



# Idaho Office of Emergency Management

## 2023 Subrecipient Agreement

for

**Kootenai County**

Date of Award

**September 1, 2023**

<b>1. Subrecipient Name and Address</b>	<b>2. Prepared by:</b> <i>Crooks, Julie</i>	<b>3. Award Number:</b> 23SHSP097
Kootenai County 5500 N Government Way Coeur d' Alene, ID 83816	<b>4. Federal Grant Information</b>	
	<b>Federal Grant Title:</b>	State Homeland Security Grant Program
	<b>Federal Grant Award Number/CFDA Number:</b>	EMW-2023-SS-00078 / 97.067
	<b>Federal Granting Agency:</b>	Grant Programs Directorate Federal Emergency Management Agency U.S. Department of Homeland Security

**5. Award Amount and Grant Breakdowns**

<b>Subrecipient Unique Identifier(DUNS):</b> 078207404	<b>2023 State Homeland Security Program</b> <b>Performance/ Budget Period:</b> Sep 1, 2023 <i>through</i> Feb 28, 2026
<b>Award Amount This Action:</b> \$228,457.12	
<b>Total Award Amount:</b> \$228,457.12	

**6. Requirements:** This Subaward is approved subject to such conditions or limitations as are set forth on the following pages of this document and in the General Terms and Conditions sent to support the State Homeland Security Grant Program. This is a not a Research & Development Subaward. Subrecipients must give the Idaho Office of Emergency Management (IOEM), Department of Homeland Security (DHS) and auditors 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.

The Subrecipient certifies that the subrecipient and its' contractors/vendors are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any federal department or agency and do not appear in the Debarred and Suspended list at <http://www.sam.gov>.

The Subrecipient certifies compliance with the 2CFR200 Subpart F – Audit Requirements and Idaho State Code 67-450B – Independent Financial Audits of Local Governmental Entities—Filing Requirements.

The Subrecipient certifies the indirect cost rate for the Federal Award (including if the de minimis rate is charged) per § 200.414.

Acceptance of subaward certified compliance with requirements detailed above and to the attached Terms and Conditions

**7. Special Conditions:** If an extension is required due to extenuating circumstances, contact your Area Field Officer (AFO) or the Idaho Special Teams Manager.

**8. Agency Approval**

<b>Approving IOEM Official:</b>  <b>Brad Richy, Director</b> <b>Idaho Office of Emergency Management</b> <b>(208) 258-6501</b>	<b>Signature of IOEM Official:</b>
	<b>Date:</b>

**9. Subrecipient Acceptance**

I have read and understand the attached Terms and Conditions. Signature certifies compliance with requirements detailed on subaward subrecipient agreement.

<b>Print name and title of Authorized Subrecipient official:</b>	<b>Signature of Authorized Sub-Recipient Official:</b>
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<b>10. Enter Employer Identification Number (EIN) / Federal Tax Identification Number:</b>	<b>11. Date Signed :</b>
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**12. DUE DATE:** 12/7/2023  
Signed award must be returned to IOEM on or before the above due date.

# MEMORANDUM OF UNDERSTANDING

Between

The State of Idaho, Office of Emergency Management

And

*Kootenai County*

Regarding the use of FY 2023 Homeland Security Grant Program Funding

1. **Parties.** The parties to this Agreement (Agreement or MOU) are the State of Idaho, Office of Emergency Management (IOEM) and *Kootenai County*, referred to as “subrecipient”.
2. **Authority.** This agreement is authorized under the provisions of Title 46, Chapter 10 Idaho Code.
3. **Purpose.** The purpose of this Agreement is to set forth terms by which the IOEM shall expend FY23 State Homeland Security Grant Program (SHSP) funds on behalf of the subrecipient. On September 12, 2023, the United States Department of Homeland Security issued grant number EMW-2023-SS-00078 to the State of Idaho in the amount of \$4,847,500. Under this grant award, the State of Idaho, Office of Emergency Management must allocate grant funding to local jurisdictions. Based on the SHSP grant guidance issued by The Department of Homeland Security (DHS) and Federal Emergency Management Agency (FEMA), the subrecipient may authorize IOEM to 1) obligate and pay vendors directly for equipment purchases and 2) retain funding at the state level and provide project management for the 4 below identified priority areas at the state level as required by the Homeland Security Notice of Funding Opportunity (NOFO).
4. **Required Investment in Priority Areas.** In assessing the national risk profile for FY 2023, the DHS and the FEMA have determined six priority areas that attract the most concern. And due to the unique threats that the nation faces in 2023, DHS and FEMA have specific percentages of SHSP funds required for each area, for a total of 30 percent of the grant award. The following are the six priority areas for FY 2023, along with the corresponding percentage of Idaho SHSP funds that are to be utilized for each priority area to obtain a full allocation of SHSP funds:
  - a. Enhancing the protection of soft targets / crowded spaces – 6 percent
  - b. Enhancing information and intelligence sharing and analysis – 5 percent
  - c. Combating domestic violent extremism – 5 percent
  - d. Enhancing cybersecurity- 2 percent
  - e. Enhancing community preparedness and resilience – 9 percent
  - f. Enhancing election security – 3 percent

As IOEM is required to pass 80 percent of the FY23 SHSP award to local jurisdictions (IOEM retains 20 percent), the cost share between IOEM and local jurisdictions to satisfy the National Priority Area spending requirements is proportional to the IOEM allocation (20 percent) and local jurisdiction allocation (80 percent).

## 5. Idaho’s Investment Priorities

**a. Priority Area – Enhancing the protection of soft targets / crowded places**

IOEM / The Idaho Criminal Intelligence Center (IC2)

IC2 will continue its commitment to the protection of soft targets / crowded places and will continue to focus on schools. IOEM has developed data streams in coordination with the Idaho Office of School Safety’s “Safe to Tell” program. IC2 has requested access to the raw data gathered by this program. Analyst recognition of threats in this new data stream will be heavily reliant upon continued training. Other data streams that enhance the protection of soft targets / crowded places will be maintained and expanded such as multiple crime and threat tip lines, smartphone crime and threat tip lines and traditional ‘See Something, Say Something’ reporting that goes directly to IC2 in concert with ad campaigns.

This priority area also includes funding for Idaho’s Special Teams including Hazmat, Bomb Squad and Incident Management Assistance Support Team (IMAT), whose mission is to support response to critical incidents requiring specialized equipment and training.

Cost Breakout:

State Share of expected project costs: \$0

Local Share of expected project costs (statewide): \$50,000

Special Teams (hazmat teams, bomb squads, IMAST): \$240,000

Total expected project costs: \$290,000

**b. Priority Area- Enhancing Election Security**

This priority area includes IOEM partnering with the Secretary of State’s office to increase safety and security around Idaho’s statewide elections. Projects include creating election data boards and hosting elections and the associated officials at the Idaho Response Center for monitoring, situational awareness, and preparedness to address any issues.

Cost Breakout:

State share of expected project costs: \$95,456

Local Share of expected project costs (statewide): \$50,000

Total expected project costs: \$145,456

**c. Priority Areas – Enhancing Information and Intelligence Sharing and Analysis, and Combating Domestic Violent Extremism (DVE)**

The Fusion Center’s mission includes collecting, analyzing, and disseminating threat information. The funds support leadership, specialized analysts, web crawling software, subscriptions, and training. Another feature of the Idaho Fusion Center is the Fusion Liaison Officer program, which contributes significantly to local law enforcement officials receiving critical intelligence regarding suspicious activity reports. Funding also addresses threats related to domestic violent extremism and drug and human trafficking, sustaining Idaho's capacity to collect, analyze, and share terrorist threat information.

**Cost Breakout:**

State Share of expected project costs: \$0

Local Share of expected project costs (statewide): \$482,247

Total expected project costs: \$482,247

**d. Priority Area- Enhancing Cybersecurity**

This investment will support IOEM’s Annual Preparedness Conference Cyber Day which includes keynote presentations, workshops and activities designed to support cybersecurity professionals in the most recent threat trends and protective measures. This event is also intended to provide policy makers and agency staff (those who are not cybersecurity professionals) with critical information to increase cyber hygiene and bolster resiliency regarding cyber-attacks. This investment advances many of the 16 recommendations of the Governor’s Cybersecurity Task Force.

**Cost Breakout:**

State Share of expected project costs: \$94,605

Local Share of expected project costs: \$0

Total expected project costs: \$94,605

**6. Responsibilities.**

a. *IOEM*: The IOEM will provide SHSP grant fund management on behalf of the subrecipient for:

i. Equipment purchased at the subrecipient level.

1. Equipment purchases must be authorized and fit within the scope of the SHSP grant.

2. Obligations and payments for qualifying equipment may only occur during the period of this SHSP grant award and any subsequent approved extensions of this grant award.

ii. Provisional funds and project execution for the required Enhancing Community Preparedness and Resilience investment.

b. *Subrecipients*: the duly authorized subrecipient official (elected official or authorized delegate):

i. Has read and understands the Homeland Security Grant Program Guidance and Standard Terms and Conditions

ii. Authorizes the IOEM to obligate and expend Homeland Security Grant Program funds in accordance with this MOU.

**Approving Officials**

<b>IOEM</b>	<b>Subrecipient</b>
Brad Richy, IOEM Director 4040 Guard Street, Bldg. 600 Boise, ID 83705 (208)422-3040	Leslie Duncan, Chairman Kootenai County PO BOX 9000 Coeur D Alene, ID 83816

**Other Provisions.** Nothing in this Agreement is intended to conflict with current laws or regulations of the State of Idaho or any subrecipient jurisdiction. If a term of this agreement is inconsistent with such authority, then the term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

7. **Point of contact:** The point of contact for Kootenai County regarding emergency management is:

Tiffany Westbrook, Director

8. **Effective Date.** The terms of this agreement will become effective upon signing by the parties.

9. **Modification.** This agreement may be modified upon the mutual written consent of the parties.

10. **Termination.** The terms of this agreement in its original form, or if modified with the consent of both parties, will remain in effect until the end of the grant period.

11. **State officials and employees not personally liable.** It is agreed by and between the Parties hereto that, in no event, shall any official, employee or agent of the Lessor be in any way personally liable for any covenant or agreement herein contained, whether expressed or implied.

12. **Sovereign Immunity.** Nothing contained herein shall be deemed to constitute a waiver of the State's sovereign immunity, which immunity is hereby expressly reserved.

13. **Binding Effect.** This agreement is binding upon and will run to the benefit of the heirs, executors, administrators, successors and assigns of the parties.

Approved by:

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Leslie Duncan

[date]

Chairman

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Brad Richy

[date]

IOEM Director



## 2023 DHS Standard Terms and Conditions

The 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).

### Assurances, Administrative Requirements, Cost Principles, Representations and Certifications

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. section 170.315, certify that the recipient's policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

### DHS Specific Acknowledgements and Assurances

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

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, or personnel.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. Recipients (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 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>.
6. 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.

### 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 carried on 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 Number 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. No. 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 (PII)**  
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 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.
- 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. **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.
- XIV. **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.)
- XV. **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](#).)
- XVI. **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.
- XVII. **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. § 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 B-138942.
- XVIII. **Hotel and Motel Fire Safety Act of 1990**  
In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. § 2225a](#), recipients



must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, (codified as amended at 15 U.S.C. § 2225.)

**XIX. 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-departmentsupported-organizations-provide-meaningful-access-people-limited-and-additional-resources-on-http://www.lep.gov>.

**XX. 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

**XXI. National Environmental Policy Act**

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969*, Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) 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.

**XXII. 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 faithbased organizations in individual DHS programs.

**XXIII. 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.

**XXIV. Notice of Funding Opportunity Requirements**

All 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.

**XXV. 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.

**XXVI. 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.

**XXVII. 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 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.

**XXVIII. Reporting of Matters Related to Recipient Integrity and Performance**

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

**XXIX. Reporting Subawards and Executive Compensation**

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

**XXX. 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.

**XXXI. 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.

**XXXII. Trafficking Victims Protection Act of 2000 (TVPA)**

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

**XXXIII. Universal Identifier and System of Award Management**

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

**XXXIV. 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.

**XXXV. 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.

**XXXVI. 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.

**XXXVII. Prior Approval for Modification of Approved Budget**

Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. Section 200.308. FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. Section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**XXXVIII. Disposition of Equipment Acquired Under the Federal Award**

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

**XXXIX. Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@fema.dhs.gov](mailto:ASK-GMD@fema.dhs.gov) if you have any questions.

**XL. Environmental Planning and Historic Preservation (EHP) Review**

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

**XLI. 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 J S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. sections 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.

**XLII. Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**

Recipients and subrecipients must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act Sections 70901-70927, Pub. L. No. 117-58 (2021); and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers. See also Office of Management and Budget (OMB), Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure. Recipients and subrecipients of federal financial assistance programs 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. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. (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 OMB Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described. For awards by the Federal Emergency Management Agency (FEMA), existing waivers are available and the waiver process is described at "Buy America" Preference in FEMA Financial Assistance Programs for Infrastructure | FEMA.gov. For awards by other DHS components, please contact the applicable DHS FAO. To see whether a particular DHS federal financial assistance program is considered an infrastructure program and thus required to include a Buy America preference, please either contact the applicable DHS FAO, or for FEMA awards, please see Programs and Definitions: Build America, Buy America Act | FEMA.gov.

XLIII. **Applicability of DHS Standard Terms and Conditions to Tribes**

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

XLIV. **Indirect Cost Rate**

2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file.