

**Fiscal Year 2004
Homeland Security Preparedness Training Program
Grant Application Guidance Kit**

I. Background

The Office for Domestic Preparedness (ODP) is accepting applications for the Fiscal Year 2004 Homeland Security Preparedness Training Program. The purpose of the Training Program is to enhance the capacity of emergency responders to prevent, deter, or respond to terrorist incidents involving weapons of mass destruction. Cooperative Agreements and Grant Awards will be awarded to eligible applicants to develop, and provide training support for federal, state and local jurisdictions. In order to be eligible for consideration and award of this Cooperative Agreement Grant Award, *applicants must be invited by ODP to apply.*

II. The Fiscal Year 2004 Homeland Security Preparedness Training Program

A. Authorized Program Purpose

Funding for the Fiscal Year 2004 Homeland Security Preparedness Training Program is authorized by: 1) Public Law 108-90, 2004 Department of Homeland Security Appropriations Act. The Fiscal Year 2004 Homeland Security Preparedness Training Program seeks to enhance the capacity of emergency responders to prevent, deter, or respond to terrorist incidents involving weapons of mass destruction (WMD) by developing and providing training support to eligible agencies and jurisdictions.

B. Program Requirements

Receipt of funds under the Fiscal Year 2004 Homeland Security Preparedness Training Program is contingent upon:

- 1) Submission and approval of an application for funding;
 - 2) The submission of the on-line grant application described in Section IV and Section V of this booklet.
- Applications for funding under this program must be submitted by May 15, 2004.

C. Programmatic Application Requirements

Applications must clearly demonstrate the applicant's ability to develop and deliver a national weapons of mass destruction training program according to the guidelines of the program, and guidance from ODP. At a minimum, the application must include the following:

- Program Plan: The applicant must provide a complete program plan for the entire 12month period. This plan should include the goals and objectives of the proposal and the activities to be conducted to accomplish the goals and objectives of the proposal. The applicant must develop a performance based evaluation plan to assess completion of goals and objectives. Additionally, the applicant must develop a Quality Control plan to be incorporated into the development and delivery of programs and courses.
- Equipment Plan: The applicant must provide an equipment purchasing plan for all proposed equipment purchases that are required to support the program. At minimum, the plan must detail what equipment will be purchased, why it is necessary, and the costs of the equipment.

Project Management Structure: The applicant must describe how the program will be structured, organized, and managed within the recipient's organization. The applicant must provide an organizational chart of the agency and describe how the organization will support the program.

III. Application Guidance

Applications must be prepared according to the directions contained in Section IV and V of this booklet. The Office for Domestic Preparedness now only accepts applications electronically through the Grant Management System (GMS) located on the OJP Web Site. Instructions regarding electronic submissions through GMS are provided on the Office of Justice Programs (OJP), web site at www.ojp.usdoj.gov/fundopps.htm Assistance with GMS may also be obtained by using the following toll-free telephone number: 1-888-549-9901. Notice of availability of funds under the Fiscal Year 2004 Homeland Security Preparedness Training Program will be published in the Federal Register. This program is eligible for coverage under Executive Order 12372, Intergovernmental Review of Federal Programs.

Questions regarding the application process, application submission requirements, application content requirements, and other administrative inquiries relating to the Fiscal Year 2004 Homeland Security Preparedness Training Program can be directed to the Office for Domestic Preparedness at 1-800-368-6498.

IV. Administrative Application Requirements

A. On-Line Application: The on-line application must be completed and submitted by the applicant using the GMS system described above. This on-line application replaces the following previously required paper forms:

- Standard Form 424, Application for Federal Assistance
- Standard Form LLL, Disclosure of Lobbying Activities
- OJP Form 4000/3, Assurances
- OJP form 4061/6, Certifications
- Equipment Coordination Certification
- Non-Supplanting Certification

When completing the on-line application, applicants should identify their submissions as new, non-construction applications. The program title listed in the Catalog of Federal Domestic Assistance (CFDA) is "Office for Domestic Preparedness Fiscal Year 2004 Homeland Security Preparedness Training Program." When referring to this title, please use the following CFDA number: 97.005. The project period will be for a period not to exceed 12 months.

B. Freedom of Information Act (FOIA)

The ODP recognizes that much of the information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information is subject to requests made pursuant to the Freedom of Information Act, 5 U.S.C. §552 (FOIA), all determinations concerning the release of information of this nature are made on a case-by-case basis by the US Department of Homeland Security FOIA Office, and may well likely fall within one or more of the available exemptions under the Act. Applicants are also encouraged to consult their own state and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. At the same time, applicants should be aware that any information created exclusively for the purpose of applying for and monitoring grants hereunder is the property of the U.S. Government, and shall not otherwise be disclosed or released pursuant to state or local law or regulation.

V. Administrative Requirements

A. General Requirements

1. Civil Rights: All recipients of federal grant funds are required to comply with nondiscrimination requirements contained in various federal laws. All applicants should consult the assurances to review the applicable legal and administrative requirements of the statute that governs ODP funded programs or activities. Section 809(c) (1), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789(d) of the Act provides that "no person in any State shall on the grounds of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity" in which federal law enforcement assistance is provided under this chapter. Recipients of assistance through the Office for Domestic Preparedness are subject to the provisions of Section 809(c) of the Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the U.S. Department of Justice Non-Discrimination Regulations, 28 CFR, Part 42, subparts C, D, E, and G.

If any court or administrative agency makes a finding of discrimination on the grounds of race, color, religion, national origin, gender, disability, or age against a recipient of funds after a due process hearing,

the recipient must agree to forward a copy of the finding to the DHS Office of Civil Rights. If the applicant is applying for a grant of \$500,000 or more, U.S. Department of Justice regulations (28 CFR 42.301) require an Equal Employment Opportunity Plan. The plan should be included with the application submission if it is not already on file.

2. Administrative Provisions: For the purposes of the Fiscal Year 2004 Homeland Security Preparedness Training Program, the limitations cited in this section and all other administrative provisions authorized under sections 801809 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (hereafter referred to as the Act), shall apply.

a. Land Acquisition. No funds shall be used for land acquisition.

b. Civil Justice. No funds or other assistance shall be used with respect to civil justice matters except to the extent that such civil justice matters bear directly and substantially on criminal matters or are inextricably intertwined with criminal justice matters.

c. Federal Law Enforcement Personnel. Nothing in the enabling legislation authorizes the use of federal law enforcement personnel to investigate violations of criminal law other than violations with respect to which investigation is authorized by other provisions of the law.

d. Direction, Supervision, and Control. Nothing in the enabling legislation shall be construed to authorize the Attorney General or the federal law enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for federal law enforcement assistance.

B. Financial Requirements

1. Non-Supplanting Certification: This certification, which is a required component of the on-line application, affirms that federal funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be addressed in the application review as well as in the pre-award review, post-award monitoring, and the audit. Applicants or grantees may be required to supply documentation certifying that a reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of federal funds.

2. Match Requirement: None.

3. Assurances: The on-line application includes a list of assurances that the applicant must comply with in order to receive Federal funds under this program. It is the responsibility of the recipient of the Federal funds to fully understand and comply with these requirements. Failure to comply may result in the withholding of funds, termination of the award, or other sanctions. You will be agreeing to these assurances when you submit your application on-line through GMS.

4. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirement: This certification, which is a required component of the on-line application, commits the applicant to compliance with the certification requirements under 28 CFR part 69, New Restrictions on Lobbying, and 28 CFR part 67, Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants). The certification will be treated as a material representation of the fact upon which reliance will be placed by the U.S.

Department of Justice in awarding grants.

The Anti-Lobbying Act, 18 U.S.C. § 1913, recently was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352. The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. part 69 for DOJ grantees) to reflect these modifications. However, in the interest of full disclosure, all applicants must understand that no federally appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval by OJP. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.

5. Suspension or Termination of Funding: The Office of Domestic Preparedness may suspend or terminate funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failing to comply with the requirements or statutory objectives of the Violent Crime Control and Law Enforcement Act of 1994, program guidelines issued therefrom, or other provisions of federal law;
- Failing to make satisfactory progress toward the goals or objectives set forth in this application;
- Failing to follow grant agreement requirements, standards, or special conditions;
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding;
- Failing to submit required reports;
- Filing a false certification in this application or other report or document. Before taking action, ODP will provide the grantee reasonable notice of intent to impose measures and will make efforts to resolve the problem informally. Hearing and appeal procedures must comport with U.S. Department of Justice regulations in 28 CFR part 18.

VI. Reporting Requirements

The following reports are required of all program participants:

- Financial Status Reports (Standard Form 269A): Financial Status Reports are due within 45 days of the end of each calendar quarter. A report must be submitted for every quarter the award is active (including partial calendar quarters, as well as for periods where no grant activity occurs). The OJP Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund draw-downs will be withheld if these reports are delinquent. The final financial report is due 120 days after the end date of the award period.
- Categorical Assistance Progress Reports (OJP Form 4587/1): Categorical Assistance Progress Reports are due within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. The OJP Office of the Comptroller will provide a copy of this form in the initial award package. Future awards and fund draw-downs will be withheld if these reports are delinquent. The final programmatic progress report is due 120 days after the end date of the award period. Instructions for completing the Categorical Assistance Progress Report are on the reverse side of the form. A copy of these instructions is also included.
- Financial and Compliance Audit Report: Recipients that expend \$300,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with the U.S. General Accounting Office Government Auditing Standards and OMB Circular A-133. Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the end of the recipient's fiscal year. In addition, the Attorney General and the Comptroller General of the United States shall have access to any books, documents and records of recipients of Fiscal Year 2004 Homeland Security Preparedness Training Program Awards for audit and examination purposes, provided that, in the opinion of the Attorney General or the Comptroller General, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.