize inclusion and reproduction of the work by NIC and must be submitted to NIC with the final document.
  - K. Photographic Releases. Written permission must be obtained by the author(s) from any person identifiably depicted in photographs to be published and must be submitted with the manuscript to NIC.
  - L. Identification of Material Source. When material not originally developed is included in the report, the source must be identified. This identification may be in the body of the report or by footnote. This provision is applicable when the material is in a verbatim or extensive paraphrase form.

Revised July 1991

## APPENDIX E

### Applicant's Environmental Evaluation

Applicant's name

1. Project description
  - a. Type of grant
  - b. Type of project
  - c. Location of project
    - (1) Location in city
    - (2) Miles from nearest city
    - (3) Location map
  - d. Surrounding area
    - (1) Land use and zoning
    - (2) Density
2. Does the proposed action conform to all local, state, and Federal plans, policies, and controls for the affected area, including the Clean Air Act and the Federal Water Pollution Act of 1972?
3. What alternatives are there to the proposed action?
  - a. Change in location
  - b. Change in program
  - c. Postponing action
4. Will the implementation of the proposed project or program:
  - a. Lead to a significant increase in air pollution?
  - b. Lead to a significant increase in water pollution?

- (1) What is the ability of the waste water system to meet demand without degrading water quality?
- (2) How will water supply be affected?
- c. Lead to a significant increase in the ambient noise level for a substantial number of people?
- d. Lead to poor, incompatible land use, soil erosion, or soil pollution?
- e. Destroy, or derogate from, an important recreation area?
- f. Substantially alter the pattern or behavior of wildlife or interfere with important breeding, nesting, or feeding grounds?
- g. Disturb the ecological balance of land or water area, or affect critical areas such as flood plains, wetlands, beaches and dunes, unstable soils, steep slopes, and aquifer recharge areas?
- h. Have significant effect on areas of historical, archaeological, cultural, educational, or scientific significance?
- i. Have an adverse aesthetic or visual effect?
- j. Have a detrimental effect on the safety of the community?
- 5. Is there opposition to the proposal?
  - a. By whom?
  - b. Why?
- 6. After evaluation of the above questions, it has been determined that:
  - There are no significant environmental impacts.
  - There may be significant environmental impacts, and an environmental statement should be prepared.

Applicant's signature \_\_\_\_\_

NIC official's signature \_\_\_\_\_

**APPENDIX F**  
**Regulations Implementing Title VI**  
**of the Civil Rights Act of 1964<sup>1</sup>**  
**28 CFR 42.101 et seq., Subpart C**

**Authority:** 42 U.S.C. 2000d-2000d-4; E.O. 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298.

**Source:** Order No. 365-66, 31 FR 10265, July 29, 1966, unless otherwise noted.

**§ 42.101 Purpose**

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Justice.

**§ 42.102 Definitions**

As used in this subpart:

- (a) The term *responsible Department Official* with respect to any program receiving Federal financial assistance means the Attorney General, or Deputy Attorney General, or such other official of the Department as has been assigned the principal responsibility within the Department for the administration of the law extending such assistance.
- (b) The term *United States* includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States, and the term *State* includes any one of the foregoing.
- (c) The term *Federal financial assistance* includes:
  - (1) Grants and loans of Federal funds,
  - (2) The grant or donation of Federal property and interests in property,
  - (3) The detail of Federal personnel,

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<sup>1</sup>See also 28 CFR 50.3, Guidelines for enforcement of Title VI, Civil Rights Act.

- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
  - (5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
- (d) The term *program* includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, rehabilitation, or other services or disposition, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any disposition, services, financial aid, or benefits provided with the aid of Federal financial assistance or with the aid of non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any disposition, services, financial aid, or benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.
- (e) The term *facility* includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.
- (f) The term *recipient* means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.
- (g) The term *primary recipient* means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.
- (h) The term *applicant* means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term *application* means such an application, request, or plan.
- (i) The term *academic institution* includes any school, academy, college, university, institute, or other association, organization, or agency conducting or administering any program, project, or facility designed to educate or train individuals.

- (j) The term *disposition* means any treatment, handling, decision, sentencing, confinement, or other prescription of conduct.
- (k) The term *governmental organization* means the political subdivision for a prescribed geographical area.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 699-77, 42 FR 15315, Mar. 21, 1977; Order No. 960-81, 46 FR 52357, Oct. 27, 1981]

#### § 42.103 Application of this subpart

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this subpart pursuant to an application whether approved before or after such date. This subpart does not apply to: (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) employment practices except to the extent described in § 42.104(c).

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

#### § 42.104 Discrimination prohibited

- (a) *General* -- No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this subpart applies.
- (b) *Specific discriminatory actions prohibited*
  - (1) A recipient under any program to which this subpart applies may not, directly through contractual or other arrangements on the ground of race, color, or national origin:
    - (i) Deny an individual any disposition, service, financial aid, or benefit under the program;
    - (ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
    - (iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;
    - (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

- (v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or
  - (vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).
  - (vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.
- (2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.
- (3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.
- (4) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment or property provided with the aid of Federal financial assistance.
- (5) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.
- (6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin,

the recipient must take affirmative action to overcome the effects of prior discrimination.

- (ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) *Employment practices*

- (1) Whenever a primary objective of the Federal financial assistance to a program to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs in which a primary objective of the Federal financial assistance is (i) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (ii) to provide work experience which contributes to the education or training of the individuals involved. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.
- (2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c)(1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

**§ 42.105 Assurance required**

(a) *General*

- (1) Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all



requirements imposed by or pursuant to this subpart. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interest therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring non-discrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter are appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee.

(b) *Assurances from government agencies* -- In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section, shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies of parts or programs of the governmental unit will in no way affect: (1) Its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such program, or (3) full compliance with the subpart as respects such program.

(c) *Assurance from academic and other institutions*

- (1) In the case of any application for Federal financial assistance for any purpose to an academic institution, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.
- (2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If, in any such case, the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing state programs* -- Any state or state agency administering a program which receives continuing Federal financial assistance subject to this regulation shall as a condition for the extension of such assistance:

- (1) Provide a statement that the program is (or, in the case of a new program, will be) conducted in compliance with this regulation, and
- (2) Provide for such methods of administration as are found by the responsible Department official to give reasonable assurance that the primary recipient and all other recipients of Federal financial assistance under such program will comply with this regulation.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

**§ 42.106 Compliance Information**

- (a) *Cooperation and assistance* -- Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.
- (b) *Compliance reports* -- Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain

whether the recipient has complied or is complying with this subpart. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

- (c) *Access to sources of information* -- Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth efforts which it has made to obtain the information.
- (d) *Information to beneficiaries and participants* -- Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the program under which the recipient received Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by order No. 519-73, 38 FR 17955, July 5, 1973]

#### § 42.107 Conduct of investigations

- (a) *Periodic compliance reviews* -- The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.
- (b) *Complaints* -- Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.
- (c) *Investigations* -- The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters*

- (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.
- (2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

- (e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

**§ 42.108 Procedure for effecting compliance**

- (a) *General* -- If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to: (1) Appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.
- (b) *Noncompliance with assurance requirement* -- If an applicant or recipient fails or refuses to furnish an assurance required under §42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

- (c) *Termination of or refusal to grant or to continue Federal financial assistance* -- No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until: (1) The responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.
- (d) *Other means authorized by law* -- No action to effect compliance by any other means authorized by law shall be taken until: (1) The responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

#### § 42.109 Hearings

- (a) *Opportunity for hearing* -- Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing, or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing afforded by section 602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.
- (b) *Time and place of hearing* -- Hearing shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department

official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

- (c) *Right to counsel* -- In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.
- (d) *Procedures, evidence, and record*
  - (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554-557 (sections 5-8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.
  - (2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.
- (e) *Consolidated or joint hearings* -- In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal Departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17955, July 5, 1973]

#### § 42.110 Decisions and notices

- (a) *Decisions by person other than the responsible Department official* -- If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed

decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

- (b) *Decisions on the record or on review by the responsible Department official* -- Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.
- (c) *Decisions on the record whenever a hearing is waived* -- Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and the complainant, if any.
- (d) *Rulings required* -- Each decision of a hearing officer or responsible Department official shall set forth his ruling on each findings, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient has failed to comply.
- (e) *Approval by Attorney General* -- Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.
- (f) *Content of orders* -- The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of, the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until, it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this subpart.

(g) *Post-termination proceedings*

- (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.
- (2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17956, July 5, 1973]

**§ 42.111 Judicial review**

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

**§ 42.112 Effect on other regulations; forms and instructions**

- (a) *Effect on other regulations* -- Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part or Executive Order 11114 or 11246, as amended, or of any other regulation or instruction which prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.
- (b) *Forms and instructions* -- Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.
- (c) *Supervision and coordination* -- The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in



connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in §42.110(e)), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Attorney General.

[Order No. 365-66, 31 FR 10265, July 29, 1966, as amended by Order No. 519-73, 38 FR 17956, July 5, 1973; Order No. 568-74, 39 FR 18646, May 29, 1974]

**Appendix A to Subpart C--Federal Financial  
Assistance Administered by the Department of Justice  
to Which This Subpart Applies.**

NOTE: Failure to list a type of Federal assistance in Appendix A shall not mean, if Title VI is otherwise applicable, that a program is not covered.

1. Assistance provided by the Office of Justice Programs (OJP), the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), including block, formula, and discretionary grants, victim compensation payments, and victim assistance grants (Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701-3796, as amended (Pub. L. 98-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-157, and Pub. L. 98-473); the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601-5751, as amended (Pub. L. 93-415, as amended by Pub. L. 94-503, Pub. L. 95-115, Pub. L. 96-509, and Pub. L. 98-473); the Victims of Crime Act of 1984, 42 U.S.C. 10601-10604, (Pub. L. 98-473)).
2. Assistance provided by the Bureau of Prisons (BOP) including technical assistance to State and local governments for improvement of correctional systems; training of law enforcement personnel, and assistance to legal services programs (18 U.S.C. 6042).
3. Assistance provided by the National Institute of Corrections (NIC) including training, grants, and technical assistance to State and local governments, public and private agencies, educational institutions, organizations and individuals, in the area of corrections (18 U.S.C. 4351-4353).
4. Assistance provided by the Drug Enforcement Administration (DEA) including training, joint task forces, information sharing agreements, cooperative agreements, and logistical support, primarily to State and local government agencies (21 U.S.C. 871-886).
5. Assistance provided by the Community Relations Service (CRS) in the form of discretionary grants to public and private agencies under the Cuban-Haitian Entrant Program (Title V of the Refugee Education Assistance Act of 1980, Pub. L. 96-422).
6. Assistance provided by the U.S. Parole Commission in the form of workshops and training programs for State and local agencies and public and private organizations (18 U.S.C. 4204).
7. Assistance provided by the Federal Bureau of Investigation (FBI) including field training, training through its National Academy, National Crime Information Center, and laboratory facilities, primarily to State and local criminal justice agencies (Omnibus Crime Control and Safe Streets Act of 1968, as amended 42 U.S.C. 3701-3796).

8. Assistance provided by the Immigration and Naturalization Service (INS) including training and services primarily to State and local governments under the Alien Status Verification Index (ASVI); and citizenship textbooks and training primarily to schools and public and private service agencies (8 U.S.C. 1360, 8 U.S.C. 1457).
9. Assistance provided by the United States Marshals Service through its Cooperative Agreement Program for improvement of State and local correctional facilities (Pub. L. 99-180, 99 Stat. 1142).
10. Assistance provided by the Attorney General through the Equitable Transfer of Forfeited Property Program (Equitable Sharing) primarily to State and local law enforcement agencies (21 U.S.C. 881(e)).
11. Assistance provided by the Department of Justice participating agencies that conduct specialized training through the National Center for State and Local Law Enforcement Training, a component of the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia (Pursuant to memorandum Agreement with the Department of Treasury).

[Order No. 1204-87, 52 FR 24449, July 1, 1987]

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