



# **I've Signed My Name, What's It Mean?**

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# Upcoming Certifications

June 30 due date for:

- [Legal Certification Form](#)
- [Five-Year Plan Assurances](#)
- [Non-Construction Assurances Form SF424-B](#)
- [Internet Safety](#)

The screenshot shows a web browser window with the URL [iMLS.gov/grants/grant-programs/grants-states/grants-states-manual](https://iMLS.gov/grants/grant-programs/grants-states/grants-states-manual). The browser's address bar and tabs are visible at the top. Below the browser window, a navigation menu is shown with the following items:

- Statutes and Regulations (+)
- Presentations and Conferences (+)
- Pacific Grants (+)
- Forms (-)

The 'Forms' section is expanded, displaying a list of documents with their respective file sizes:

- Some documents on this website require external viewers or players to access.*
- Five-Year Plan Assurances (PDF 183KB)
- Internet Safety Certification Form – SLAAs (PDF 150KB)
- Internet Safety Certification Form – others (for reference only) (PDF 175KB)
- Legal Certification Form (PDF 137KB)
- Non-Construction Assurances Form SF-424B (PDF 18KB)
- 2022 Program Assurances and Certification Form (PDF 286KB)
- 2021 Program Assurances and Certification Form (PDF 204KB)
- 2020 Program Assurances and Certification Form (PDF 155KB)

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





# Debarment and Suspension

- 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>



## Debt-Free

- 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:  
<https://www.ecfr.gov/current/title-2/subtitle-B/chapter-XXXI/part-3186>
- Drug-Free Workplace Program Requirement:  
<https://www.samhsa.gov/workplace/legal/federal-laws/contractors-grantees>



# Drug-Free Workplace: Written Policy

- 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



# Drug-Free Workplace: Awareness 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



# Equal Access, Continued

- 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



# Responsible Use of Public Funds: Certification

- 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

Debarment and Suspension	Truman/Haig (responsible use of funds)	Drug-free workplace	NEPA	Coastal Zone Mgmt Act
NAGPRA	Title VI (race, color, national origin)	Title IX (sex)	Protection of Wetlands	Endangered Species
Section 504 (disability)	Clean Air Act	<b>BINGO</b>	Prohibitions on lobbying	National Historic Preservation Act
Clean Water Act	Age discrimination	Wild and Scenic Rivers	Flood Hazards	Archeological Resources Protection



# 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

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