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

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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 regardless of notification
- Failure to comply can have serious results

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

- 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

- Organizations must certify their principals:
 - 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:
 - GSA Website

Debt-Free

- The Grantee certifies that it is not delinquent in the repayment of any federal debt

Drug-Free Workplace

- Grantees certify that they maintain a drug-free workplace
- Grantees identify grant work sites and keep this information on file

Drug-Free Workplace

- Grantees must have a written policy that:
 - Informs employees that the unlawful possession, distribution, or manufacture of a controlled substance in the workplace is prohibited
 - Specifies the action that will be taken for employee's failure to comply

Drug-Free Workplace

- Grantees maintain a “Drug-Free Awareness Program” to inform employees about:
 - The dangers of drug abuse
 - Policy
 - Available rehabilitation/employee assistance programs
 - Penalty for violations

Drug-Free Workplace

- Employees must notify grantee of criminal convictions – within **5** days
- Grantees must inform agency – within **10** days
- Grantees must take action – within **30** days
 - Disciplinary action
 - Rehabilitation

Drug-Free Workplace

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

Lobbying

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

Lobbying

- 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
- OMB Circulars incorporate requirements

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

- 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

- 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

- 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
- Appropriate Treasury Officer

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 Programs

- NAGPRA – Native American Grave Protection and Repatriation Act
- Applies to any organization that controls or possesses Native American human remains and associated objects, 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

Strategies for Success

- 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

- 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

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

For Additional Information

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