

Additional Requirements for U.S. Department of Justice (DOJ) FY 2020 Coordinated Tribal Assistance Solicitation (CTAS) Applications

Any applicant that receives an award under this solicitation must agree to comply with additional requirements prior to receiving grant funding, including those outlined in this document.

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General terms and conditions

Recipients are required to follow the applicable set of general terms and conditions for each program office, as well as any specific conditions in the award document.

- For OVW: General terms and conditions are available at <https://www.justice.gov/ovw/award-conditions>.
- For OJP: General terms and conditions are available at <https://www.ojp.gov/funding/Explore/LegalOverview2020/MandatoryTermsConditions.htm>.
- For the COPS Office: General terms and conditions are available at <https://cops.usdoj.gov/ctas>.

Anti-Lobbying Act

The Anti-Lobbying Act (18 USC § 1913) restricts the use of appropriated funding for lobbying and makes these restrictions enforceable via large civil penalties, between \$10,000 and \$100,000 per each individual restricted occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying restrictions and lobbying disclosure requirements imposed by 31 USC § 1352.

Indian tribes and tribal organizations are excluded from coverage under 31 USC § 1352 but only with respect to expenditures for purposes specified in 31 USC § 1352(a) that are permitted by other federal law. For these purposes, the terms “Indian tribe” and “tribal organization,” respectively, have the meaning provided in section 4 of the Indian Self-Determination and Education Assistance Act (25 USC § 5304). Although Indian tribes and tribal organizations are excluded from coverage as set forth under 31 USC § 1352, these entities still must obtain lobbying disclosure documentation and any required certifications from any subrecipients (recipients of a subaward (see “subaward” definition at 2 CFR § 200.92)) or procurement contractors (recipients of a contract (see “contract” definition at 2 CFR § 200.22) and their subcontractors) that would be required to report lobbying activities consistent with 31 USC § 1352.

In general, under the statutes above and as set out in the Cost Principles at 2 CFR § 200.450, for most organizations, no federally appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy at any level of government without the express prior written approval of the DOJ. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence.

For OVW, pursuant to 34 U.S.C. § 12291(b)(3), recipients and subrecipients may collaborate with or provide information to federal, state, local, tribal, and territorial public officials and agencies to develop and implement policies and develop and promote state, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking (as those terms are defined in 34 U.S.C. § 12291(a)), when consistent with the activities otherwise authorized under the applicable grant program.

Budget-related requirements

The following information relates to the development of budgets for CTAS applications as well as spending of funds if selected for an award.

Limitation on use of award funds for employee compensation; waiver

With respect to any award of more than \$250,000 made under this solicitation, recipients may not use federal funds to pay total cash compensation (salary plus cash bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. The 2018 salary table for SES employees is available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2018/executive-senior-level>. Note: A recipient may compensate an employee at a greater rate provided the amount in excess of this compensation limitation is paid with nonfederal funds. More information about these requirements can be found at: [URL for new resource guide].

Meaningful access

If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the Civil Rights Compliance section under Solicitation Requirements in the OJP Funding Resource Center at ojp.gov/funding/index.htm.

Noncompetitive procurement

For OJP and OVW applicants, if an applicant proposes to make one or more noncompetitive procurements of products or services, where the noncompetitive procurement will exceed the simplified acquisition threshold (also known as the small purchase threshold) of \$250,000, the Budget Narrative should address the considerations outlined in the DOJ Grants Financial Guide at <https://ojp.gov/financialguide/DOJ/index.htm>. For COPS Office applicants, if awarded, grantees should seek approval from the COPS Office for noncompetitive procurements exceeding \$250,000.

Pre-agreement cost approvals

DOJ does not typically approve pre-agreement costs; an applicant must request and obtain DOJ's prior written approval for all such costs. All such costs incurred prior to award and prior to approval of the costs are incurred at the sole risk of the applicant. (Generally, no applicant should incur project costs before submitting an application requesting federal funding for those costs.) Should there be extenuating circumstances that make it appropriate for DOJ to consider approving pre-agreement costs, the applicant

may contact the Response Center listed on the front pages of this announcement for the requirements concerning written requests for approval. If approved in advance by DOJ, award funds may be used for pre-agreement costs, consistent with the recipient's approved budget and applicable cost principles. See the section on Costs Requiring Prior Approval in the DOJ Grants Financial Guide for more information.

Prior approval, reporting, and minimization of costs related to conferences, meetings, and trainings

Funding may not be used to purchase food or beverages for any meeting, conference, training, or other event under any CTAS purpose area. Exceptions may be available in very rare circumstances with the approval of the awarding office.

Procurement contracts under federal awards

Procurement contracts entered into by recipients or subrecipients under the DOJ award or cooperative agreement award must contain all applicable provisions required under 2 CFR Part 2800, as set out in Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. See 2 CFR § 200.22 for a definition of “Contract” for these purposes.

Subawards (subgrants) / Procurement contracts

Applicants must identify proposed costs for subawards and distinguish those costs from costs for procurement contracts that the applicant proposes to fund with federal award funds. Pursuant to 2 C.F.R. § 200.330, a subaward is for the purpose of carrying out a portion of the federal award, such as compensating an MOU partner, and a contract is for the purpose of obtaining goods and services for the grantee's own use. The substance of the relationship is more important than the form of the agreement in determining whether the recipient of the pass-through funds is a subrecipient or a contractor. The awarding and monitoring of contracts must follow the recipient's documented procurement procedures, including full and open competition, pursuant to the procurement standards in 2 C.F.R. §§ 200.317–200.329. The issuance and monitoring of subawards must meet the requirements of 2 C.F.R. § 200.331, which includes oversight of subrecipient/partner spending and monitoring performance measures and outcomes attributable to grant funds. Additional information on subawards and proposed procurement activities may be found at https://www.ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf.

Civil rights compliance

As a condition of receiving DOJ funding, recipients (and their subrecipients) must comply, to the extent applicable, with federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Executive Orders 13279 and 13559, as well as all implementing regulations. Depending on the funding source and subject to the applicable provisions of the Indian Self-Determination and Education Assistance Act, a recipient must also comply, to the extent applicable, with the nondiscrimination provisions within the relevant program statutes, such as the Omnibus Crime Control and Safe Streets Act

of 1968, the Victims of Crime Act, the Violence Against Women Act, or the Juvenile Justice and Delinquency Prevention Act. These federal program statutes prohibit recipients of funds under these program statutes from discriminating either in *employment* or in the *delivery of services or benefits* on the basis of one or more of the following: race, color, national origin, sex, religion, or disability. In addition, the Violence Against Women Act as reauthorized in March 2013 prohibits discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability. See more information on Statutes and Regulations at <http://www.ojp.gov/about/ocr/statutes.htm>.

For technical assistance in complying with the civil rights laws linked to the receipt of federal financial assistance, please contact

Office of Justice Programs
Office for Civil Rights
810 7th Street NW
Washington, DC 20531

Telephone: 202-307-0690

Fax: 202-616-9865

TTY: 202-307-2027

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination – 28 CFR Parts 38, 42, and 54

The recipient and any subrecipient (“subgrantee”) at any tier must comply with all applicable requirements of 28 CFR Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. 28 CFR Part 38, a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 CFR Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient organizations that engage in or conduct explicitly religious activities as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled “Partnerships with Faith-Based and Other Neighborhood Organizations,” is available via the Electronic Code of Federal Regulations (currently accessible at <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR “current” data.

In addition, the recipient and any subrecipient (“subgrantee”) at any tier must comply with all applicable requirements of 28 CFR Part 42 (relating to an equal employment opportunity program) and 28 CFR Part 54 (relating to nondiscrimination on the basis of sex in certain “education programs”).

Computer network requirement (blocking pornography)

Recipients may not use any award funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities or victim assistance–related activity.

Confidentiality and human subjects protection (if applicable)

Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute research for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service or are conducted only to meet performance measure data reporting requirements likely do not constitute research. Applicants should provide sufficient information for the DOJ to determine whether the particular project they propose would either intentionally or unintentionally collect or use information in such a way that it meets the DOJ regulatory definition of research.

DOJ regulations (28 CFR Part 22) require recipients of funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which information identifiable to a private person will be collected, analyzed, used, or disclosed. The funding recipient’s Privacy Certificate includes a description of its policies and procedures to be followed to protect the confidentiality of identifiable data (28 CFR § 22.23). The department’s regulations provide, among other matters, that “[r]esearch or statistical information identifiable to a private person may be used only for research or statistical purposes.” (28 CFR § 22.21) Moreover, any private person from whom information identifiable to a private person is collected or obtained (either orally or by means of written questionnaire or other document) must be advised that the information will only be used or disclosed for research or statistical purposes and that compliance with the request for information is voluntary and may be terminated at any time. (28 CFR § 22.27)

In addition, the DOJ has regulations with respect to the protection of human research subjects. See 28 CFR Part 46. In brief, 28 CFR Part 46 requires that research involving human subjects that is conducted or supported by a federal department or agency be reviewed and approved by an Institutional Review Board (IRB) in accordance with the regulations before federal funds are expended for that research. As a rule, persons who participate in federally funded research must provide their informed consent and must be permitted to terminate their participation at any time. Funding recipients, before they will be allowed to spend DOJ funds on any research activity involving human subjects, must submit appropriate documentation to the DOJ showing compliance with 28 CFR Part 46 requirements as requested by the

DOJ. The DOJ has developed a decision tree (see <https://ojp.gov/funding/Apply/Resources/ResearchDecisionTree.pdf>) to assist applicants in determining whether an activity they are planning to undertake with DOJ funds constitutes research involving human subjects.

General information regarding data confidentiality and protection of human research subjects can be found at <https://ojp.gov/funding/Explore/SolicitationRequirements/EvidenceResearchEvaluationRequirements.htm>. Applicable forms can be found at <https://www.justice.gov/tribal/open-solicitations>.

Office on Violence Against Women (OVW) recipients and subrecipients are also subject to the confidentiality requirement of the Violence Against Women Act (34 USC § 12291(b)(2)), which protects identifying information about victims served by OVW recipients and subrecipients. Applicants for OVW funds are required to submit a Confidentiality Notice Form (available at http://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality_acknowledgement_form_42015.pdf).

Conflict of interest

Recipients and subrecipients must agree to disclose in writing any potential conflict of interest affecting the awarded federal funding in accordance with 2 CFR Part 2800, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the U.S. Department of Justice, as set out at 2 CFR § 200.112.

Criminal intelligence systems (if applicable)

Recipients using federal funds under this grant program to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 CFR Part 23. An interjurisdictional criminal intelligence system is generally defined as a system that receives, stores, analyzes, and exchanges or disseminates data regarding ongoing criminal activities (such activities may include but are not limited to loan sharking, drug or stolen property trafficking, gambling, extortion, smuggling, bribery, and public corruption) and shares this data with other law enforcement jurisdictions. 28 CFR Part 23 contains operating principles for these interjurisdictional criminal information systems that protect individual privacy and constitutional rights.

If you are applying for funds to operate a single agency database (or other unrelated forms of technology) and will not share criminal intelligence data with other jurisdictions, or if you are not applying for technology funds from this award program, 28 CFR Part 23 does not apply.

Criminal penalty for false statements

False statements or claims made in connection with DOJ grants may result in fines, imprisonment, and debarment from participating in federal grants or contracts or other remedy available by law.

Debarment and suspension

Recipients must not award federal funds to any party that is debarred or suspended from participation in federal assistance programs. For details regarding the debarment and suspension requirements, please see 2 CFR part 180 (Government-wide Debarment and Suspension) and 2 CFR Part 2867 (DOJ-specific regulations.)

DOJ information technology standards (if applicable)

As appropriate, all equipment and software developed under awards that result from this solicitation must be compliant with DOJ information technology interface standards, including the National Criminal Intelligence Sharing Plan (http://it.ojp.gov/documents/National_Criminal_Intelligence_Sharing_Plan.pdf), the Global Justice XML Data Model (<http://it.ojp.gov/jxdm/>), and the Law Enforcement Information Sharing Plan. A list of additional standards can be found at the OJP Standards Clearinghouse (<http://it.ojp.gov/default.aspx?area=implementationAssistance&page=1017>).

Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information

Recipients and any subrecipients must agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or award. Recipients also must agree to provide to their employees in writing (in the predominant native language of the workforce) notification of the rights and remedies provided in 41 USC § 4712.

EPIC reporting (if applicable)

Recipients must complete and submit to the El Paso Intelligence Center (EPIC) a Form 143 for each clandestine methamphetamine laboratory that is seized and closed during the grant award period. The data compiled from the submitted EPIC forms may be used to determine the number, types, and locations of seized laboratories, as well as sources of chemicals and precursors and may be used in allocating future resources.

Federal Funding Accountability and Transparency Act subaward reporting system

Applicants receiving an award should be aware of the requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), which called for the establishment of a single searchable website (<http://www.USASpending.gov>) that is accessible by the public and includes the following information for each federal award:

- The name of the entity receiving the award
- The amount of the award
- Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action
- The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country
- A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity
- Any other relevant information specified by OMB

DOJ awarding agencies will be responsible for collecting recipients' information and providing it to the public website using data provided by recipients through the Grants Management System.

Applicants should note that all recipients of awards of \$25,000 or more under this solicitation, consistent with FFATA, will be required to report award information on any first-tier subawards totaling \$25,000 or more and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. If applicable, the FFATA Subaward Reporting System (FSRS), accessible via the Internet at www.fsrs.gov, is the reporting tool recipients under this solicitation will use to capture and report subaward information and any executive compensation data required by FFATA. The subaward information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award, furthering Federal spending transparency.

Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the applicable reporting requirements should it receive funding.

Tribes without Internet access for which this would be problematic should contact the COPS Office Response Center at 800-421-6770 to discuss alternatives.

For additional information regarding the executive compensation and subaward reporting requirements, please see Vol. 75, No. 177 (September 14, 2010) of the Federal Register at <http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf>.

Financial and government audit requirements

With respect to financial and government audit requirements, federal awards and cooperative agreements are governed by, among other provisions, the provisions applicable to federal financial assistance contained in 2 CFR Part 2800, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards by the U.S. Department of Justice.

Your DOJ awarding agency also provides information on requirements specific to the administration of awards made by that agency. These awarding agency documents contain information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. By awarding agency, the applicable awarding agency documents are listed as follows:

- **Office of Justice Programs (OJP) and Office on Violence Against Women (OVW) award recipients:** OJP and OVW award recipients must comply with the current version of the DOJ Grants Financial Guide (<https://www.justice.gov/ovw/file/1030311/download>). This document addresses critical aspects of how OJP and OVW recipients must manage and administer any grant or cooperative agreement award made under this solicitation.
- **Office of Community Oriented Policing Services (COPS Office) award recipients:** COPS Office award recipients must comply with the COPS Office Tribal Resources Grant Program owner's manual. This document addresses critical aspects of how COPS Office recipients must manage and administer any grant or cooperative agreement award made under this solicitation.

Audit requirements

Audits of state and local units of government (including Indian Tribal Governments), institutions of higher education, and other nonprofit institutions must comply with the organizational audit requirements set out in Subpart F—Audit Requirements of 2 CFR Part 200, which states, in relevant part, that a recipient that expends \$750,000 or more of federal funds during the recipient's fiscal year is required to submit an audit report for that year to the Federal Audit Clearinghouse within nine months after the close of each fiscal year during the term of the award.

Reporting requirements

Recipients must comply with the following reporting requirements:

Federal Financial Reports

- **OJP and OVW award recipients:** Recipients must submit financial reports using the SF-425 form quarterly by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the grant award end date. Recipients may file SF-425 forms through the Grants Management System (GMS). Grant recipients that do not submit SF-425 reports by the due date will be unable to draw down funds.

- **COPS Office award recipients:** Recipients must submit financial reports using the SF-425 form by the 30th day following the end of each calendar quarter, and a final report is due 90 days following the grant award end date. Recipients that do not submit SF-425 reports by the due date will be unable to draw down funds.

Program Progress Reports

- **OJP awards:** Recipients are required to submit progress reports throughout the period of performance. In most cases, award conditions require recipients to submit semiannual progress reports within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. Recipients should submit progress reports through GMS using the “Application” module. Recipients may address questions to the GMS Help Desk at 888-549-9901.
- **COPS Office awards:** Recipients must submit periodic program progress reports and a final progress report. The COPS Office will notify the award recipient when the progress report is due and provide instructions for submission.
- **OVW awards:** Recipients must submit semiannual program progress reports and a final progress report using specific forms provided by OVW. Reports are due within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. Recipients should submit progress reports through GMS. For sample forms and instructions, see <https://www.vawamei.org/grant-program/tribal-governments-program/>.

For-profit organizations

For-profit organizations that receive award funds should be aware that additional special conditions are placed on awards to such organizations. Among other things, commercial organizations must agree not to make a profit as a result of an award and not to charge a management fee for the performance of an award. Also, commercial organizations must agree to comply with the contract cost principles of subpart 31.2 of the Federal Acquisition Regulations.

Government Performance and Results Act (GPRA)

The funding recipient agrees to collect data (on a quarterly, semiannual, or annual basis, as requested) appropriate for facilitating reporting requirements established by Public Law 103-62 for the Government Performance and Results Act. The funding recipient will ensure that valid and auditable source documentation is available to support all data collected for each performance measure specified in the program solicitation.

Mandatory disclosure

Recipients and subrecipients must timely disclose in writing to the federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. A recipient must also report certain civil, criminal, or administrative proceedings in SAM, if it received an award with the Term and Condition for Recipient

Integrity and Performance Matters as set out in 2 CFR Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 CFR § 200.338.

National Environmental Policy Act (if applicable)

All awards are subject to the National Environmental Policy Act (NEPA) and other related federal laws, if applicable. (42 USC § 4321 et seq.) The DOJ has established procedures to implement NEPA. See 28 CFR Part 61. The regulations state, in relevant part, that

all federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision making and to prepare detailed environmental statements on . . . major federal actions significantly affecting the quality of the human environment. (28 CFR § 61.1.)

Under the regulations, the DOJ, among other things, is required to “[c]onsider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for [U.S.] Department [of Justice] action[.]” (28 CFR § 61.6.)

The DOJ must comply with NEPA and 28 CFR Part 61, including appendix D to Part 61. For many projects that are funded by the DOJ, the project activities may be such that there may be few (or no) actions required of the recipient to assist the DOJ in complying with NEPA. However, if the DOJ funds will be used, for example, to pay for renovation projects or new construction, programs involving the use of chemicals, or any other activity—including research and technology development—that may have an effect on the environment, at a minimum the funding recipient must provide a full description of proposed project activities to the DOJ and an Environmental Assessment must be prepared. Prior to allowing a recipient to spend funds for such a project, the DOJ awarding agency must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

Nonprofit organizations

For the CTAS, the DOJ’s policy is that an organization can demonstrate its nonprofit status in any one of four methods consistent with 28 CFR § 38.5(g):

1. Submission of proof of 501(c)(3) status from the Internal Revenue Service
2. Submission of a statement from the state or tribal taxing authority or state secretary of state or other similar official certifying that the organization is a nonprofit operating within the jurisdiction and that no part of its net earnings may lawfully benefit any private shareholder or individual
3. Submission of a certified copy of the organization’s certificate of incorporation or similar document demonstrating nonprofit status
4. Submission of any item above, if that item applies to a state or national parent organization, together with a statement by the state or parent organization that the applicant is a local nonprofit affiliate

Nonsupplanting of state and local funds

Generally, recipients must use federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose. Specific program requirements, however, may vary with regard to treatment of supplanting. For example, programs may have specific statutory prohibitions regarding supplanting or may permit the supplementation of existing nonfederal resources with federal funds under specified circumstances. For programs that prohibit supplanting, potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of current and future funds under DOJ-funded programs, suspension or debarment from federal grants, recoupment of monies provided under DOJ-funded grants, and civil or criminal penalties. For additional guidance regarding supplanting, including DOJ program-specific examples, refer to the Supplanting Guidance FAQ located at <https://www.justice.gov/tribal/open-solicitations>. Purpose Area #5 applicants should include a letter of nonsupplanting in their application as described in the solicitation.

Prohibited conduct by recipient and subrecipients related to trafficking in persons

During the period of time that the award is in effect, any recipient or subrecipient (“subgrantee”) that is a private entity, and the employees of any recipient or subrecipient that is a private entity, may not engage in any of the following:

- a. Severe forms of trafficking in persons as defined in 22 USC § 7102(9)
- b. Procurement of a commercial sex act
- c. Use of forced labor in the performance of the award or any subaward (“subgrant”) under the award
- d. Acts that directly support or advance trafficking in persons, including acts such as
 - (i) denying an employee access to the employee’s own identity or immigration documents (including by destroying or confiscating such documents);
 - (ii) without legally-sufficient justification as determined by the DOJ, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - (iii) using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;
 - (iv) charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited;
 - (v) Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.

Reporting fraud, waste, or abuse under federal awards

Recipients and any subrecipients must promptly refer to the DOJ Office of the Inspector General any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has (1) submitted a claim for award funds that violates the False Claims Act or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Grantees should make such reports by contacting:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
1425 New York Avenue, NW
Suite 7100
Washington, DC 20530

Hotline: (contact information in English and Spanish): (800) 869-4499 (phone) or (202) 616-9881 (fax)

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

Reporting of matters related to recipient integrity and performance

If the total value of the recipient entity's currently active awards, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipient entity during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings. See 41 USC 2313. As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for federal procurement contracts, will be publicly available.

Research and evaluation independence and integrity (if applicable)

If an application proposes research (including research and development) or evaluation, the applicant must demonstrate research or evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant must demonstrate independence and integrity regarding both this proposed research or evaluation and any current or prior related projects.

Each application should include an attachment that addresses both 1 and 2 in the following:

5. For purposes of this solicitation, each applicant is to document research and evaluation independence and integrity by including one of the following two items:
 - a. A specific assurance that the applicant has reviewed its application to identify any actual or potential apparent conflicts of interest (including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients) and that the applicant has identified no such conflicts of interest—whether personal or financial or organizational (including on the part of the applicant entity or on the part of staff, investigators, or subrecipients)—that could affect the independence or integrity of the research, including the design, conduct, and reporting of the research.

OR

- b. A specific description of actual or potential apparent conflicts of interest that the applicant has identified—including through review of pertinent information on the principal investigator, any co-principal investigators, and any subrecipients—that could affect the independence or integrity of the research, including the design, conduct, or reporting of the research. These conflicts may be personal (e.g., on the part of investigators or other staff), financial, or organizational (related to the applicant or any subrecipient entity). Some examples of potential investigator (or other personal) conflict situations are those in which an investigator would be in a position to evaluate a spouse's work product (actual conflict) or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization would not be given an award to evaluate a project if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by the DOJ or other sources), because the organization in such an instance might appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.
6. In addition, for purposes of this solicitation, each applicant is to address possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:
 - a. If an applicant reasonably believes that no actual or potential apparent conflicts of interest (personal, financial, or organizational) exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. The applicant must also include an explanation of the specific processes and procedures that the applicant has in place or will put in place to identify and prevent (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation

that may be helpful in this regard may include organizational codes of ethics or conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

OR

- b. If the applicant has identified actual or potential apparent conflicts of interest (personal, financial, or organizational) that could affect the independence and integrity of the research, including the design, conduct, or reporting of the research, the applicant must provide a specific and robust mitigation plan to address each of those conflicts. At a minimum, the applicant is expected to explain the specific processes and procedures that the applicant has in place or will put in place to identify and eliminate (or, at the very least, mitigate) any such conflicts of interest pertinent to the funded project during the period of performance. Documentation that may be helpful in this regard may include organizational codes of ethics or conduct and policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

The DOJ will assess research and evaluation independence and integrity based on considerations such as the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff or the applicant entity (and any subrecipients) in carrying out the research, development, or evaluation activity and the adequacy of the applicant's existing or proposed remedies to control any such factors.

Restrictions regarding internal confidentiality agreements

No recipient or subrecipient that receives an award under this solicitation or entity that receives a contract or subcontract with any funds awarded under this solicitation may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

Rights in intellectual property

The DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of federal funds. See 2 CFR § 200.315 and 37 CFR Part 401.

Suspension or termination of funding

DOJ awarding agencies may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

- Failing to comply substantially with the requirements or statutory objectives of the appropriate act, program guidelines issued thereunder, or other provisions of federal law
- Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application
- Failing to adhere to the requirements in the agreement, standard conditions, or special conditions
- Implementing substantial plan changes without the express prior written approval of the awarding agency to the extent that, if originally submitted, the application would not have been selected for funding
- Failing to submit reports in a timely manner
- Filing a false certification in this application or other report or document

Before imposing sanctions, the respective DOJ awarding agency will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations in 28 CFR Part 18.

Awards terminated due to noncompliance with the federal statutes, regulations, or award terms and conditions will be reported to the integrity and performance system accessible through the System for Award Management (SAM) [currently the Federal Awardee Performance and Integrity Information System (FAPIIS)].

Training guiding principles for recipients and subrecipients (if applicable)

Any training or training materials developed or delivered with grant funding provided by the DOJ is to adhere to the following guiding principles.

- **Trainings must comply with applicable law.** In developing and conducting award-funded training, recipients (and any subrecipients) shall not violate the Constitution or any federal law or regulation, including those prohibiting discrimination.
- **The content of trainings and training materials must be accurate, appropriately tailored, and focused.** The content of training programs must be accurate, useful to those being trained, and well matched to the program's stated objectives. Training materials used or distributed at trainings must be accurate, relevant, and consistent with these guiding principles.

- **Trainers must be well qualified in the subject area and skilled in presenting it.** Trainers must possess the subject matter knowledge and the subject-specific training experience necessary to meet the objectives of the training. In selecting or retaining a trainer, recipients (or subrecipients) should consider such factors as the trainer’s resume and written materials, interviews with the trainer, observation of other trainings conducted by the trainer, feedback from other entities with which the trainer has worked, training participant feedback and evaluations, and the general reputation of the trainer.
- **Trainers must demonstrate the highest standards of professionalism.** Trainers must comport themselves with professionalism. While trainings will necessarily entail varying teaching styles, techniques, and degrees of formality, as appropriate to the particular training goal, professionalism demands that trainers instruct in the manner that best communicates the subject matter while conveying respect for all.

Unreasonable restrictions on competition under the award; association with Federal Government

No recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity’s status as an “associate of the federal government” (or on the basis of such person or entity’s status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by DOJ.