



Homeland Security

Chapter 6: Financial Assistance

Section 6.1 – CFO Authority for Financial Assistance and Oversight

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Introduction

This policy outlines the authority of the Department of Homeland Security (DHS) Chief Financial Officer (CFO) over financial assistance policy and oversight.

Responsibilities

1. DHS Chief Financial Officer

The DHS CFO has authority over the financial accountability and internal control of DHS finances including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Component/Program Offices

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

The Secretary of Homeland Security has tasked the Under Secretary for Management (USM) with oversight responsibility for financial assistance programs (through [Delegation 0201.1](#)). Subsequently, the USM issued [Delegation 01000](#), which delegated authority for development of financial assistance policy, the oversight functions of which have also been delegated to the DHS CFO.

The policy and oversight functions, in tandem with internal control procedures implemented by **Components** and **awarding offices**, work to provide reasonable assurances of DHS's compliance with statutes and regulations associated with the financial assistance management lifecycle process.

To ensure compliance, the CFO is committed to working with Component and awarding office staff to develop and issue policies that reflect statutory and regulatory requirements and set reasonable standards for all phases of the financial assistance management lifecycle process. In order to strengthen and unify DHS operations and management among the financial assistance award community, the CFO will institute standard, agreed-upon policies for all phases of the financial assistance award process and post them for the reference of internal and external stakeholders.

CFO will develop oversight procedures to assist Components and awarding offices in the development of best practices throughout the financial assistance

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award process. Oversight in this context is viewed as positive activities that will enhance rather than disrupt or interfere with operational aspects of financial assistance management. In addition, this activity will contribute to continuous growth and development operationally and will facilitate staff professional development.

Authorities and References

Authorities

[DHS Delegation 0201.1](#), *Delegation to the Under Secretary for Management*

[DHS Delegation 01000](#), *Delegation to the Chief Financial Officer of Financial Assistance Policy and Oversight*

Public Law (Pub. L.) 101-576, [Chief Financial Officers \(CFO\) Act of 1990](#)

Pub. L. 107-296, [Homeland Security Act of 2002](#)

References

[Office of Management and Budget \(OMB\) Circular A-50](#), *Audit Follow-Up*

[OMB Circular A-102](#), *Grants and Cooperative Agreements with State and Local Governments* (REVISED 10/7/94, as further amended 8/29/97) Common Rule at [44 Code of Federal Regulations \(CFR\) Part 13](#), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”

[OMB Circular A-110](#), *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* ([2 CFR Part 215](#))

[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

[OMB Circular A-133](#), *Audits of States, Local Governments, and Non-Profit Organizations*

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FAPO	Financial Assistance and Policy Oversight
OMB	Office of Management and Budget
USM	Under Secretary for Management

Term	Definition
awarding office	An office that has the authority to execute and manage grants and other financial assistance awards to non-Federal entities.
Component/ program office	An entity within DHS that has the authority to administer programs under grants and other types of financial assistance awards to non-Federal entities.



Homeland Security

Part 6.1.1 – Financial Assistance Award Standard Terms and Conditions

The Department of Homeland Security (DHS) is finalizing policy on financial assistance award standard terms and conditions. The guidance below is to be used as a reference until the comprehensive DHS policy is issued.

DHS requires standard terms and conditions approved by the Division of Financial Assistance Policy and Oversight (FAPO) to be applied to all financial assistance awards.

Beginning in FY 2011, awarding offices must include the standard award terms and conditions contained in Appendix A for all funding opportunity announcements, program guidance, and awards for financial assistance.

Appendix A. Standard Terms and Conditions

The administrative requirements that apply to most DHS award recipients through a grant or cooperative agreement arise from two sources:

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

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

The four costs principles circulars are as follows:

- [OMB Circular A-21](#), *Cost Principles for Educational Institutions*, relocated to 2 CFR Part 220.
- [OMB Circular A-87](#), *Cost Principles for State, Local, and Indian Tribal Governments*, relocated to 2 CFR Part 225.
- [OMB Circular A-122](#), *Cost Principles for Non-Profit Organizations*, relocated to 2 CFR Part 230.
- [OMB Circular A-133](#), *Audits of States, Local Governments and Non-Profit Organizations*.

Civil Rights Act of 1964

All recipients of financial assistance will comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([42 U.S.C. § 2000d et seq.](#)), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Civil Rights Act of 1968

All recipients of financial assistance will comply with Title VIII of the *Civil Rights Act of 1968*, which prohibits recipients from discriminating in the sale, rental, financing, and

advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex ([42 U.S.C. § 3601 et seq.](#)), as implemented by the Department of Housing and Urban Development at [24 CFR Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—*i.e.*, the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see [24 CFR § 100.201](#)).

Americans with Disabilities Act of 1990

All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities ([42 U.S.C. §§ 12101–12213](#)).

Age Discrimination Act of 1975

All recipients of financial assistance will comply with the requirements of the *Age Discrimination Act of 1975* ([42 U.S.C. § 6101 et seq.](#)), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)

All recipients of financial assistance will comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at [44 CFR Part 19](#).

Rehabilitation Act of 1973

All recipients of financial assistance will comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, [29 U.S.C. § 794](#), as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

Limited English Proficiency (Civil Rights Act of 1964, Title VI)

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

Animal Welfare Act of 1966

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

Clean Air Act of 1970 and Clean Water Act of 1977

All recipients of financial assistance will comply with the requirements of 42 U.S.C. § 7401 *et seq.* and [Executive Order 11738](#), which provides for the protection and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.

Protection of Human Subjects

All recipients of financial assistance will comply with the requirements of the Federal regulations at [45 CFR Part 46](#), which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, [Protection of Human Subjects](#), prior to implementing any work with human subjects. For purposes of [45 CFR Part 46](#), research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research

for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by [45 CFR Part 46](#).

National Environmental Policy Act (NEPA) of 1969

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

National Flood Insurance Act of 1968

All recipients of financial assistance will comply with the requirements of Section 1306(c) of the *National Flood Insurance Act*, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at [44 CFR Part 63](#).

Flood Disaster Protection Act of 1973

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

Coastal Wetlands Planning, Protection, and Restoration Act of 1990

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

USA Patriot Act of 2001

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

Trafficking Victims Protection Act of 2000

All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended ([22 U.S.C. § 7104](#)), located at [2 CFR Part 175](#). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007.

In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient —

- (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect;
- (b) Procures a commercial sex act during the period of time that the award is in effect; or

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- (c) Uses forced labor in the performance of the award or subawards under the award.

Full text of the award term is provided at [2 CFR § 175.15](#).

Drug-Free Workplace Regulations

All recipients of financial assistance will comply with the requirements of the *Drug-Free Workplace Act of 1988* ([412 U.S.C. § 701 et seq.](#)), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at [44 CFR Part 17](#).

Fly America Act of 1974

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

Lobbying Prohibitions

None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found at [31 U.S.C. § 1352](#).

Activities Conducted Abroad

All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

Acknowledgement of Federal Funding from DHS

All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Copyright

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

Use of DHS Seal, Logo and Flags

All recipients of financial assistance must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

DHS Specific Acknowledgements and Assurances

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

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.

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

The United States has the right to seek judicial enforcement of these obligations.



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Section 6.2 – Official Award and Program Files

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Introduction

This policy outlines the Department of Homeland Security (DHS) policy on the development and implementation of official programmatic and award files.

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control of DHS finances, including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Component/Program Offices

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

General documentation related to program-wide decisions and documentation related to individual **grant** and **cooperative agreement** awards will be created or generated during the financial assistance process.

Financial assistance award file information is used to manage the award, disputes, litigation, audits, reports to Congress, Freedom of Information requests, and all other official purposes during the life cycle of the assistance award.

DHS **Components** and **awarding offices** must maintain files that allow a third party (e.g., auditor or other reviewer) to review documentation of the financial assistance award.

Awarding offices must maintain two types of official files throughout a financial assistance award life cycle, the official program file and the official financial assistance award file.

1. The Official Program File

The official program file contains all information pertaining to the development and execution of the financial assistance program. The file includes all documentation related to:

- a. Program statute and regulations.

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- b. Program guidance.
- c. Internal DHS approvals.
- d. Annual Catalog of Federal Domestic Assistance (CFDA) program description updates.
- e. Schedule of milestones for receipt, review, and award of applications received.
- f. Funding information.
- g. Justifications and approvals for waivers and deviations.
- h. Funding Opportunity Announcement and other information on the announcement of the program.
- i. Summary information on the applications received.
- j. Review procedures.
- k. Award selection information, including rank order for funding, if applicable.
- l. Pre- and post-award correspondence.

2. The Official Financial Assistance Award File

The official award file contains all records associated with administrative, financial, and program activities relating to a specific financial assistance award. The awarding offices are responsible for maintaining an official award file for each award issued. A program office may also maintain files for each specific award. The file includes all documentation related to:

- a. Original application documents.
- b. Certification and assurances.
- c. Budget or cost analysis.
- d. Record of negotiation, if any.
- e. Funding approvals.
- f. Official award documents and Notice of Award, including terms and

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conditions and all amendments.

- g. Pre-award, post-award, and closeout correspondence.
- h. Internal and external reports.
- i. Comments received under [Executive Order 12372](#), if applicable.
- j. Closeout documents.

Once the award is closed, the official file must be retained in accordance with the National Archives and Records Administration Act regulations at Title 36, Code of Federal Regulations, [Part 1220.2](#). If any litigation, claim, negotiation, audit or other action involving the records has been initiated before the expiration of the retention period, the records must be retained until completion of the action and resolution of all issues, or until the end of the required retention period, whichever is later.

Authorities and References

Authorities

[36 CFR Part 1220](#), “Federal Records; General”

[DHS Delegation 01000](#), *Delegation to the Chief Financial Officer of Financial Assistance Policy and Oversight*

[Executive Order 12372](#), *Intergovernmental Review of Federal Programs*

[Office of Management and Budget \(OMB\) Circular A-102](#), *Grants and Cooperative Agreements with State and Local Governments* (REVISED 10/7/94, as further amended 8/29/97) Common Rule at [44 CFR Part 13](#), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”.

[OMB Circular A-110](#), *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* ([2 CFR Part 215](#))

[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

References

[OMB Circular A-133](#), “Audits of States, Local Governments, and Non-Profit Organizations”

Public Law (Pub. L) 101-576, [Chief Financial Officers \(CFO\) Act of 1990](#)

Pub. L. 107-296, [Homeland Security Act of 2002](#)

[Single Audit Acts of 1984 and 1996](#), Title 31, United States Code, Chapter 75

[The Antideficiency Act](#), 31 U.S.C. §1341

[The Federal Grant and Cooperative Agreement Act of 1977](#), 31 U.S.C. §§ 6301–6308, “Using Procurement Contracts and Grants and Cooperative Agreements”

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
CFDA	Catalog of Federal Domestic Assistance
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FAPO	Financial Assistance and Policy Oversight
OMB	Office of Management and Budget
U.S.C.	United States Code

Terms	Definition
assistance	The transfer by an agency of anything of value for a public purpose of support or stimulation authorized by a law of the United States, including financial assistance; U.S. Government facilities, services, and property; expert and technical information. The term does not include conventional public information services or procurement of property or services for the direct benefit or use of the Government.
awarding office	An office that has the authority to execute and manage grants and other financial assistance awards to non-Federal entities.
Component/ program office	An entity within DHS that has the authority to administer programs under grants and other types of financial assistance awards to non-Federal entities.

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cooperative agreement (CA)	A legal instrument of financial assistance between an agency and a recipient that, consistent with 31 U.S.C. §§ 6302 and 6306, is used to enter into a relationship the principal purpose of which is to transfer anything of value from the agency to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States. It is distinguished from a grant in that it provides for substantial involvement between the agency and the recipient in carrying out the activity contemplated by the award.
grant	A legal instrument of financial assistance between an agency and a recipient that, consistent with 31 U.S.C. §§ 6302 and 6304, is used to enter into a relationship the principle purpose of which is to transfer anything of value from the agency to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States and not to acquire property or services for the Government's direct benefit or use. It is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the agency and the recipient in carrying out the activity. The term does not include an agreement that provides only direct U.S. Government cash assistance to an individual; a subsidy; a loan; a loan guarantee; or insurance.



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Section 6.3 – Grants.gov FIND and APPLY

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Introduction

This document establishes the policy for the posting and receipt of Department of Homeland Security (DHS) financial assistance **funding opportunity announcements**, announcement updates, application packages, and financial assistance award applications through the government-wide **Grants.gov** FIND and APPLY Web site. This policy incorporates requirements of Office of Management and Budget (OMB) Memorandum M-04-01, [OMB Issues Grants.gov FIND policy](#).

Responsibilities

1. *DHS Chief Financial Officer (CFO)*

The DHS CFO has authority over the financial accountability and internal control of DHS finances, including grants and assistance agreements.

2. *Division of Financial Assistance Policy and Oversight (FAPO)*

The FAPO division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. *Component/Program Offices*

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. *Awarding Offices*

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

All Federal agencies are required to post synopses of their discretionary grant and cooperative agreement funding opportunity announcements and modifications to the announcements at Grants.gov—or a Web site/Internet address identified by OMB—using the standard data elements and format.

In addition, DHS requires posting of:

- a. All program guidance and funding opportunity announcements to Grants.gov.
- b. All discretionary grant and cooperative agreement program guidance and announcements to Grants.gov FIND and APPLY.

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- c. All nondiscretionary grant and cooperative agreement programs (formula and earmarks) to Grants.gov APPLY.

Components and awarding offices without posting rights must coordinate with FAPO to ensure timely announcement and application package postings on the Grants.gov Web site. Any deviations from this policy require a written waiver from the FAPO division.

1. Exemptions

Under [OMB Memorandum M-04-01](#), the following types of programs and announcements may be exempt from this policy:

- a. Programs that only publish funding opportunities in the [Catalog of Federal Domestic Assistance](#) (CFDA).
- b. Announcements of funding opportunities for awards less than \$25,000 for which 100 percent of eligible applicants live outside of the United States.
- c. Single-source announcements of funding opportunities issued by an agency that are specifically directed to a known recipient.

Components and awarding offices must direct all requests for exemption to the FAPO division.

2. Broad Agency Announcements

[Broad agency announcements](#) (BAAs) that include potential funding of a grant or other type of assistance must also be posted on Grants.gov FIND when posted on the [FedBizOpps](#) Web site. BAA postings to Grants.gov should be in synopsis form and should include a link to FedBizOpps.

3. Federal Register Posting Requirements

When required by statute or regulation, announcements of funding opportunities must also be published in the [Federal Register](#). Unless OMB has granted an exemption, applications in response to discretionary funding opportunities announced in the *Federal Register* must be submitted through Grants.gov APPLY.

4. *Standard Data Elements*

Announcements must be developed in accordance with the Government-wide requirements described in OMB's June 23, 2003, Office of Federal Financial Management [Policy Directive on Financial Assistance Program Announcements; Standard Data Elements and Government-Wide Guidance for Electronically Posting Synopses at Grants.gov FIND.](#)

Authorities and References

Authorities

Public Law (Pub. L.) 101-576, [Chief Financial Officers Act of 1990](#)

Pub. L. 107-296, [Homeland Security Act of 2002](#)

Title 31, U.S. Code, Sections 6101–6106, "[Program Information](#)"

References

[Federal Register Notice, June 23, 2003, Vol. 68, No. 120](#), *OMB Office of Federal Financial Management Policy Directive on Financial Assistance Program Announcements; Standard Data Elements and Government-Wide Guidance for Electronically Posting Synopses at Grants.gov FIND*

[OMB Circular A-89](#), *Federal Domestic Assistance Program Information*

[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

[OMB Memorandum M-04-01](#), *OMB Issues Grants.gov FIND Policy*

Glossary

Acronym	Definition
BAA	broad agency announcement
CFDA	Catalog of Federal Domestic Assistance
CFO	Chief Financial Officer
DHS	Department of Homeland Security
FAPO	Financial Assistance Policy and Oversight
OMB	Office of Management and Budget

Term	Definition
broad agency announcement (BAA)	A general announcement of an agency’s research interest, including criteria for selecting proposals and soliciting the participation of all offerors capable of satisfying the Government’s needs.
Catalog of Federal Domestic Assistance (CFDA)	The single, authoritative, Government-wide, comprehensive source document of Federal domestic assistance program information produced by the Executive Branch of the Federal Government. The catalog is a guide to all domestic assistance programs and activities regardless of dollar size or duration.
FedBizOps	FedBizOpps is the single Government-wide point of entry for Federal Government procurement opportunities of more than \$25,000. Government buyers are able to publicize their business opportunities by posting information directly to FedBizOpps. Through one portal, commercial vendors seeking Federal markets for their supplies (products) and services can search, monitor, and retrieve opportunities solicited by the Federal contracting community.
<i>Federal Register</i>	Published by the Office of the Federal Register, National Archives and Records Administration, the <i>Federal Register</i> is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations as well as executive orders and other presidential documents.

Section 6.3 – Grants.gov Find and Apply

funding opportunity announcement	A publicly available document by which a Federal agency makes known its intentions to award discretionary grants or cooperative agreements, usually as a result of competition for funds. Funding opportunity announcements may be known as program announcements, notices of funding availability, solicitations, or other names depending on the agency and type of program. Funding opportunity announcements can be found at the Grants.gov/FIND link and on the Internet at the funding agency's or program's Web site.
Grants.gov	A storefront Web portal for use in electronic collection of data (forms and reports) for Federal grant-making agencies through the Grants.gov Web site.
Office of Management and Budget (OMB)	The Executive Office of the President responsible for the review of Federal agency regulations and approval of specified statutorily required notifications to congressional appropriations committees.



Homeland Security

Chapter 6: Financial Assistance

Section 6.4 – Cost Share and Match Requirements for Financial Assistance Awards

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Introduction

This policy establishes guidelines for the use and administration of cost share and match requirements for grants or other assistance awards for the Department of Homeland Security (DHS).

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control of DHS finances, including grants and assistance agreements.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Component/Program Offices

The Component and program offices (hereinafter referred to as **Components**) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. Awarding Offices

The **awarding offices** take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

- a. DHS will ensure that requirements for **cost share and match** are fully implemented and administered in accordance with statute, regulation, and policy or guidance.
- b. DHS will include cost share or match requirements under a financial assistance program if required by statute, regulation, policy, or guidance.
- c. Cost share and match requirements must be included:
 - 1) In the funding opportunity announcement, and
 - 2) In a term and condition of award.
- d. The funding opportunity announcement and the terms and conditions of an award must contain the consequences of not meeting the cost share or match requirements.
- e. The total amount of the award, including Federal and non-Federal contributions, must be included on the **notice of award**.
- f. Cost share or match requirements may be met either by cash or in-kind contributions (including third-party contributions) as prescribed by statute, regulation, policy, or guidance.

Section 6.4 – Cost Share and Match Requirements for Financial Assistance Awards

- g. Regardless of whether the cost share or match requirement is a **cash contribution** or an **in-kind contribution**, it must:
 - 1) Be an allocable and allowable cost under the appropriate cost principles and program eligibility requirements.
 - 2) Provide direct support for the program or project for which funds were awarded.
 - 3) Be made within the performance period of the award.
 - 4) Be supported by source documentation.
 - 5) Be consistently treated by the recipient.
 - 6) Not be included as a cost or used to meet cost share or match requirements for another Federal award unless authorized by statute.
- h. Awarding offices must monitor awards to ensure that cost share or match amounts are applied at the appropriate time and in proportion to the obligation or use of Federal funds unless otherwise required by statute or regulation.
- i. Component and awarding offices must provide oversight to ensure that recipients and sub-recipients document the source, amount, and recipient use of match and cost share contributions.
- j. Cost share and match contributions are subject to the same audit requirements as Federal funds under an award.

Authorities and References

Authorities

[Office of Management and Budget \(OMB\) Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*](#) (REVISED 10/7/94, as further amended 8/29/97), Common Rule at [44 Code of Federal Regulations \(CFR\) Part 13](#), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”

[OMB Circular A-110, *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*](#) ([2 CFR Part 215](#))

References

[31 U.S.C. § 1341](#), “Limitations on expending and obligating amounts” (*The Antideficiency Act*)

[31 U.S.C §§ 6301–6308](#), “Using Procurement Contracts and Grants and Cooperative Agreements” (The Federal Grant and Cooperative Agreement Act of 1977)

31 U.S.C. Chapter 75, “[Single Audit Acts of 1984 and 1996](#)”

Government Accountability Office, “Principles of Federal Appropriations Law,” ([Red Book](#)). 3d., Vol. II (September 2008)

[OMB Circular A-89](#), *Federal Domestic Assistance Program Information*

[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

[OMB Circular A-133](#), *Audits of States, Local Governments, and Non-Profit Organizations*

Public Law (Pub. L.) 107-296, [Homeland Security Act of 2002](#)

Pub. L. 101-576, [The Chief Financial Officers \(CFO\) Act of 1990](#)

Section 6.4 – Cost Share and Match Requirements for Financial Assistance Awards

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FAPO	Financial Assistance and Policy Oversight
OMB	Office of Management and Budget
U.S.C.	United States Code

Term	Definition
awarding office	An office that has the authority to execute and manage grants and other assistance awards to non-Federal entities.
cash contribution	The awardees' cash outlay, including the outlay of money contributed to the awardees or subawardees by other public agencies and institutions, and private organizations and individuals. When authorized by Federal legislation, Federal funds received from other assistance agreements may be considered as awardee or subawardee cash contributions.
Component/ program office	An entity within DHS that has the authority to administer programs under grant and other types of financial assistance awards to non-Federal entities.
cost share or match	The portion of project costs not borne by Federal funds, which may include cash or in-kind contributions. <ol style="list-style-type: none"> 1. <i>Cost share</i> refers to any assistance agreement in which the recipient shares in the costs of a project

Section 6.4 – Cost Share and Match Requirements for Financial Assistance Awards

	<p>other than required “match.”</p> <p>2. <i>Match</i> refers to a required percentage of program or project costs that must be contributed by a recipient in order to be eligible for Federal funding or reimbursement of costs. This requirement may either be stated as a specified or minimum non-Federal percentage of total allowable costs or a maximum Federal percentage of participation in such costs.</p>
in-kind contribution	<p>The value of non-cash contributions (i.e., property or services) that:</p> <ol style="list-style-type: none"> 1. Benefit a Federally assisted project or program; and, 2. Are contributed by non-Federal third parties, without charge, to a recipient, subrecipient, or cost-type contractor under the award.
notice of award	<p>The official document that establishes a legally binding agreement between DHS and a non-Federal recipient for support of a grant, cooperative agreement, or other type of assistance award. It contains or references terms and conditions of the award and provides the documentary basis for the obligation of Federal funds in DHS financial systems.</p>



Homeland Security

Chapter 6: Financial Assistance

Section 6.5 – Congressional Notification for Financial Assistance Awards

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Introduction

This section establishes Department of Homeland Security (DHS) policy for financial assistance award notification to congressional offices and congressional appropriations committees.

Responsibilities

1. *DHS Chief Financial Officer (CFO)*

The DHS CFO has authority over the financial accountability and internal control of DHS finances, including financial assistance awards.

2. *Division of Financial Assistance Policy and Oversight (FAPO)*

The FAPO division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. *Component and Program Offices*

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. *Awarding Offices*

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

5. *Office of Legislative Affairs (OLA)*

OLA is responsible for transmission of award information to congressional offices.

6. *DHS Office of Security*

The Office of Security is responsible for review and clearance of security information.

Policy

1. Congressional Offices Notification

As part of its stewardship responsibilities, DHS will inform congressional offices of awards made to constituents in their congressional districts. Through the DHS OLA, **Components** or **awarding offices** will provide timely notification to interested congressional offices regarding the execution of new awards, regardless of the amount, including real property or equipment awards and any **continuation awards** totaling \$1 million or more. OLA will transmit the information to interested congressional offices, unless OLA has authorized the program office in writing to notify congressional offices directly. An interested congressional office in this context refers to a member of the United States House of Representatives or the Senate in whose jurisdiction an award is made.

2. Congressional Appropriations Committees Notification

DHS will provide notification no later than three full **business days** prior to award, to congressional appropriations committees as required by annual DHS appropriations acts. Notifications can include briefings on program or **project allocations, grants, cooperative agreements**, and other types of financial assistance awards totaling \$1 million or more, including **real property** or **equipment** awards.

- a. Prior to execution of an award totaling \$1 million or more, Components or their awarding offices will:
 - 1) Submit the information to the CFO Budget Office, which is responsible for submission of this information to the congressional appropriations committees.
 - 2) Verify notification has taken place prior to issuing an award, program guidance, or a specific program allocation.
 - 3) Coordinate with the CFO Budget Office if required by statute to conduct appropriations committee briefings.
- b. Award, program or project information that is classified or includes **classified** and **sensitive information** must be handled in accordance with [Executive Order 12958](#) or Title 49, Code of Federal Regulations (CFR), [Part 1520](#), in coordination with the DHS Office of Security.

Authorities and References

Authorities

[DHS Delegation 01000, “Delegation to the Chief Financial Officer of Financial Assistance Policy and Oversight”](#)

References

[44 CFR Part 13, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments \(including Federally recognized Indian Tribal Governments\)”](#)

[49 CFR Part 1520, “Protection of Sensitive Security Information”](#)

[Executive Order 12958, Classified National Security Information, as Amended](#)

[Office of Management and Budget \(OMB\) Circular A-50, Audit Follow-up](#)

[OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments](#) (REVISED 10/7/94, as further amended 8/29/97). Common Rule at [44 CFR Part 13](#), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”.

[OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations \(2 CFR Part 215\)](#)

[OMB Circular A-123, Management’s Responsibility for Internal Control](#)

[OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations](#)

Public Law (Pub. L.) 107-296, [Homeland Security Act of 2002](#)

Pub. L. 101-576, [Chief Financial Officers Act of 1990](#)

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FAPO	Financial Assistance and Policy Oversight
OLA	Office of Legislative Affairs
OMB	Office of Management and Budget

Term	Definition
awarding office	An office that has the authority to execute and manage grants and other financial assistance awards to non-Federal entities.
business day	Monday through Friday from 8:00 a.m. to 5:00 p.m. A business day does not include a partial day, weekends, Federal government closures or national holidays.
classified information (classified national security information)	Information that has been determined, pursuant to Executive Order 12958, as amended, or any predecessor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
Component/ program office	An entity within DHS that has the authority to administer programs under grants and other types of financial assistance awards to non-Federal entities.
continuation program	A program that has statutory authority to continue executing assistance awards as long as appropriation authority is provided.

Section 6.5 – Congressional Notification for Financial Assistance Awards

cooperative agreement	A legal instrument of financial assistance between an agency and a recipient that, consistent with 31 U.S.C. §§ 6302 and 6306, is used to enter into a relationship the principal purpose of which is to transfer anything of value from the agency to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States. It is distinguished from a grant in that it provides for substantial involvement between the agency and the recipient in carrying out the activity contemplated by the award.
equipment	Tangible, nonexpendable, personal property having a useful life of more than one year, an acquisition cost of \$5,000 or more per unit, except where explicitly stated otherwise.
grant	A legal instrument of financial assistance between an agency and a recipient that, consistent with 31 U.S.C. §§ 6302 and 6304, is used to enter into a relationship the principle purpose of which is to transfer anything of value from the agency to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States and not to acquire property or services for the Government's direct benefit or use. It is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the agency and the recipient in carrying out the activity. The term does not include an agreement that provides only direct U.S. Government cash assistance to an individual; a subsidy; a loan; a loan guarantee; or insurance.
program/project allocation	The amount of funding or other resources allocated to a program or project based on statute.
real property	Land, including land improvements, structures, and appurtenances. It does not include moveable machinery and equipment.
sensitive security information	Information obtained or developed in the conduct of activities, including research and development, the disclosure of which has been determined would: constitute an unwarranted invasion of privacy (including, but not limited to, information contained in any personnel, medical or similar file); reveal trade secrets or privileged or confidential information obtained from any person; or be detrimental to national or homeland security.



Homeland Security

Chapter 6 – Financial Assistance

Section 6.6 – Designating High-Risk Recipients

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Introduction

The Department of Homeland Security (DHS) will take timely, appropriate, ongoing actions to ensure financial assistance funds and properties are used in compliance with statute, regulation, policy, award terms and conditions, and programmatic and financial administrative requirements.

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control of DHS finances including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO Division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Component/Program Offices

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

5. Office of Inspector General (OIG)

The OIG serves as an independent and objective inspection, audit, and investigative body to promote effectiveness, efficiency, and economy in DHS's programs and operations, and to prevent and detect fraud, abuse, mismanagement, and waste in such programs and operations.

6. Offices of Chief Counsel/Component Legal Counsel

Similar to the Office of General Counsel for DHS Headquarters, the Component-level legal counsel (hereinafter referred to as legal counsel) is responsible for advising, supporting and reviewing policies, statutes, and other legal matters for Components.

Policy

Components and awarding offices must ensure proper stewardship of Federal funds. Stewardship actions may include the use of standard, informal, and formal **monitoring**. At any time, should Components or awarding offices identify unsatisfactory performance or potential recipient non-compliance with award terms and conditions, **program** or **grants officers** will take immediate actions to remedy these situations as well as document necessary actions for future reference in the award file.

1. High-Risk Designation and Award-Specific Terms and Conditions

If recipient performance or non-compliance cannot be remedied in a timely manner, Components and awarding offices may designate a recipient as high-risk. Such designations will be made on a case-by-case basis in consultation with legal counsel and FAPO where appropriate. The factors considered by Components and awarding offices in designating recipients as high-risk include, but are not limited to, recipient demonstration of:

- a. A history of unsatisfactory performance.
- b. Financial instability.
- c. Inadequate management systems.
- d. Noncompliance with the terms and conditions of previous or current DHS awards.
- e. Noncompliance with the terms and conditions of other agency awards.

If a recipient is designated high-risk, Components and awarding offices will document the situation and the assessment leading to the designation and may impose **award-specific terms and conditions** on the award. The award-specific terms and conditions language would provide the date the condition is placed on the award and the targeted date for the next formal review of the situation. In addition, the awarding office will develop a **corrective action plan** (CAP) to be approved by the grants officer. The CAP may not exceed one year and may not extend beyond the performance period end date of the award.

2. Award-Specific Terms and Conditions

Award-specific terms and conditions may include (but are not limited to) the following:

Section 6.6 – Designating High-Risk Recipients

- a. Requiring payment on a reimbursement basis.
- b. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given funding period.
- c. Requiring additional, more detailed financial reports.
- d. Requiring additional programmatic and/or financial project monitoring.
- e. Requiring the recipient to obtain technical assistance.
- f. Establishing additional prior approvals.

When Components and awarding offices designate a recipient as high-risk and impose award-specific terms and conditions, the grants officer must notify the recipient as early as possible, in writing, of the following:

- a. The reasons for the high-risk designation.
- b. The nature of the award-specific terms and conditions that will be imposed on the award.
- c. The compliance actions required before the award-specific terms and conditions can be removed.
- d. The method of requesting removal of the award-specific terms and conditions.

If a recipient does not provide an acceptable CAP or is unable to meet the milestones and deadlines within the approved CAP, then Components and awarding offices may take additional actions. Components and awarding offices must consult with their own legal counsel and FAPO prior to commencement of a defunding action or referral to the OIG.

Authorities and References

Authorities

[DHS Delegation 01000, *Delegation to the Chief Financial Officer of Financial Assistance Policy and Oversight*](#)

[Office of Management and Budget \(OMB\) Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*](#) (REVISED 10/7/94, as further amended 8/29/97). Common Rule at [44 Code of Federal Regulations \(CFR\) Part 13, Section 12](#), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.”

[OMB Circular A-110, *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*](#) ([2 CFR Part 215](#))

Public Law (Pub. L.) 101-576, [*Chief Financial Officers Act of 1990*](#)

References

[OMB Circular A-21, *Cost Principles for Educational Institutions*](#), ([2 CFR 220](#))

OMB Circular A-87, *Cost Principles for State, Local and Indian Tribal Governments*, ([2 CFR 225](#))

[OMB Circular A-122, *Cost Principles for Nonprofit Organizations*](#), ([2 CFR Part 230](#))

[OMB Circular A-123, *Management’s Responsibility for Internal Control*](#)

[OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*](#)

Pub. L. 107-296, [*Homeland Security Act of 2002*](#)

Glossary

Acronym	Definition
CAP	Corrective Action Plan
CFO	Chief Financial Officer
DHS	Department of Homeland Security
FAPO	Financial Assistance Policy and Oversight
OIG	Office of Inspector General

Term	Definition
award-specific terms and conditions	Conditions placed on a grant or other types of financial assistance award that address specific performance, administrative or financial requirements for the individual award.
corrective action plan	An action taken by the awarding office or recipient that corrects identified deficiencies; produces recommended improvements; or demonstrates that the grant or assistance award project does not warrant corrective or remedial action.
grants officer	An individual who has the authority to execute, administer and/or terminate grants and other financial assistance awards.
monitoring	Review of grant and assistance management processes to ensure project implementation and expenditure of funds are in compliance with government statutes, regulations, policies, and terms and conditions of award.
program officer	The individual designated by the Component who is responsible for the programmatic, scientific, and/or technical aspects of DHS programs. He/she serves as the counterpart to the grants officer, who is responsible for all business management aspects of a grant award.



Homeland Security

Chapter 6: Financial Assistance

Section 6.7 – Closeout of Financial Assistance Awards

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Introduction

When Department of Homeland Security (DHS) **Component/program offices** develop a financial assistance program such as a grant or a cooperative agreement, they make knowledgeable and reasonable assessments that are consistent with prudent management and statutory requirements concerning the length of award performance periods. Components and **awarding offices** should continuously assess awards to determine if changes need to be made to the performance period end date, or if closeout procedures should be initiated prior to the end of the performance period.

The **closeout** process is significant in ensuring that the results of the award have been reported and that award amounts, cash drawdowns, and expenditures have been reconciled. An award is considered closed when the awarding office determines that all applicable administrative actions and all required work under the award have been completed.

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control of DHS finances including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO Division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Component/Program Offices

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

- a. Components and awarding offices must monitor the **performance period** end dates for financial assistance awards in order to begin closeout procedures in a timely manner.
- b. Components and awarding offices must notify recipients a minimum of three times by letter or e-mail about final reports and due dates. Notifications should occur at least 45 days prior to the expiration of the performance period. This provides the recipient with sufficient notice to either begin the closeout process described below or determine whether to request a no-cost extension of the performance period in order to complete activities under the award.
- c. If an extension is needed, the recipient must submit a request in writing to the awarding official and provide adequate justification for the extension.

Section 6.7 – Closeout of Financial Assistance Awards

- d. It is DHS policy to close a financial assistance award in accordance with [Title 44, Code of Federal Regulations \(CFR\), Part 13.5](#). The recipient should submit all required documentation within 90 days following the expiration or termination of the performance period. Upon receipt of final documentation, Components and awarding offices will generally have 90 days to review and document the technical and programmatic accomplishments of the award and reconcile financial and other records necessary to close the award.
- e. Documents required prior to closeout of a financial assistance award include, but are not limited to:
 - 1) Final **performance or progress report**.
 - 2) Final Federal Financial Report (Standard Form 425) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271).
 - 3) Final request for payment, if applicable.
 - 4) Invention disclosure, if applicable.
 - 5) Federally-owned **property** report, if applicable.
 - 6) Disposition or recovery of federally owned assets.
 - 7) Other documents required by program guidance or terms and conditions of the award.
- f. **Grants officers** may approve an extension of the due dates for final reports based on adequate written justification from the recipient.
- g. Components and awarding offices may make a determination on the disposition or recovery of federally owned assets, and/or property acquired or provided prior to closeout of the award.
- h. Once all final reports are received and accepted, grants officers may need to adjust the final award amount by amending the award.
- i. If the reports indicate that a **refund** is due to the Federal Government, the awarding official must notify the recipient in writing of the process for reimbursement of Government funds.
- j. If, after all reasonable efforts to obtain required reports have been made and the award recipient remains noncompliant in the submission of

Section 6.7 – Closeout of Financial Assistance Awards

reports, grants officers may waive the requirement for a particular report and administratively close the financial assistance award. In doing so, grants officers must exercise prudent judgment to ensure that the Federal Government's financial interests in the award and potential future awards are protected. Grants officers should document the reason for the administrative closeout in the official award file. If there are consequences resulting from the administrative closure, the awarding office must inform the recipient in writing.

- k. After three unsuccessful written attempts to obtain the required closeout documentation from a recipient, and absent a request for extension, the awarding official may consider enforcement actions in order to complete the closeout process. Appropriate enforcement actions are listed in Section 6.8, *Enforcement and Remedies for Financial Assistance Awards*, and should be determined based on consultation with the program office and the Office of General Counsel.
- l. Grants officers must promptly notify the recipient in writing when all reports have been received and accepted, financial records have been reconciled, and the award is officially closed.
- m. Components and awarding offices must retain records on all closed awards for three years in accordance with Title 44, Code of Federal Regulations (CFR), [Part 13.42\(b\)](#), and [2 CFR Part 215.53\(b\)](#).
- n. The award closeout does not affect the Federal right to disallow and recover costs. As an example, if the recipient has not had a financial audit performed prior to the closeout of the award, DHS retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the financial audit.

Authorities and References

Authorities

[Office of Management and Budget \(OMB\) Circular A-102, Grants and Cooperative Agreements with State and Local Governments](#) (REVISED 10/7/94, as further amended 8/29/97), Common Rule at [44 CFR Part 13](#), “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”

[OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations](#) ([2 CFR Part 215](#))

[OMB Circular A-123, Management's Responsibility for Internal Control](#)

References

[28 CFR Part 66](#), Department of Justice, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”

Pub. L. 101-576, [Chief Financial Officers Act of 1990](#)

Pub. L. 107-296, [Homeland Security Act of 2002](#)

[Pub. L. 109-282, Federal Funding Accountability and Transparency Act \(FFATA\) of 2006.](#)

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FAPO	Financial Assistance and Policy Oversight
OMB	Office of Management and Budget
SF	Standard Form

Term	Definition
awarding offices	An office that has the authority to execute and manage grants and other financial assistance awards to non-Federal entities.
closeout	The process by which a Federal awarding agency determines that all applicable administrative actions and all required work of the award have been completed by the recipient and Federal awarding agency.
Component/ program office	An entity within DHS that has the authority to administer programs under grants and other types of financial assistance awards to non-Federal entities.
financial report (financial status report)	A report the recipient must submit to the awarding office in compliance with the terms and conditions of award.
grants officer	An individual who has the authority to execute, administer and/or terminate grants and other financial assistance awards. This term includes assistance officers, financial assistance officers and grants specialists.

Section 6.7 – Closeout of Financial Assistance Awards

performance period	The period established in the award during which Federal sponsorship begins and ends. If an award is terminated before the end of the period previously established in the award, the project or performance period ends at the time the termination takes effect.
performance or progress report	A report on the completion of activities during the assistance award performance period.
property	Real property means land, including land improvements, structures and appurtenances. It does not include moveable machinery and equipment. Personal property means property of any kind except real property. It may be tangible with physical existence or intangible. Includes equipment, supplies and intangible property. Excludes copyrights, patents and other intellectual property that are generated or developed (rather than acquired) under awards; and excluded from the term “intangible property”.
refund	Funds owed by recipients to the Federal government.



Homeland Security

Chapter 6: Financial Assistance

Section 6.8 – Enforcement and Remedies for Financial Assistance Awards

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Introduction

The purpose of this document is to establish the policy governing enforcement of statutes, regulations, and **terms and conditions** for grants and other types of financial assistance awards for the Department of Homeland Security (DHS).

Section 6.8 – Enforcement and Remedies for Financial Assistance Awards

- **Suspension** and **debarment** described in Executive Order (E.O.) [12549](#) and E.O. [12689](#) may be consequences of a financial assistance **enforcement action**. The statute for nonprocurement suspension and debarment is located at [Title 2, Code of Federal Regulations \(CFR\), Part 3000](#).
- This policy does not address enforcement actions initiated by other DHS offices, such as the Office of Inspector General (OIG), or the Office for Civil Rights and Civil Liberties (CRCL).
- Upon request by another DHS office, awarding offices will coordinate with enforcement actions taken by other DHS offices.

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control of DHS finances including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The Division of FAPO is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Office of Management and Budget (OMB)

The office within the Executive Office of the President that is responsible for the review of Federal agency regulations and approval of specified statutorily required notifications to congressional appropriations committees.

4. Office of Inspector General

The OIG serves as an independent and objective inspection, audit, and investigative body to promote effectiveness, efficiency, and economy in DHS's programs and operations, and to prevent and detect fraud, abuse, mismanagement, and waste in such programs and operations.

5. Office of General Counsel General Law Division (OGC)

The DHS Headquarters legal counsel is responsible for assisting with policy and other management decisions.

6. Office for Civil Rights and Civil Liberties

The functions of the CRCL include, but are not limited to, advising Department leadership, personnel, and partners about civil rights and civil liberties issues, investigating and resolving civil rights and civil liberties complaints filed by the public, and implementing the requirements of [6 CFR Part 21](#), “Non-discrimination On The Basis of Race, Color, or National Origin In Programs Or Activities Receiving Federal Financial Assistance From The Department of Homeland Security,” and [44 CFR Part 7](#), “Nondiscrimination in Federally-Assisted Programs.”

7. Component/Program Offices

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with the terms and conditions of financial assistance awards and approved program activities.

8. Grants Officers

The only DHS officials authorized to obligate and award assistance; amend awards; notify recipients of enforcement action; and accept corrective action to address enforcement actions.

9. Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. Each awarding office is responsible for coordination with its respective program office in the enforcement of this policy.

Policy

DHS is responsible for oversight of each financial assistance award and award activities. When necessary, this oversight includes timely and appropriate enforcement actions against recipients to ensure protection of DHS funds.

1. Award Agreements

The awarding office must ensure that all assistance award agreements contain terms and conditions regarding enforcement actions for violations of or **non-compliance** with rules, regulations, or statutes.

2. Enforcement Action Determination

Enforcement actions should be taken only in the event of a recipient's non-compliance with statute, regulation, OMB circulars and terms or conditions of award.

- a. Only grants officers within awarding offices can take enforcement actions.
- b. Where possible, grants officers within awarding offices, in consultation with program offices, may consider alternative dispute resolution techniques as a means to mitigate the situation prior to initiating enforcement actions.
- c. Enforcement actions should be appropriate to and commensurate with the type, duration, and significance of the recipient's non-compliance.
- d. It is recommended Components and awarding offices consult with legal counsel, OIG and FAPO where appropriate prior to commencement of enforcement actions.
- e. The awarding office must immediately notify OIG and OGC of potential legal violations such as false claims and fraudulent or criminal activities under a grant or other type of financial assistance award.

3. Documentation

Components and awarding offices must ensure that instances of non-compliance and subsequent enforcement actions are factually supportable and clearly documented in the official award file. Documentation must, at a minimum, provide the following information:

- a. The nature and duration of the non-compliance.
- b. The impact on the project, program, or purpose of the assistance if an enforcement action is taken.
- c. Plans to continue or terminate project activity in the event the recipient does not come into compliance.

4. Recipient Notice

Before any enforcement actions may be initiated, awarding offices must provide recipients with timely notification of non-compliance. Notification of non-compliance must provide the recipient with:

- a. An explanation/description of the nature of the non-compliance, to include citation of the specific statute, regulation, award agreement term/condition, guidance, procedural requirement, et cetera, under which the awarding office made its determination.
- b. Information about the process, procedures, and timeframe the recipient must follow to explain or justify the non-compliance, provide a **corrective action plan** (CAP), and initiate/implement other corrective measures.
 - 1) The awarding office must have policies and procedures in place for determining the acceptability and adequacy of a recipient's proposed CAP or other proposed corrective/mitigating measures.
 - 2) If a CAP or similar measures are approved/accepted, both the assigned programmatic and grants management specialists should collaborate on monitoring the recipient's progress on, and adherence to, the provisions of the CAP or other corrective measures.
- c. Information about the process, procedures, and timeframe by which the Component/awarding office will initiate enforcement action (absent a CAP or other corrective or mitigating measures), and an explanation/description of the types of sanctions that may be imposed.
- d. Information about recipient appeal rights, if any, and the process, procedures, and timeframe by which a recipient may file an appeal.

5. Types of Enforcement Actions

If it is determined that an enforcement action must be imposed, the recipient must be notified in a timely manner, provided information about the process, procedures, and timeframe by which the awarding office will implement the sanctions, and apprised as to the specific enforcement action that will be imposed. Examples of enforcement actions include, but are not limited to:

- a. Temporarily withhold payments otherwise due to a recipient.
- b. **Disallow cost(s)** incurred under an award.

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- c. Temporarily suspend or permanently terminate the award. Prior to recipient notification of a suspension or **termination** action, the awarding office must notify and obtain concurrence from the OGC and FAPO.
- d. Withhold further awards.
- e. Administer a suspension or debarment action under E.O. [12549](#) (as implemented in [2 CFR Part 3000](#)), thereby restricting an organization's or individual's eligibility for future awards.
- f. Pursue recovery of funds.
- g. Pursue civil penalties under *The Program Fraud Civil Remedies Act of 1986* (as implemented in [6 CFR Part 13](#)).
- h. Other remedies that may be legally available.

It should be noted that designating a recipient as “high-risk” is not, by itself, considered an enforcement action; however, converting a recipient from an advance payment method to reimbursement payment as part of a high-risk designation is (one example of) an enforcement action.

6. Termination of Award

If an award is terminated, the grant officer must determine if **termination costs** are appropriate and negotiate an amount consistent with the applicable Federal cost principles (2 CFR Parts [220](#), [225](#), [230](#)). Awards made by legacy agencies citing other CFR requirements will remain in force until closeout of those legacy awards are complete (for example, [28 CFR Part 66](#) or [49 CFR Part 110](#)).

7. Questions or Concerns Regarding This Policy

Address questions or concerns regarding this policy to the FAPO Division FAPolicy@dhs.gov.

Authorities and References

Authorities

[DHS Delegation 01000](#), *Delegation to the Chief Financial Officer of Financial Assistance Policy and Oversight*

OMB Circular A-102, [Grants and Cooperative Agreements with State and Local Governments](#) (REVISED 10/7/94, as further amended 8/29/97), Common Rule at [44 CFR Part 13](#), Section 12, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments”

[OMB Circular A-110](#), *Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* ([2 CFR Part 215](#))

Public Law (Pub. L.) 101-576, [Chief Financial Officers Act of 1990](#)

References

[2 CFR Part 220](#), *Cost Principles for Educational Institutions* (OMB Circular A-21)

[2 CFR Part 225](#), *Cost Principles for State, Local and Indian Tribal Governments* (OMB Circular A-87)

[2 CFR Part 230](#), *Cost Principles for Non-Profit Organizations* (OMB Circular A-122)

[28 CFR Part 66](#), *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*

[44 CFR Part 13](#), *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*

[49 CFR Part 110](#), *Hazardous Materials Public Sector Training And Planning Grants*

E.O. 12549, *Debarment and Suspension (Nonprocurement)*, as implemented in [2 CFR Part 3000](#)

E.O. 12689, *Debarment and Suspension*, as implemented in [2 CFR Part 3000](#)

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[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

Pub. L. 107-296, [Homeland Security Act of 2002](#)

Glossary

Acronym	Definition
CAP	corrective action plan
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
E.O.	Executive Order
FAPO	Financial Assistance Policy and Oversight
OGC	Office of General Counsel
OIG	Office of Inspector General
OMB	Office of Management and Budget

Term	Definition
corrective action plan (CAP)	An action taken by the awarding office or recipient that corrects identified deficiencies; produces recommended improvements; or demonstrates that the grant or other assistance award project does not warrant corrective or remedial action.
debarment	An action taken by an agency debaring official to exclude a person or organization from participating in future assistance awards for a specified period of time.
disallowed cost	A charge to a grant or other assistance award that is determined to be unallowable in accordance with Federal statutes, regulations, applicable cost principles or award terms and condition
enforcement action	An action the awarding office may take if a recipient fails to comply with Federal statutes, regulations, applicable cost principles or award terms and conditions.

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non-compliance	A condition created where a grantee, subgrantee, or any other recipient of Federal financial assistance materially fails to comply with the terms and conditions of an award whether stated in a Federal statute, regulation, assurance, application, notice of award, State plan or application, or elsewhere.
suspension	An agency action that temporarily withdraws Federal sponsorship under the award, pending corrective action by the recipient or pending an agency decision to terminate the award. When used in connection with eligibility of persons to participate in nonprocurement transactions and Federal procurement contracts, the term has the meaning given at 2 CFR 180.1015 in the guidance on nonprocurement debarment and suspension.
termination	The cancellation of Federal sponsorship, in whole or in part, under the award at any time prior to the end of the project or program period.
termination costs	Costs incurred as a result of the termination of the award prior to the approved end date.
terms and conditions	Requirements mandated in the award.



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Chapter 6: Financial Assistance

Section 6.9 – External Reporting

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Introduction

This section establishes Department of Homeland Security (DHS) policy for external reporting requirements under the [Federal Funding Accountability and Transparency Act](#) (FFATA), the [Federal Assistance Award Data System](#) (FAADS); and the [American Recovery and Reinvestment Act](#) (ARRA).

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control of DHS finances, including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO Division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

The DHS CFO, FAPO, and Components and awarding offices must ensure DHS meets the statutory requirements under FFATA, FAADS, and ARRA.

- a. FAPO has been designated as the DHS point of contact for submission of FFATA, FAADS, and ARRA data. FAPO will apply appropriate internal controls to manage the submission process.
- b. FAPO will work through the DHS Financial Assistance Advisory Council to develop internal processes to meet all statutory and regulatory reporting requirements and determine the most efficient means of collecting and transmitting accurate data.
- c. Components and awarding offices are responsible for the quality, accuracy, completeness, and timeliness of FFATA, FAADS, and ARRA information reporting.
- d. Components and awarding offices must ensure that each program has a **Catalog of Federal Domestic Assistance** (CFDA) number and each award issued has an identifying number in order to track award funds. Reference Grant Alerts 07-09.1-07 and 07-11.2-10.
- e. Components and awarding offices may process a non-DHS grant or other type of financial assistance award on behalf of another Federal agency. When doing so, the Components and awarding offices must use the non-DHS agency's CFDA number and **Treasury Account Symbol** (TAS) to allow for cross-referencing and tracking on **USAspending.gov**, FAADS, and **Recovery.gov**.
- f. If DHS enters into an **inter-agency agreement** or **reimbursable agreement** with another Federal agency to process financial assistance

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awards on behalf of DHS, that agreement must instruct the receiving agency to issue the awards under the DHS CFDA number assigned and use the DHS TAS to allow for cross-referencing and tracking on USAspending.gov, FAADS, and Recovery.gov. This requirement applies to DHS funding either as a joint- or fully-funded award.

Authorities and References

Authorities

Federal Assistance Award Data System (FAADS) [Users Guide](#) (2008)

[OMB Memorandum M-09-19](#), “Guidance on data submission under the Federal Funding Accountability and Transparency Act (FFATA)”

Pub. L. 101-576, [Chief Financial Officers Act of 1990](#)

Pub. L 106-554, [Information Quality Act of 2000](#)

[Pub. L. 109-282](#), *The Federal Funding Accountability and Transparency Act (FFATA) of 2006*

Pub. L 111-5, [American Recovery and Reinvestment Act of 2009](#)

References

[31 U.S.C. Chapter 61](#), “Program Information”

[31 U.S.C. Chapter 62](#), “Consolidated Federal Funds Report”

[DHS Directive 103-01](#), *Enterprise Data Management Policy*

[OMB Circular A-89](#), *Federal Domestic Assistance Program Information*

[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

[Privacy Act of 1974, 5 U.S.C. §552a, as amended](#)

[Pub. L. 107-347](#), *Federal Information Security Management Act of 2002*

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
ARRA	American Recovery and Reinvestment Act
CFDA	Catalog of Federal Domestic Assistance
CFO	Chief Financial Officer
DHS	Department of Homeland Security
FAADS	Federal Assistance Award Data System
FAPO	Financial Assistance and Policy Oversight
FFATA	Federal Funding Accountability and Transparency Act
OMB	Office of Management and Budget
TAS	Treasury Account Symbol
U.S.C.	United States Code

Term	Definition
American Recovery and Reinvestment Act of 2009 (ARRA)	Requires agencies to post information on obligations and expenditures for awards made with ARRA funds to Recovery.gov and USAspending.gov . ARRA provided supplemental appropriations for job preservation and creation; infrastructure investment; energy efficiency and science; unemployment assistance; and, State and local fiscal stabilization.
Catalog of Federal Domestic Assistance (CFDA)	The single, authoritative, Government-wide, comprehensive source document of Federal domestic assistance program information produced by the executive branch of the Federal government. The catalog is a guide to all domestic assistance programs and activities regardless of dollar size or duration.

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<p>Federal Funding Accountability and Transparency Act (FFATA)</p>	<p>Requires Federal agencies to make information available to the public via USASpending.gov on Federal assistance awards (grants, cooperative agreements, loans, and other types of financial assistance). FFATA reporting requirements do not apply to assistance awards to individuals; to credit card transactions before October 1, 2008; or to individual transactions of less than \$25,000.</p>
<p>Federal Assistance Award Data System (FAADS)</p>	<p>A central source of information on domestic financial assistance programs of the Federal Government. It is a collection of selected, computer-based data on Federal financial assistance award transactions, compiled quarterly and is not cumulative. Covered transactions include assistance awards to State and local governments, major programs providing transfer payments or property to individuals, discretionary project grants, loans, and insurance. It does not include foreign awards and it is not a database, but a sequential text file that can only be read by a custom-written computer program.</p>
<p>interagency agreement</p>	<p>A written agreement between Federal agencies or Components of Federal agencies to acquire supplies or services as authorized by statute. The term intra-agency agreement may be used when referring to such agreements between DHS Components.</p>
<p>Recovery.gov</p>	<p>A Government Web site that provides easy access to data related to ARRA spending and allows for the reporting of fraud, waste and abuse.</p>
<p>reimbursable agreement</p>	<p>A written agreement between Federal agencies or Components of Federal agencies to acquire sources and perform services authorized by statute wherefore, costs are borne initially by the performing entity, and subsequently those costs are forwarded to the paying entity for reimbursement, in accordance with the terms of the agreement.</p>
<p>Treasury Account Symbol (TAS)</p>	<p>A unique accounting number Federal agencies use to track the program source of appropriated funds. In November 2007 it was selected to be used as the official program source for use in USASpending.gov.</p>
<p>USASpending.gov</p>	<p>A Government Web site that provides citizens with easy access to Government contract, grant, and other award data.</p>



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Section 6.10 – Requests for Financial Assistance Related Information

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Introduction

This policy establishes Department of Homeland Security (DHS) policy for securing information on financial assistance programs in response to: internal DHS questions; congressional inquiries; Office of Management and Budget (OMB) inquiries; Government Accountability Office (GAO) inquiries; or other externally generated requests. This policy does not apply to requests for information related to GAO audits or requests from the Office of the Inspector General.

Responsibilities

1. DHS Chief Financial Officer (CFO)

The DHS CFO has authority over the financial accountability and internal control

of DHS finances including financial assistance awards.

2. Division of Financial Assistance Policy and Oversight (FAPO)

The FAPO Division is responsible for coordinating with other DHS Headquarters offices as necessary to implement this policy.

3. Component/Program Offices

The Component and program offices (hereinafter referred to as Components) coordinate with DHS awarding offices to ensure that recipients comply with terms and conditions of financial assistance awards and approved program activities.

4. DHS Awarding Offices

The awarding offices take appropriate actions to ensure compliance with this policy in the announcement, award, implementation, and closeout of assistance programs. The awarding offices are responsible for coordination with their respective program offices in the enforcement of this policy.

Policy

- a. Information requests concerning financial assistance information by Congressional staff, OMB, GAO, DHS management, and other similar Federal entities are coordinated by the FAPO. FAPO will rely on the **Components** and **awarding offices** to ensure inquiries are tracked and responded to efficiently, accurately, and appropriately.
- b. FAPO staff will clearly identify requests for information as “Requests for Information” to differentiate them from routine reporting requirements such as Federal Assistance Award Data System, *Federal Financial Accountability and Transparency Act*, the *American Recovery and Reinvestment Act of 2009*, or Catalog of Federal Domestic Assistance updates. FAPO staff will disseminate **requests for financial assistance related information** to the appropriate points of contact within the components and awarding offices for response by the designated due date(s).
- c. Components and awarding offices must provide the required data in the required format by the due date(s) in order to meet internal and external deadlines. Due dates will be determined based on FAPO’s control of the timeline for internally and externally requested information. If

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circumstances permit, the FAPO Director will consider due date extensions on a case by case basis if the requests are made in a timely matter.

- d. Requests for financial assistance related information from the general public must be handled under the *Freedom of Information Act*. All DHS staff should route public requests for information through their respective FOIA offices unless separate guidance pertaining to the request is already established under [6 CFR § 5.41\(b\)](#).
- e. This policy does not constitute separate guidance as defined under [6 C.F.R. Part 5](#) Subpart C, “Disclosure of Information in Litigation.” Therefore, this policy does not apply to requests for information regarding financial assistance programs or awards from the DHS Office of General Counsel.

Authorities and References

Authorities

[6 CFR Part 5](#), “Disclosure of Records and Information”

DHS [Delegation 01000](#), *Delegation to the Chief Financial Officer of Financial Assistance Policy and Oversight*

[OMB Circular A-123](#), *Management's Responsibility for Internal Control*

Public Law (Pub. L.) 89-554, [Freedom of Information Act](#), as amended by Pub. L. 104-231, *Electronic Freedom of Information Act Amendments of 1996*, 110 Stat. 3048, 5 U.S.C. § 552

References

“[DHS Policy for Internal Information Exchange and Sharing](#),” DHS Memorandum, dated February 1, 2007.

Federal Assistance Award Data System [User's Guide for Federal Fiscal Year 2008](#)

Pub. L. 101-576, [Chief Financial Officers Act of 1990](#)

Pub. L. 107-296, [Homeland Security Act of 2002](#)

Pub. L. 109-282, [Federal Funding Accountability and Transparency Act of 2006](#)

Pub. L. 111-5, [American Recovery and Reinvestment Act of 2009](#)

Glossary

The following tables contain definitions of the acronyms and terms used in this policy.

Acronym	Definition
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FAPO	Financial Assistance and Policy Oversight
GAO	Government Accountability Office
OMB	Office of Management and Budget
U.S.C.	United States Code

Term	Definition
awarding offices	An office that has the authority to execute and manage grants and other financial assistance awards to non-Federal entities.
Component/ program office	An entity within DHS that has the authority to administer programs under grants and other types of financial assistance awards to non-Federal entities.
requests for financial assistance related information	A request from DHS/OCFO/FAPO for Components to submit information in response to inquiries