I’ve Signed My Name, What’s It Mean?

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June 30 due date for:

- Legal Certification Form
- Five-Year Plan Assurances
- Non-Construction Assurances Form SF424-B
- Internet Safety

All forms available at: https://imls.gov/grants/grant-programs/grants-states/grants-states-manual
Objectives

• To identify the Federal legal requirements with which your organization must comply

• To help you meet these requirements by developing compliance programs that help safeguard against compliance pitfalls
Why is this Information Important?

• Legal requirements reflect grantees’ agreements with the Federal Government
• Requirements reflect National policies
• Grantees are responsible for compliance
• Failure to comply can have serious consequences
Types of Certifications

- Program Integrity
- Equal access to Federally-funded programs
- Responsible use of public funds
- National priorities
Program Integrity: The Big Four

- Debarment and Suspension
- Debt-Free
- Drug-Free Workplace
- Lobbying
Debarment and Suspension: Exclusion and Fraud

- Government-wide exclusion from federal funding
- Focus on fraud or wrongdoing:
  - Conviction for fraud/false claims
  - Serious violation of public agreement
  - Knowingly doing business with debarred entity (or person)
Debarment and Suspension: Certifications

- Organizations must certify their principals are:
  - Not currently debarred (3 years)
  - No convictions for fraud (3 years)
  - No indictments/grant terminations (3 years)
- Grantees must obtain certification from subrecipients
- Certifications may be relied upon unless known to be wrong
Suspension – use when immediate action is required and/or during investigation

Debarment – up to 3 years

Information:

- SAM.gov
- IMLS's Debarment and Suspension regulations: https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XXXI/part-3185
• The Grantee certifies that it is not delinquent in the repayment of any federal debt
Drug-Free Workplace: Certification

• Grantees certify that they maintain a drug-free workplace and a Drug-Free Awareness Program

• Grantees identify grant work sites and keep this information on file

• IMLS's Drug-Free Workplace regulations:

• Drug-Free Workplace Program Requirement:
Grantees must prepare and issue a Drug-Free Workplace Policy Statement that:

- Informs employees that the unlawful use, distribution, or manufacture of a controlled substance in the workplace is prohibited
- Specifies the action that may be taken for employee’s failure to comply
Drug-Free Workplace: Written Policy cont.

• Employer Must Take Action Within 30 Days for Failure to Comply:
  • Impose Discipline
  • Require Participation in Substance Abuse Counseling
  • Complete Formal Rehabilitation Program
Grantees maintain a “Drug-Free Awareness Program” to inform employees about:

- The dangers of drug abuse
- Review the requirements of the Drug-Free Workplace Policy
- Offer information about available counseling/rehabilitation/employee assistance programs
- Personal reporting obligations and Penalty for violations
Drug-Free Workplace: Notification

• Employees must notify grantee of criminal convictions – within 5 days

• Grantees must inform agency – within 10 days

• Grantees must take action – within 30 days
Drug-Free Workplace: Good Faith Efforts

- Good faith efforts required
- Sanctions for failure to take such efforts include:
  - Withholding funds
  - Termination of grant, and/or
  - Debarment/suspension (up to 5 years)
Lobbying: Certifications

- Cannot use federally appropriated funds to influence federal agency officials or Congress
- Certification required
- Certification from subrecipients required
Lobbying: Disclosure

• Disclosure of persons who, using non-appropriated funds, have made contacts regarding federal awards required
  (Form LLL/Up to $100,000 fine)

• Not required of employees
Program Integrity

• Establish safeguards to prohibit employees from using their positions:
  • For a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or
  • For personal gain
Equal Access

• Title VI of the Civil Rights Act of 1965
  • Prohibits discrimination on the basis of race, color, national origin

• Section 504 of the Rehabilitation Act
  • Prohibits discrimination on the basis of disability
• Age Discrimination in Employment Act
  • Prohibits discrimination on the basis of age
• Title IX of the Education Amendments of 1972
  • Prohibits discrimination on the basis of sex in education programs
• Certifications from subrecipients
• True/correct information
• “I certify to the best of my knowledge and belief that this report is true in all respects and that all disbursements have been made for the purpose and conditions of the grant”
Responsible Use of Public Funds: In Practice

- **Application:** Will comply with all laws and regulations
- **Request for Drawdown:** Will use funds in compliance with all laws and regulations
- **Reports:** Have complied with all laws and regulations/funds were used in compliance with all laws and regulations
Responsible Use of Public Funds

• Truman/Haig Certification
National Priorities

- National Environmental Policy Act
- Protection of Wetlands / Wild and Scenic Rivers
- Flood Hazards
- Coastal Zone Management Act
- Clean Air / Clean Water Acts
- Protection of Endangered Species
National Priorities: Native American Collections

- NAGPRA – Native American Grave Protection and Repatriation Act
- Applies to any organization that controls or possesses Native American human remains and/or cultural items, and which receives Federal funding, even for a purpose unrelated to the Act
National Priorities: Historical/Archeological

- National Historic Preservation Act (Section 106)
- Archeological Resources Protection Act
- Do you know your SHPO? THPO?
- Questions? Contact the National NAGPRA Program
  https://www.nps.gov/subjects/nagpra/index.htm
## Issue Spotting

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Strategies for Success: Administration

- Develop internal controls
  - Checklist
  - Centralized authority/assigned roles
  - Sign-off system
- Communicate conditions of grant acceptance
- Maintain records
  - Create system
  - Maintain calendar
Strategies for Success: Execution

- Conduct site visits
- Provide training
- Convey consequences of non-compliance
- Develop written materials/printed/website
- Obtain technical assistance
- Coordinate accounting and program staff
Strategies for Success: Pre-emptive

- Troubleshoot possible problems
- Educate subrecipients
- Open lines of communication
- Awareness of proper resources
For Additional Information

- nweiss@imls.gov; (202) 653-4640
- sgerson@imls.gov; (202) 495-9764
- ctrowbridge@imls.gov; (202) 653-4675