

1. DATE ISSUED MM/DD/YYYY 09/28/2023		1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 97.127 - Project Grants			
3. ASSISTANCE TYPE Cooperative Agreement			
4. GRANT NO. 23ISCWT00004-01-00 Formerly		5. TYPE OF AWARD Other	
4a. FAIN 23ISCWT00004		5a. ACTION TYPE New	
6. PROJECT PERIOD From MM/DD/YYYY 09/30/2023		Through MM/DD/YYYY 09/29/2026	
7. BUDGET PERIOD From MM/DD/YYYY 09/30/2023		Through MM/DD/YYYY 09/29/2026	
8. TITLE OF PROJECT (OR PROGRAM) 38126 HUB FOR INNOVATION AND TECHNOLOGY WORKFORCE CENTER			

Department of Homeland Security  
DHS Grants and Financial Assistance Division (GFAD)

301 7th Street, SW, RM 3051  
Mail Stop 0115  
Washington, DC 20528

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)  
Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 188(b)  
and 6 U.S.C. 182(10)

9a. GRANTEE NAME AND ADDRESS SOUTH MEMPHIS RENEWAL COMMUNITY DEVELOPMENT CORP 1109 Mississippi Blvd Memphis, TN 38126-6605	9b. GRANTEE PROJECT DIRECTOR [REDACTED] 1109 MISSISSIPPI BLVD. MEMPHIS, TN 38126 [REDACTED]
10a. GRANTEE AUTHORIZING OFFICIAL [REDACTED] 1109 MISSISSIPPI BLVD. MEMPHIS, TN 38126 [REDACTED]	10b. FEDERAL PROJECT OFFICER [REDACTED] 1110 N Glebe Rd Arlington, VA 20598-0030 [REDACTED]

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)		12. AWARD COMPUTATION	
I Financial Assistance from the Federal Awarding Agency Only		a. Amount of Federal Financial Assistance (from item 11m) 1,500,000.00	
II Total project costs including grant funds and all other financial participation		b. Less Unobligated Balance From Prior Budget Periods 0.00	
		c. Less Cumulative Prior Award(s) This Budget Period 0.00	
		d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 1,500,000.00	
		13. Total Federal Funds Awarded to Date for Project Period 1,500,000.00	
a. Salaries and Wages 656,250.00		14. RECOMMENDED FUTURE SUPPORT	
b. Fringe Benefits 180,141.00		(Subject to the availability of funds and satisfactory progress of the project):	
c. Total Personnel Costs 836,391.00		YEAR TOTAL DIRECT COSTS YEAR TOTAL DIRECT COSTS	
d. Equipment 0.00		a. 2 b. 3 c. 4 d. 5 e. 6 f. 7	
e. Supplies 170,000.00		15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING	
f. Travel 17,100.00		ALTERNATIVES:	
g. Construction 0.00		a. DEDUCTION	
h. Other 351,509.00		b. ADDITIONAL COSTS	
i. Contractual 125,000.00		c. MATCHING	
j. TOTAL DIRECT COSTS 1,500,000.00		d. OTHER RESEARCH (Add / Deduct Option)	
k. INDIRECT COSTS 0.00		e. OTHER (See REMARKS)	
l. TOTAL APPROVED BUDGET 1,500,000.00		16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:	
m. Federal Share 1,500,000.00		a. The grant program legislation	
n. Non-Federal Share 0.00		b. The grant program regulations.	
		c. This award notice including terms and conditions, if any, noted below under REMARKS.	
		d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.	
		In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.	

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)

\*\*Department of Homeland Security's Notice of Funding Opportunity (NOFO), Cybersecurity Workforce Development and Training Pilot for Underserved Communities- DHS-23-CISA-127-CWDT-0001\*\*

\*\*Award Fully Restricted until Recipient Verifies PMS and Grant Solutions Account\*\*

\*\*Recipient Required to Attend PMS Training- Training Dates Provided in Award Package\*\*

\*\*Award Amount \$1.5 Million\*\*

\*\*The terms and conditions reflect a 12 month period. This is incorrect. The correct budget period and project period is reflected on this NOTICE OF AWARD\*\*

GRANTS MANAGEMENT OFFICIAL:

[REDACTED]  
7th and D Street, SW  
Washington DC , DC 20407  
[REDACTED]

17.OBJ CLASS 4102	18a. VENDOR CODE 1460468961A2	18b. EIN 460468961	19a. UEI EJYLKMG56EF9	19b. DUNS 153887315	20. CONG. DIST. 09
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION	
21. a. CC3A70330566	b. ISCWT00004A	c. CWT1	d. \$1,500,000.00	e. 7030566	
22. a.	b.	c.	d.	e.	
23. a.	b.	c.	d.	e.	

## NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 2

DATE ISSUED

09/28/2023

GRANT NO. 23ISCWT00004-01-00

Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
09/30/2023	09/30/2023	Quarterly	10/30/2023
10/01/2023	12/31/2023	Quarterly	01/30/2024
01/01/2024	03/31/2024	Quarterly	04/30/2024
04/01/2024	06/30/2024	Quarterly	07/30/2024
07/01/2024	09/30/2024	Quarterly	10/30/2024
10/01/2024	12/31/2024	Quarterly	01/30/2025
01/01/2025	03/31/2025	Quarterly	04/30/2025
04/01/2025	06/30/2025	Quarterly	07/30/2025
07/01/2025	09/30/2025	Quarterly	10/30/2025
10/01/2025	12/31/2025	Quarterly	01/30/2026
01/01/2026	03/31/2026	Quarterly	04/30/2026
04/01/2026	06/30/2026	Quarterly	07/30/2026
07/01/2026	09/29/2026	Final	12/28/2026

## AWARD ATTACHMENTS

SOUTH MEMPHIS RENEWAL COMMUNITY DEVELOPMENT CORP

23ISCWT00004-01-00

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1. LETTER\_SOUTH MEMPHIS\_NEWRECIP\_FY2023\_1.5MIL
2. SOUTH\_MEMPHIS
3. FY 2023 DHS Terms and Conditions Version 2 Dated November 29 2022
4. Access - New User Request \_ HHS PSC FMP Payment Management System
5. Attachment 2.5\_Grantee Access - New User Request
6. Grant Recipient Training \_ HHS PSC FMP Payment Management Services
7. Grantee User Guide



# Homeland Security

September 28, 2023

South Memphis Renewal Community Development Corporation

[REDACTED]  
1109 Mississippi Blvd  
Memphis, TN 38126-6605

Re: Grant Number# **23ISCWT00004**, (Award Amount \$1,500,000- fully restricted)

Dear [REDACTED]

Thank you for your application in response to the Department of Homeland Security's Notice of Funding Opportunity (NOFO), Cybersecurity Workforce Development and Training Pilot for Underserved Communities- DHS-23-CISA-127-CWDT-0001." The amount of this award is \$1.5 million dollars. A copy of the award document and the terms and conditions are enclosed.

The Department of Homeland Security's Grants and Financial Assistance Division (GFAD) utilizes the Payment Management system and the GrantSolutions grants management system to manage all financial assistance awards. Please see below for important information regarding account establishment and navigating the system.

## **Payment Management (PMS)**

Payment of funds for this award will be made through the Department of Health and Human Services (DHHS) Payment Management System (PMS). PMS is a full service central payment and cash management system. I encourage immediate completion of the required PMS forms. You will not receive payment for any work performed on this grant until these forms are properly submitted to PMS and an account has been established. **If your organization has never received grant funds from my office**, the Direct Deposit Sign-up Form (SF1199A) and the PMS Access Form must be completed, scanned, and returned to PMS via email. These forms, along with instructions may be found at: <https://pms.psc.gov/grant-recipients/access-newuser.html> . When completing the SF1199A form, Section 2 should contain the following information: Department of Homeland Security, 245 Murray Lane, SW, Washington, DC 20528-0115. **If you have received grant funds through my office in the past**, you will not be required to submit these forms. However, do contact me to verify your account information prior to accessing funds.

## **GrantSolutions.gov**

GrantSolutions is an online Federal grant management system. It provides a venue for the Department of Homeland Security (OPO/GFAD) to work with you, the grantee, to manage your grant. GrantSolutions is a web-based system, therefore you can access information about your grant anywhere you have Internet access. The benefits of this system are:



- Better services to grantees through improved internal coordination of activities;
- Grantees will be better able to manage projects because they will have more access to information held by the Federal government; and
- A more uniform way of processing grants for both grantors and grantees. Please note, that if your organization has grants with other Federal Departments or Agencies that use GrantSolutions, then you may also have access to these grants within your grant portfolio when you login to GrantSolutions.

All grantees will be able to access their grant portfolio, submit continuation applications, submit financial status reports, access grant related correspondence, and request amendments through GrantSolutions.

### **Grantee User Accounts**

All users within the GrantSolutions system must have an account established. Please see the following link to access the Grantee User Account form:

<https://www.grantsolutions.gov/support/registration.html> Accounts should be established for the Program Director and Authorizing Official at your organization as well as any other users who require access and notifications of award activity. All Grantee User Account forms should be submitted directly to the GrantSolutions Help Desk at [REDACTED]

### **GrantSolutions System Navigation**

To help your organization become familiar with the GrantSolutions system, please share the following training link and attached Grantee User Guide with all relevant staff at your organization:

GranteeRecorded Webinar Link = <http://hhs.adobeconnect.com/pr6yl3dk8fqu/>

If you have questions concerning this award, please contact me at (202) 601-9303 or via e-mail at [sean.lilly@hq.dhs.gov](mailto:sean.lilly@hq.dhs.gov) or your Program Contact Ashley Pearce at (202) 809-0622.

Congratulations on your success. I look forward to working with you.

Sincerely,

[REDACTED]

Grants Officer  
Grants and Financial Assistance Division (GFAD)  
Office of Procurement Operations  
Office of the Chief Procurement Officer

Enclosures  
cc (via email):

[REDACTED]

**COOPERATIVE AGREEMENT TERMS AND CONDITIONS**  
**GRANTS AND FINANCIAL ASSISTANCE DIVISION (GFAD)**

In addition to the DHS Standard Terms and Conditions as outlined here: [DHS standard terms and conditions](#), the following Terms and Conditions apply specifically to this award as administered by the Grants and Financial Assistance Division (GFAD):

**ARTICLE I. GENERAL ADMINISTRATIVE TERMS AND CONDITIONS**

**A. AWARD SPECIFIC TERMS AND CONDITIONS AND/OR RESTRICTIONS**

1. Notice of Funding Opportunity-All instructions, guidance, performance goals, limitations, scope of work, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for the FY 2023 Community Workforce Development and Training for Underserved Communities are incorporated by reference into the Federal Award. The Notice of Funding Opportunity is available at [www.grants.gov](http://www.grants.gov).
2. Post Award Changes-The Department of Homeland Security (DHS) may revise terms and conditions and other parts of the award package if it determines that there was an error in the award package or otherwise determines that an administrative change must be made to the award package. DHS will notify the Recipient in writing of the change and provide an updated award package document. Once notification occurs, any subsequent request for funds will indicate Recipient acceptance of the changes to the Federal Award.
3. Cybersecurity Pathways Retention Strategy-The Recipient must submit to DHS within 120 days of the Federal Award a Cybersecurity Pathways Retention Strategy (CPRS) for underserved communities and a detailed implementation schedule that meet the content requirements set forth in the NOFO.
4. Funding Hold -DHS has placed a funding hold on the entire Federal Award in the Payment Management System ("PMS") until the Recipient obtains a PMS Account and Grants Solutions Account. To release this funding hold, the Recipient must submit a request to the DHS Grants Office that demonstrates that the Recipient has obtained the two required accounts. The Recipient is prohibited from obligating, expending, or drawing down funds until DHS releases the funding hold. If there is lapse in appropriations, there will be no CISA staff on deck to lift this condition until the lapse ends.

**B. DHS PROGRAMMATIC INVOLVEMENT**

DHS will exercise substantial involvement in the Federal Award through collaboration, participation, and other involvement in activities performed by the Recipient in carrying out the scope of work. This will include the following:

1. Review and approval of the CERS before implementing any subsequent efforts funded by this Federal Award.

2. DHS may review the training hub to determine compliance with the Allowable Activities outlined in the NOFO, Section A.9.d before implementation may occur.
3. Provide technical direction in the form of email, teleconferences (to include regularly scheduled teleconferences), workshops, webinars, training opportunities, and site visits as DHS deems necessary.
4. Attend and participate in appropriate meetings initiated by the Recipient.
5. Assist in the establishment of Federal interagency partnerships, collaboration, and cooperation that may be necessary for carrying out the Federal Award.
6. Assist in the establishment of partnerships, collaboration, and cooperation with State, local, or territorial governments, or private entities that may be necessary for carrying out the Federal Award.
7. Exchange strategic information with other CISA cooperative agreement recipients in furtherance of the goals and objectives of an award under this Federal Award.
8. DHS will host monthly meetings with the recipient and conduct at least two site visits with the Recipient during the Federal Award's period of performance at a location to be determined by DHS, for the purpose of reviewing and confirming Recipient's capability to manage Federal Award funds.

## C. AMENDMENTS AND REVISIONS

### 1. Budget Revisions

- a. The Recipient shall obtain prior written approval from the DHS Grants Officer for transfers of funds between direct cost categories in the approved budget when such cumulative transfers among those direct cost categories exceed ten percent of the total approved budget.
- b. The Recipient shall obtain prior written approval from the DHS Grants Officer for any budget revision that would result in the need for additional resources/funds.
- c. The Recipient shall obtain prior written approval from the DHS Grants Officer to transfer amounts budgeted for direct costs to the indirect costs line item or vice versa.

### 2. Extension Request

- a. Extensions to the Period of Performance can only be authorized in writing by the DHS Grants Officer.
- b. The extension request shall be submitted to the DHS Grants Officer sixty (60) days prior to the expiration date of the performance period.
- c. Requests for time extensions to the Period of Performance will be considered, but will not be granted automatically, and must be supported by adequate justification in order to be processed. The justification is a written explanation of the reason(s) for the delay; an outline of remaining resources/funds available to support the extended Period of Performance; and a description of performance measures necessary to complete the project. Extension requests shall not be processed without up-to-date performance and financial status reports and adequate justification.
- d. DHS has no obligation to provide additional resources/funding due to an extension.V

## D. EQUIPMENT

Title to equipment acquired by the Recipient with Federal funds provided under this Award shall vest in the Recipient, subject to the conditions pertaining to equipment in the 2 CFR Part 200.



2. Prior to the purchase of Equipment in the amount of \$5,000 or more per unit cost, the recipient must obtain the written approval from DHS.
3. For equipment purchased with Award funds having a \$5,000 or more per unit cost, the Recipient shall submit an inventory that will include a description of the property; manufacturer model number, serial number or other identification number; the source of property; name on title; acquisition date; and cost of the unit; the address of use; operational condition of the property; and, disposition data, if applicable. This report will be due with the Final Progress Report no later than (120) days after the expiration of the Project Period, and shall be submitted via Grant Solutions using the guidance found here: [Grant Solutions Performance Progress Report](#).

## E. FINANCIAL REPORTS

1. Quarterly Federal Financial Reports – The Recipient shall submit a Federal Financial Report (SF-425) into the Grant Solutions system no later than thirty (30) days after the end of the budget period end date. Reports are due on January 30, April 30, July 30, and October 30. The report shall be submitted via Grant Solutions using the guidance found here: [Grant Solutions Federal Financial Report](#)
2. Final Federal Financial Report – The Recipient shall submit a Federal Financial Report (SF-425) into the Grant- Solutions system no later than 120 days after the end of the Project Period end date. The report shall be submitted via Grant Solutions using the guidance found here: [Grant Solutions Federal Financial Report](#)
3. Quarterly Federal Financial Reports (Cash Transaction) – the Recipient shall submit the Federal Financial Report (SF-425) Cash Transaction Report to the Department of Health and Human Services, Payment Management System. Quarterly Cash Transaction reports shall be submitted no later than 1/30, 4/30, 7/30, and 10/30.

## F. PAYMENT

The Recipient shall be paid in advance using the U.S. Department of Health and Human Services/Payment Management System, provided it maintains or demonstrates the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds from the DHS and expenditure disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

2. Any overpayment of funds must be coordinated with the U.S. Department of Health and Human Services/Payment Management System.

## G. PERFORMANCE REPORTS

1.
  1. Semi-Annual Performance Reports – The Recipient shall submit performance reports into the GrantSolutions system no later than thirty (30) days after the end of the reporting period end date. Reports are due on April 30, October 30 . The report shall be submitted via [www.GrantSolutions.gov](#) using the guidance found here: [Grant Solutions Performance Progress Report](#).
  2. Performance reports must provide information on the overall progress by quarter. These reports shall include:
    - A comparison of actual accomplishments with the goals, objectives and performance measures established for the period.
    - Reasons why established objectives and performance metrics were not met, if applicable.
    - Other pertinent information including, when appropriate, analysis and explanation of cost overruns.

If the performance report contains any information that is deemed proprietary, the Recipient will denote the beginning and ending of such information with asterisks: \*\*\*\*PROPRIETARY INFORMATION\*\*\*\*

**3. Final Performance Report – the Recipient shall submit the Final Performance Report into the GrantSolutions system no later than 120 days after the expiration of the Project Period. The Final Performance Report shall be submitted using the guidance found here: [Grant Solutions Performance Progress Report](#).**

## **H. PERIOD OF PERFORMANCE**

The Budget Period shall be for a period of 12 months. The approved Project and Budget Periods for the supported activity are contingent upon the following:

1. Acceptable performance of the project as determined by the Department of Homeland Security (DHS);
2. If applicable, acceptance and approval of each non-competing continuation application by the DHS;
3. Subject to the availability of annual DHS appropriated funds.

## **I. PRIOR APPROVAL REQUIRED**

The Recipient shall not, without the prior written approval of the DHS, request reimbursement, incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities prior to the approved Budget Period.

## **ARTICLE II. GENERAL TERMS AND CONDITIONS**

### **A. ACCESS TO AND RETENTION OF RECORDS.**

The Recipient shall retain financial records, supporting documents, statistical records, and all other records pertinent to this Award for a period of three years from the date of submission of the final expenditure report. The only exceptions to the aforementioned record retention requirements are the following:

1. If any litigation, dispute, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, dispute or audit findings involving the records have been resolved and final action taken.
2. Records for real property and equipment acquired with Federal funds shall be retained for three (3) years after final disposition.
3. The DHS Grants Officer may direct the Recipient to transfer certain records to DHS custody when he or she determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, the DHS Grants Officer may make arrangements for the Recipient to retain any records that are continuously needed for joint use.
4. DHS, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of the Recipient that are pertinent to this Award, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to Recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this award term are not limited to the required retention period, but shall last as long as records are retained.

With respect to sub-recipients, DHS shall retain the right to conduct a financial review, require an audit, or otherwise ensure adequate accountability of organizations expending DHS funds. Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Access to Records).

### **B. COMPLIANCE ASSURANCE PROGRAM OFFICE TERMS AND CONDITIONS**

The Compliance Assurance Program Office (CAPO) is comprised of the DHS Treaty Compliance Group (TCG), DHS Export Controls Group (ECG), and the DHS Regulatory Compliance Group (RCG). The Under Secretary of Science and Technology (USST) is the DHS official responsible for the various portfolios under CAPO's purview and for implementing procedures to ensure that the Recipient and any

Recipient institutions/collaborators under this Award comply with international treaties, federal regulations, and DHS policies for Arms Control Agreements, Biosafety, Select Agent and Toxin Security, Animal Care and Use, the Protection of Human Subjects in Research, Life Sciences Dual Use Research of Concern, and Export Controls.

CAPO collects and reviews relevant documentation pertaining to this Award on behalf of the USST. Additional guidance regarding the review process is provided in the following sections, along with contact information. This guidance applies to the Recipient and any/all Recipient institutions involved in the performance of work under this Award. The Recipient is responsible for ensuring that any/all Recipient institutions and collaborators comply with all requirements and submit relevant documentation, as outlined in sections C – G below, for work being performed under this Award.

## **C. TREATY COMPLIANCE FOR BIOLOGICAL AND CHEMICAL DEFENSE EFFORTS**

The Recipient and any Recipient institution shall conduct all biological and chemical defense research, development, testing, evaluation, and acquisition projects in compliance with all arms control agreements of the U.S., including the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC). DHS Directive 041-01, Arms Control Compliance for Chemical and Biological Defense Activities, requires review of all such projects, including classified projects; projects involving biological and/or chemical agents, surrogates, or simulants; and non-laboratory activities related to biological and/or chemical agents (e.g., literature reviews, simulations, and/or modeling activities) to be systematically evaluated for compliance at inception, prior to funding approval, whenever there are any project changes, and whenever in the course of project execution an issue potentially raises a compliance concern.

1. **Requirements for Initial Treaty Compliance Review.** To ensure compliance with DHS Directive 041-01, for each biological and/or chemical defense-related effort (including non-laboratory activities related to biological and/or chemical agents) to be conducted under this Award, the Recipient must submit the following documentation for compliance review and certification prior to funding approval: a completed Treaty Compliance Form (TCF) and a Statement of Work (or workplan). The Recipient should contact work with the DHS Program Manager to engage CAPO regarding treaty compliance issues. The DHS Program Manager should help them obtain the TCF, submit the completed TCF, and/or request additional guidance regarding treaty compliance documentation and review requirements. The CAPO will review all submitted materials and provide written confirmation of approval to the Recipient once the treaty compliance certification process is complete. The Recipient and any Recipient institution shall not initiate any new activities, or execute modifications to approved activities, prior to receipt of this written confirmation.
2. **Requirements for Ongoing Treaty Compliance Review.** To ensure ongoing treaty compliance for approved biological and/or chemical defense-related efforts funded through this Award, the Recipient, working with the DHS PM must notify CAPO of changes to include – but are not limited to—the addition of biological or chemical agents (including any additional strains/isolates of biological material, simulants, or surrogates), a change in performers or sub-performer(s), modifications to the scope of work, and/or changes to the technical approach per DHS Directive 041-01.

## **D. REGULATORY COMPLIANCE FOR BIOLOGICAL LABORATORY WORK**

The Recipient and any Recipient institution shall conduct all biological laboratory work in compliance with applicable federal regulations; the latest edition of the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories; DHS Directive 066-02, Biosafety; DHS Instruction 066-02-001, Instruction for Ensuring Biosafety Compliance; and any local institutional policies that may apply for Recipient institution facilities performing work under this Award. The CAPO will review the submitted Treaty Compliance Form (TCF) for planned work under this Award to determine the applicability of the requirements outlined in this section. The Recipient must engage the DHS Program Manager who will facilitate engagement with CAPO for guidance on the requirements, and then submit all required documentation based on CAPO guidance, prior to the initiation of any biological laboratory work under this Award.

**Requirements for All Biological Laboratory Work.** Biological laboratory work includes, but not limited to, laboratory activities involving: (1) recombinant or synthetic nucleic acid molecules (DNA, RNA); (2) Biological Select Agents and Toxins or 'BSAT'; or (3) biological agents, toxins, surrogates, or other biological materials that are not recombinant, synthetic, or BSAT. Each Recipient and any Recipient institution to be conducting biological laboratory work under this Award must submit copies of the following documentation, as required by the CAPO after review of the TCF(s), for review prior to the initiation of such work:

- a. Research protocol(s), research or project plan(s), standard operating procedures(s), or other detailed description of the biological laboratory work to be conducted;



- b. Documentation of project-specific biosafety review for biological laboratory work subject to such review in accordance with institutional policy;
- c. Institutional or laboratory biosafety manual (may be a related plan or program manual) for each facility/laboratory to be involved in the biological laboratory work;
- d. Biosafety training program description (should be provided as available in existing policies, plans, and/or manuals for all relevant facilities/laboratories where work is conducted);
- e. Documentation of the most recent safety/biosafety inspection(s) for each facility/laboratory where the biological laboratory work will be conducted;
- f. Exposure Control Plan, as applicable;
- g. Documentation from the most recent Occupational Safety and Health Administration (OSHA) or State Occupational Safety and Health Agency inspection report; a copy of the OSHA Form 300 Summary of Work Related Injuries and Illnesses or equivalent, for the most recent calendar year; and documentation of any OSHA citations or notices of violation received in the past five (5) years; and
- h. Documentation from the most recent U.S. Department of Transportation (DOT) inspection report; and documentation of any DOT citations or notices of violation received in the past 5 years.

Requirements for Research Involving Recombinant or Synthetic Nucleic Acid Molecules. Laboratory activities involving recombinant or synthetic nucleic acid molecules research are defined by the NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules, "NIH Guidelines". Each Recipient and any Recipient institution shall conduct all such work in compliance with the NIH Guidelines. In addition to the documentation referenced above, each facility conducting research activities involving recombinant or synthetic nucleic acid molecules under this Award must submit copies of the following documentation to the CAPO for review prior to the initiation of such activities:

- a. Institutional Biosafety Committee (IBC) Charter, and/or other available documentation of IBC policies and procedures;
- b. Most recent Office of Biotechnology Activities (OBA) acknowledgement letter of the annual IBC Report;
- c. IBC-approved recombinant or synthetic nucleic acid molecules research protocol(s); and
- d. Documentation of final IBC approval for each recombinant or synthetic nucleic acid molecules research protocol and all subsequent renewals and amendments as they occur.

Requirements for Activities Involving Biological Select Agents and Toxins (BSAT). Planned activities involving the possession transfer, and/or use of BSAT must be reviewed by the CAPO prior to initiation. This requirement also applies to activities involving select toxins that fall below the Permissible Toxin Limits, both at facilities registered with the National Select Agent Program and at unregistered facilities. Each Recipient and any Recipient institution shall conduct all BSAT work in compliance with all applicable regulations, including 42 C.F.R. § 73, 7 C.F.R. § 331, and 9 C.F.R. § 121, related entity- and laboratory-specific policies and procedures, and DHS Directive 026-03, Rev 01, Safeguarding Select Agents and Toxins; and DHS Instruction 026-03-001, Safeguarding Select Agents and Toxins. In addition to the documentation referenced in Section B.1 above, each facility conducting activities involving BSAT under this Award must submit copies of the following documentation to the CAPO for review prior to the initiation of such activities:

- a. Current APHIS/CDC Certificate of Registration;
- b. Current versions of the Biosafety, Security, and Incident Response Plans required and reviewed under the Select Agent Regulations; and
- c. Documentation of the most recent annual BSAT facility inspection, as required of the Responsible Official under the Select Agent Regulations.

The Recipient should contact the DHS Program Manager who will work with CAPO to obtain the CAPO Documentation Request Checklist, submit documentation, or request more information regarding the DHS CAPO documentation and compliance review requirements. The CAPO will provide written confirmation of receipt of all required documentation to the designated Point(s) of Contact. The CAPO will evaluate the submitted materials, along with available documentation from any previous reviews for related work at the Recipient and Recipient institution. Additional documentation may be required in some cases and must be submitted upon request. The



CAPO will review all submitted materials and provide written confirmation to the Recipient once all requirements have been met.

CAPO review of submitted materials may determine the need for further compliance review requirements, which may include documentation-based and on-site components. The Recipient, and any Recipient institutions conducting biological laboratory work under this Award, must also comply with ongoing CAPO compliance assurance and review requirements, which may include but are not limited to initial and periodic documentation requests, program reviews, site visits, and facility inspections.

The Recipient must promptly report the following to the CAPO, along with any corrective actions taken: (1) any serious or continuing biosafety or BSAT program issues as identified by the APHIS/CDC National Select Agent Program, other compliance oversight authorities, or institutional-level reviews (e.g., IBC or equivalent, laboratory safety/biosafety inspections); (2) any suspension or revocation of the APHIS/CDC Certificate of Registration; and (3) any for-cause suspension or termination of biological, rDNA, or BSAT activities at the laboratories/facilities where DHS-sponsored work is conducted.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to applicable DHS requirements for biological laboratory activities. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., BMBL and NIH Guidelines). The Recipient must provide the CAPO with documentation sufficient to illustrate this compliance. The CAPO will evaluate compliance measures for these institutions on a case-by-case basis. The Recipient must not initiate work nor provide funds for the conduct of biological laboratory work under this Award without CAPO's formal written approval.

## E. REGULATORY REQUIREMENTS FOR RESEARCH INVOLVING ANIMALS

The Recipient and any Recipient institution shall conduct all research involving animals under this Award in compliance with the requirements set forth in the Animal Welfare Act of 1966 (P.L. 89-544), as amended, and the associated regulations in 9 C.F.R., Chapter 1, Subchapter A; the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals (which adopts the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training", 50 FR20864, May 20, 1985); the National Research Council (NRC) Guide for the Care and Use of Laboratory Animals; the Federation of Animal Science Societies (FASS) Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching; and any additional requirements set forth in the DHS Directive for the Care and Use of Animals in Research (026-01). Each Recipient and any Recipient institution planning to perform research involving animals under this Award must comply with the requirements and submit the documentation outlined in this section.

1. Requirements for Initial Review of Research Involving Animals. Research Involving Animals includes any research, experimentation, biological testing, and other related activities involving live, vertebrate animals, including any training for such activities. Each facility conducting research involving animals under this Award must submit copies of the following documentation to the CAPO for review prior to the initiation of such research:

- a. Institutional Animal Care and Use Committee (IACUC)-approved animal research protocol(s), including documentation of IACUC approval, any protocol amendments, and related approval notifications;
- b. Public Health Service (PHS) Animal Welfare Assurance, including any programmatic amendments, and the most recent NIH Office of Laboratory Animal Welfare (OLAW) approval letter for each Recipient and Recipient institution; OR DHS Animal Welfare Assurance, if the Recipient is not funded by the PHS and does not have a PHS Assurance on file with OLAW. Any affiliated IACUCs must be established under the same requirements as set forth in the PHS Policy;
- c. Most recent IACUC semiannual program review and facility inspection reports covering all relevant facilities/laboratories involved in DHS-funded work;
- d. Most recent USDA Inspection report covering all relevant species, facilities/laboratories involved in DHS-funded work; and
- e. Most recent Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) inspection report(s) for AAALAC-accredited institution(s) housing and/or performing work involving animals under this Award.

All documentation, as well as any questions or concerns regarding the requirements referenced above, should be submitted to the DHS Program Manager who will facilitate engagement with CAPO. Additional documentation may be required in some cases and must be submitted upon request. The CAPO will review all submitted materials and provide written confirmation to the Recipient once all documentation requirements have been met. Upon receipt of this written confirmation, the Recipient may initiate approved animal research projects under this Award but must address any potential compliance issues or concerns identified by the CAPO. **Research involving the use of nonhuman primates or international collaborations involving animal research will require more extensive**

**review prior to approval and must not begin under this Award without first obtaining a formal certification letter from the CAPO.**

The Recipient, as well as any Recipient institution and partner institutions conducting animal research under this Award, shall also comply with ongoing CAPO compliance assurance functions, which may include but are not limited to periodic site visits, program reviews, and facility inspections.

2. Requirements for Review of Research Involving Nonhuman Primates. For research activities involving any nonhuman primates, each Recipient and any Recipient institutions will be further reviewed by the VMO and CAPO prior to the initiation of work.

3. Requirements for Ongoing Review of Research Involving Animals. For ongoing animal research activities, each Recipient and any Recipient institutions must submit updates to the CAPO regarding any amendments or changes to (including expiration, renewal, or completion of) ongoing animal protocols as they occur and may be required to submit annual updates regarding the ACU program at Recipient and Recipient institutions. Annual updates may include, but are not limited to, the IACUC semiannual (program review and facility inspection) reports, the USDA inspection report, and the most recent AAALAC accreditation letter, as applicable.

The Recipient must promptly report the following to the CAPO, along with any corrective actions taken: (1) any serious or continuing noncompliance with animal care and use regulations and policies adopted by DHS (as referenced above); (2) any change in AAALAC accreditation status; (3) any USDA Notice of Violation; and (4) IACUC suspension of any animal research activity conducted under this Award.

4. Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to DHS approval for work involving animals. All entities involved in activities under this Award must comply with their own applicable national and regional/local regulations, standards and guidelines. The Recipient must provide CAPO documentation sufficient to illustrate this compliance. The CAPO will evaluate compliance measures for these institutions on a case-by-case basis to determine their sufficiency. The Recipient must not initiate nor provide funds for the conduct of work involving animals at foreign institutions under this Award without formal written approval from the CAPO.

## **F. REGULATORY REQUIREMENTS FOR LIFE SCIENCES DUAL USE RESEARCH OF CONCERN (DURC)**

The Recipient and any Recipient institutions shall conduct all research involving agents and toxins identified in sections III.1 and 6.2.1 of the USG Policy for Oversight of Life Sciences Dual Use Research of Concern and USG Policy for the Institutional Oversight of Life Sciences Dual Use Research of Concern, respectively, in accordance with both policies referenced above and in accordance with any additional requirements set forth in related DHS policies and instructions. Under this award, each Recipient and any Recipient institutions planning to perform research involving agents and toxins identified in sections III.1 and 6.2.1 of the USG DURC policies, regardless of the funding source, must submit the following documentation outlined in this section for CAPO review.

Note that submission of an iDURC form for review is required for any recipient planning to conduct life sciences laboratory work, in order for CAPO to determine applicability of USG DURC policies. Additional documentation may be required once a determination that the submitted work falls within DURC policy is made. Institutions were required to implement the policy on or by September 24, 2015.

1. Requirements for Research Using DURC Agents and Toxins. To ensure compliance with the USG DURC Policies, each facility conducting research involving the agents and toxins identified in sections III.1 and 6.2.1 of the USG DURC Policies, regardless of funding source, must submit the following documentation for compliance review by CAPO prior to approval of funding:

- a. A completed iDURC form and a Statement of Work (or workplan);
- b. Institutional Review Entity (IRE) charter, and/or other available documentation of IRE policies and procedures, to include the contact information for the Institutional Contact for DURC (ICDUR);
- c. Institution's project-specific risk mitigation plan, as applicable;
- d. DURC training or education program description; and
- e. Formal annual assurance of compliance with the USG Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern.

2. Required Notifications to DHS:

- a. Within 30 calendar days of initial and periodic reviews of institutional review of research with DURC potential, notify CAPO of the results, including whether the research does or does not meet the DURC definition.
- b. Report, in writing, any instances of noncompliance and mitigation measures to correct and prevent future instances of

noncompliance within 30 calendar days to CAPO.

3. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-awards/contracts at any tier where the sub-Recipient is performing work with agents or toxins identified in sections III.1 of the USG Policy for Oversight of Life Sciences Dual Use Research of Concern and 6.2.1 of the USG Policy for the Institutional Oversight of Life Sciences Dual Use Research of Concern.

The Recipient should contact the DHS Program Manager who will submit documentation or to request more information regarding the DHS regulatory documentation and compliance review requirements as requested by CAPO. CAPO will provide written confirmation of receipt of all required documentation to the DHS Program Manager. CAPO will evaluate the submitted materials. Additional documentation may be required in some cases and must be submitted upon request. CAPO will review all submitted materials and provide written confirmation to the Recipient once all requirements have been met. Upon receipt of this written confirmation, the Recipient may initiate approved projects under this award.

In order to meet the reporting requirements set forth in section IV.2 of the 2012 USG Policy for Oversight of Life Sciences Dual Use Research of Concern (the biannual DURC Data Call), the Recipient and any Recipient institution shall submit documentation regarding all active, planned or recently completed (within twelve months of the submission) unclassified intramural or extramural activities on Federally-funded or conducted life science research projects biannually on the first Monday in May and November. The Recipient must submit documentation to the DHS Program Manager who will submit to CAPO. Documentation should include an update on all listed activities, including status, all agents or toxins incorporated by strain or surrogate name, performers, contract information, and sites of activities. Documentation should also include any changes to existing or completed projects since the most recent submission, including—but not limited to—the addition of agents, a change in performer, modifications to the scope of work, and/or changes to the technical approach. A supplemental report detailing all work involving low pathogenic avian influenza virus H7N9 (LPAI H7N9) and Middle East Respiratory Syndrome Coronavirus (MERS-CoV).

4. Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to the iDURC policy. The Recipient must provide CAPO documentation sufficient to illustrate this compliance. CAPO will evaluate compliance measures for these institutions on a case-by-case basis. The Recipient must not initiate work nor provide funds for the conduct of biological laboratory work under this Award without CAPO's formal written approval.

## **G. REGULATORY REQUIREMENTS FOR RESEARCH INVOLVING HUMAN SUBJECTS**

The Recipient and any Recipient institutions shall conduct all Research Involving Human Subjects in compliance with the requirements set forth in 45 C.F.R. § 46, Subparts A-D, DHS Directive 026-04, Protection of Human Subjects, and any related DHS policies and instructions prior to initiating any work with human subjects under this Award. Each Recipient and any Recipient institutions planning to perform research involving human subjects under this Award must submit the documentation outlined in this section for CAPO review.

Requirements for Research Involving Human Subjects. Each facility conducting work involving human subjects under this Award is required to have a project-specific Certification of Compliance letter issued by the CAPO. Each Recipient must submit the following documentation to the CAPO for compliance review and certification prior to initiating research involving human subjects under this Award:

1. Research protocol, as approved by an Institutional Review Board (IRB), for any human subjects research work to be conducted under this Award;
2. IRB approval letter or notification of exemption (see additional information below on exemption determinations), for any human subjects research work to be conducted under this Award;
3. IRB-approved informed consent document(s) (templates) or IRB waiver of informed consent for projects involving human subjects research under this Award; and

Exemptions for Research Involving Human Subjects. Exemption determinations for human subject research to be conducted under this



Award should only be made by authorized representatives of (1) an OHRP-registered IRB, or equivalent, or (2) the CAPO. Exemption determinations made by an OHRP-registered IRB, or equivalent, should be submitted to the CAPO for review and record-keeping. Program managers, principal investigators, research staff, and other DHS or institutional personnel should not independently make exemption determinations in the absence of an IRB or CAPO review. DHS program managers (or institutions conducting human subjects' research under this Award) seeking an exemption determination from the CAPO should submit a request to [REDACTED] that includes the following:

1. Research protocol or detailed description of planned activities to be conducted under this Award.
2. Identification of the exemption category that applies to the project(s) to be conducted under this Award and explanation of why the proposed research meets the requirements for that category of exemption.

All documentation, as well as any questions or concerns regarding the requirements referenced above, should be submitted to the CAPO at [REDACTED]. The submitted documentation will be retained by the CAPO and used to conduct a regulatory compliance assessment. Additional documentation may be required in some cases to complete this assessment. The Recipient must provide this documentation upon request, and address in writing any compliance issues or concerns raised by the CAPO before a certification letter is issued and participant enrollment can begin under this Award. The CAPO will review all submitted materials and provide written confirmation to the Recipient once all documentation requirements have been met.

The Recipient and any Recipient institution shall submit updated documentation regarding ongoing research involving human subjects, as available and prior to the expiration of previous approvals. Such documentation includes protocol modifications, IRB renewals for ongoing research protocols ("Continuing Reviews"), and notifications of study completion.

The Recipient must promptly report the following to the CAPO, along with any corrective actions taken: (1) any serious or continuing noncompliance with human subjects research regulations and policies adopted by DHS (as referenced above); and (2) suspension, termination, or revocation of IRB approval of any human subjects research activities conducted under this Award.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to all DHS and CAPO requirements for research involving human subjects. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., 45 C.F.R. § 46, including all Subparts, as relevant). The CAPO will evaluate compliance measures for these institutions on a case-by-case basis to determine their sufficiency. The Recipient must not initiate nor provide funds for the conduct of work involving human subjects at foreign institutions under this Contract without formal written approval from the CAPO.

## **H. COMPLIANCE WITH U.S. EXPORT CONTROLS**

Activities performed by the Recipient and any Recipient institution under this Award may or may not be subject to U.S. export control regulations. The Recipient and any Recipient institution shall conduct all such activities, to include any and all DHS-funded research and development, acquisitions, and collaborations in full compliance with all U.S. export controls—to include but not limited to the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and the Office of Foreign Assets Control (OFAC) Regulations. The Recipient and any Recipient institution will ensure that all legal requirements for compliance with U.S. export controls are met prior to transferring commodities, technologies, technical data, or other controlled information to a non-U.S. person or entity.

## **I. CONTROLLED UNCLASSIFIED INFORMATION**

The parties understand that information and materials provided pursuant to or resulting from this Award may be export controlled, sensitive, for official use only, or otherwise protected by law, executive order or regulation. The Recipient is responsible for compliance with all applicable laws and regulations. Nothing in this Award shall be construed to permit any disclosure in violation of those restrictions.

Awards are intended for unclassified, publicly releasable research. The awardee will not be granted access to classified information. DHS does not expect that the results of the research project will involve classified information.

If, however, in conducting the activities supported under an award, the PI or co-PI is concerned that any of the research results involve potentially classifiable information that may warrant Government restrictions on the dissemination.

## **J. PATENT RIGHTS AND DATA RIGHTS**

#### Patent rights

The Recipient is subject to applicable regulations governing patents and inventions, including government-wide regulations, 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."

#### Invention Disclosure and Related Requirements

The clause at 37 CFR 401.14, "Standard Patent Rights Clauses," is incorporated by reference herein. 37 CFR 401.14(c)(1) requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for patent matters. Under 35 U.S.C. 201(d), an invention means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the U.S. Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act. Invention disclosure statements shall be made by creating an invention record using the Interagency Edison system website at: <http://www.iedison.gov>.

#### Data rights

1. General Requirements: 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:

- a. Any data that is first produced under this Award and provided to the Government;
- b. Any data owned by third parties that is incorporated in data provided to the Government under this Award; or
- c. Any data requested in paragraph 2 below, if incorporated in the Award.

'Data' means recorded information, regardless of form or the media on which it may be recorded.

2. Additional requirements for this Award.

a. Requirement: If the Government believes that it needs additional research data that was produced under this Award, the Government may request the research data and the Recipient agrees to provide the research data within a reasonable time.

b. Applicability: The requirement in paragraph 2.a of this section applies to any research data that are:

1. Produced under this Award, either as a Recipient or sub-recipient;
2. Published, which occurs either when:

a. The research data is published in a peer-reviewed scientific or technical journal; or

b. DHS publicly and officially cites the research data in support of an agency action that has the force and effect of law.

3. Requirements for sub-awards: The Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Patent Rights and Data Rights) and the DHS Standard Terms and Conditions award term (Copyright).

## **K. PROGRAM INCOME**

#### Post-award program income:

In the event program income becomes available to the recipient post-award, it is the recipient's responsibility to notify the DHS Grants Officer to explain how that development occurred, as part of their request for guidance and/or approval. The Grants Officer will review approval requests for program income on a case-by-case basis; approval is not automatic. Consistent with the policy and processes outlined in 2 C.F.R. Part 200.307, pertinent guidance and options, as determined by the type of recipient and circumstances involved, may be approved by the Grant Officer.

If approval is granted, an award modification will be issued with an explanatory note in the remarks section of the face page, concerning guidance and/or options pertaining to the recipient's approved request. All instances of program income shall be listed in the progress and financial reports.

## L. PUBLICATIONS

1. All publications produced as a result of this funding which are submitted for publication in any magazine, journal, or trade paper shall carry the following:

- a. Acknowledgement. "This material is based upon work supported by the U.S. Department of Homeland Security under Grant Award Number, Award No 12345."
- b. Disclaimer. "The views and conclusions contained in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied, of the U.S. Department of Homeland Security."

Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Publications).

2. Enhancing Public Access to Publications: DHS Policy explicitly recognizes and upholds the principles of copyright. Authors and journals can continue to assert copyright in DHS-funded scientific publications, in accordance with current practice. The policy encourages authors to exercise their right to give DHS a copy of their final manuscript or software before publication. While individual copyright arrangements can take many forms, DHS encourages investigators to sign agreements that specifically allow the manuscript or software to be deposited with DHS for public posting or use after journal publication.

Institutions and investigators may wish to develop particular contract terms in consultation with their own legal counsel, as appropriate. But, as an example, the kind of language that an author or institution might add to a copyright agreement includes the following: "Journal (or Software recipient) acknowledges that the Author retains the right to provide a final copy of the final manuscript or software application to DHS upon acceptance for Journal publication or thereafter, for public access purposes through DHS's websites or for public archiving purposes."

## M. SITE VISITS

The DHS, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the DHS on the premises of the Recipient, or a contractor under this Award, the Recipient shall provide and shall require its contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.

## N. TERMINATION

Either the Recipient or the DHS may terminate this Award by giving written notice to the other party at least thirty (30) calendar days prior to the effective date of the termination. All notices are to be transmitted to the DHS Grants Officer via the email address identified on the Notice of Award. The Recipient's authority to incur new costs will be terminated upon arrival of the date of receipt of the letter or the date set forth in the notice. Any costs incurred up to the earlier of the date of the receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment. Closeout of this Award will be commenced and processed pursuant to 2 C.F.R. §200.344.

## O. TRAVEL

Travel required in the performance of the duties approved in this Award must comply with 2 C.F.R. § 200.

**Foreign travel must be approved by DHS in advance and in writing.** Requests for foreign travel identifying the traveler, the purpose, the destination, and the estimated travel costs must be submitted to the DHS Grants Officer Sixty (60) days prior to the commencement of travel.



## P. CLASSIFIED SECURITY CONDITION

Classified national security information, as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

1. No funding under this award shall be used to support a contract, sub-award, or other agreement for goods or services that will include access to classified national security information if the award recipient itself has not been approved for and has access to such information.
2. Where an award recipient has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information by the contractor, sub- awardee or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the Federal department or agency with whom the classified effort will be performed.
3. Such contracts, sub-awards, or other agreements shall be processed and administered in accordance with the DHS 'Standard Operating Procedures, Classified Contracting by State and Local Entities,' dated July 7, 2008; EOs 12829, 12958, 12968, as amended; the National Industrial Security Program Operating Manual (NISPOM); and/or other applicable implementing directives or instructions.
4. Immediately upon determination by the award recipient that funding under this award will be used to support such a contract, sub-award, or other agreement, and prior to execution of any actions to facilitate the acquisition of such a contract, sub-award, or other agreement, the award recipient shall contact ISPB, or the applicable Federal department or agency, for approval and processing instructions.

- DHS Office of Security ISPB contact information:
- Email: [REDACTED]

## Q. GOVERNING PROVISIONS

The following are incorporated into this Award by this reference: Testing of change T&C etc...

31 C.F.R.205	Rules and Procedures for Funds Transfers
2 CFR Part 200	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award
Application	Grant Application and Assurances dated 7/11/2023 as revised 7/11/2023



## R. ORDER OF PRECEDENCE

1. 2 C.F.R. Part 200, 'Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.'
2. The terms and conditions of this Award
3. The Funding Opportunity, DHS-23-CISA-127-CWDT-0001, Cybersecurity Workforce Development and Training for Underserved Communities
4. Application and Assurances dated 9/11/2023 as revised 7/11/2023

# FY 2023 DHS Standard Terms and Conditions

The Fiscal Year (FY) 2023 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2023. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations.

All legislation and digital resources are referenced with no digital links. The FY 2023 DHS Standard Terms and Conditions will be housed on dhs.gov at [www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions](http://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions).

## **A. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

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

## **B. General Acknowledgements and Assurances**

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

- I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.
- II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.
- III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.
- V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and

# FY 2023 DHS Standard Terms and Conditions

Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. DHS Civil Rights Evaluation Tool | Homeland Security

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

## C. Standard Terms & Conditions

### I. Acknowledgement of Federal Funding from DHS

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

### II. Activities Conducted Abroad

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### III. Age Discrimination Act of 1975

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

### IV. Americans with Disabilities Act of 1990

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

### V. Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

### VI. Civil Rights Act of 1964 – Title VI

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

### VII. Civil Rights Act of 1968

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection

# FY 2023 DHS Standard Terms and Conditions

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

## VIII. Copyright

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

## IX. Debarment and Suspension

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

## X. Drug-Free Workplace Regulations

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

## XI. Duplication of Benefits

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

## XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

## XIII. E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety

Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing.



# FY 2023 DHS Standard Terms and Conditions

## XIV. Energy Policy and Conservation Act

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

## XV. False Claims Act and Program Fraud Civil Remedies

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

## XVI. Federal Debt Status

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

## XVII. Federal Leadership on Reducing Text Messaging while Driving

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

## XVIII. Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) 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 B-138942.

## XIX. Hotel and Motel Fire Safety Act of 1990

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

## XX. John S. McCain National Defense Authorization Act of Fiscal Year 2019

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

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

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

# FY 2023 DHS Standard Terms and Conditions

## XXII. Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

## XXIII. National Environmental Policy Act

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

## XXIV. Nondiscrimination in Matters Pertaining to Faith-Based Organizations

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

## XXV. Non-Supplanting Requirement

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

## XXVI. Notice of Funding Opportunity Requirements

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

## XXVII. Patents and Intellectual Property Rights

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

## XXVIII. Procurement of Recovered Materials

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

## XXIX. Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides

# FY 2023 DHS Standard Terms and Conditions

that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

## XXX. Reporting of Matters Related to Recipient Integrity and Performance

General Reporting Requirements:

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

## XXXI. Reporting Subawards and Executive Compensation

Reporting of first tier subawards.

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

## XXXII. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials

Recipients must comply with the "Build America, Buy America" provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

(1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;

(2) all manufactured products used in the project are produced in the United States--this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and

(3) all construction materials are manufactured in the United States--this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.



# FY 2023 DHS Standard Terms and Conditions

## *Waivers*

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below.

- (a) When the Federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which the agency determines that:
- (1) applying the domestic content procurement preference would be inconsistent with the public interest;
  - (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
  - (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov.

The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the "Build America, Buy America" provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process.

## XXXIII. SAFECOM

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

## XXXIV. Terrorist Financing

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

## XXXV. Trafficking Victims Protection Act of 2000 (TVPA)

Trafficking in Persons.

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

# FY 2023 DHS Standard Terms and Conditions

## XXXVI. Universal Identifier and System of Award Management

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

## XXXVII. USA PATRIOT Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

## XXXVIII. Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

## XXXIX. Whistleblower Protection Act

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























































































































































































































































