



EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

SUPPLEMENTAL APPROPRIATIONS FOR HUMANITARIAN ASSISTANCE FUNDING

SUPPLEMENTAL FUNDING GUIDANCE

The information contained in this document is meant to provide guidance for those participating in the supplemental program.

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PREAMBLE

The Emergency Food and Shelter Program (EFSP) has been awarded \$30 million to reimburse the cost of direct services expended by local nonprofit, faith-based and governmental entities that experienced a significant influx of migrants from the southern border released by the U.S. Department of Homeland Security (DHS). EFSP was appropriated this funding in the *Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019* (Public Law No: 116-26).

The EFSP is governed by a National Board composed of representatives of the American Red Cross; Catholic Charities, USA; The Jewish Federations of North America; National Council of the Churches of Christ in the USA; The Salvation Army; United Way Worldwide and the Federal Emergency Management Agency (FEMA), which also chairs the Board.

The EFSP was established to supplement and expand the ongoing work of local social service organizations, both non-profit and governmental, to provide shelter, food and supportive services to individuals and families who are homeless or hungry, or at risk of becoming homeless or hungry.

OVERVIEW

On July 1, 2019, the President signed into law the *Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019* (Public Law No: 116-26). Provisions of the law provide \$30 million to the EFSP to help defray the direct costs that state and local entities (including non-profit, faith-based and governmental) have incurred in providing shelter, food and related supportive services to southern border migrants released from DHS custody. Congress selected the EFSP to disburse these supplemental funds because of its existing grant structure and the public-private coordination fostered by the program's National Board.

The EFSP National Board will be responsible to disburse these supplemental grant funds through a competitive application process, and funds will remain available until disbursed through September 30, 2020.

The \$30 million supplemental funding is to assist local communities that have been experiencing a significant influx of migrants released from DHS custody at the southern border. FEMA determined that:

- \$25 million will be allocated to organizations in the states of Arizona, California, New Mexico, and Texas.
- \$5 million will be available for allocation to organizations in all 50 states.

The National Board has determined that, initially, reimbursements will be made to defray direct shelter, food, and related expenses incurred from January 1, 2019 – June 30, 2019. Prior EFSP participation is not a requisite for making an application. Only eligible nonprofits, faith-based or government (state or local) entities may apply for funds. In order to receive reimbursement for eligible services provided, these agencies must be able to document expenditures made to deliver direct services to southern border migrants released from DHS custody.

Any agency that did not provide direct services from January 1, 2019 – June 30, 2019 in response to an influx of southern border migrants in their community who were released from DHS custody will not be considered to receive initial funds.

KEY PROGRAM DATES

Throughout the administration of this program, there will be several key dates or deadlines for participants to meet. The National Board will inform Local Boards and State Set-Aside (SSA) Committees of the timeline and deadlines.

Local entities and state organizations interested in receiving funds must ensure their applications are prepared and submitted to the Local Board or SSA Committee by the predetermined deadline set by the National Board. Agencies will have 10 business days from the date the application is made available to submit it to the Local Board or SSA Committee. The deadline will appear on the application. After the LRO deadline, Local Boards and SSAs will have 10 business days to submit their applications to the National Board, once the application is made available on the EFSP website.

Upon receipt of the submissions from the Local Boards and SSA Committees, the National Board will review the applications and supporting documentation (spreadsheets, daily logs/schedules and documentation). If there are any questions or concerns, staff will seek clarification and/or revisions from the LB or SSA, which will need to be addressed promptly or risk disqualification. A due date will be set for responses to be sent to EFSP staff.

The National Board anticipates that funding award notifications will be sent to Local Boards and SSA Committees not later than late September or early October 2019.

Important: Failure to meet any program deadlines may cause an agency to not qualify for funding or a delay in the receipt of payment, if awarded funds.

GRANT AGREEMENT ARTICLES, FINANCIAL TERMS AND CONDITIONS AND OTHER TERMS AND CONDITIONS

The Supplemental Appropriations for Humanitarian Assistance (SAHA) is a restricted federal grant. All federal grants have terms and conditions that apply to **ALL** parties participating in the grant. For the SAHA, all parties mean the National Board which is considered the *Recipient*, State Set-Aside Committees (SSAs), Local Boards, and Local Recipient Organizations (LROs) that are considered the *Sub-Recipients*. This section of the Supplemental Funding Guidance (SFG) provides guidance related to the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions of the grant. The SAHA Certification Forms for all parties contain statements that incorporate the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions. All parties must ensure their understanding of this section of the Supplemental Funding Guidance (SFG) and the statements on the Certification Forms being signed, as they are agreeing to specific program requirements mandated by the Federal government, including those that do not appear to apply to the types of programs and activities eligible under the SAHA. While some of the articles do not appear to be consistent with the types of programs and activities funded under the SAHA and some state recipient but not sub-recipient, all Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions must be passed on to all participating parties. ***All parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program including those not specifically stated in this SFG.***

SSAs and Local Boards participating have responsibility for ensuring compliance in their selection of LROs for funding and adhering to all SAHA requirements, including the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions. SSAs, Local Boards, and LROs should familiarize themselves with all specific citations noted in the Guidance.

Article I - Assurances, Administrative Requirements, Cost Principles, Representation 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 applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” – as well as those regarding accounting systems, audits, and other financial matters and the Financial Terms and Conditions and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article II - 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, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
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 of federal financial assistance from DHS must complete the *DHS Civil Rights Evaluation Tool* within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials, to 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/dhscivil-rights-evaluation-tool>.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. Item 5 of the article applies to the National Board. The Financial Terms and Conditions of the SFG speak to this Grant Agreement Article.

Article III - 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. For the purposes described in this article, State Set-Aside Committees, Local Boards and LROs must make sure that they comply with the Acknowledgement of Federal Funding from DHS.

Article IV - 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” – and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article V - Age Discrimination Act of 1975

Recipients must comply with the requirements of the *Age Discrimination Act of 1975*, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, section 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” – in the SFG speak to this Grant Agreement Article.

Article VI - 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. sections 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” – in the SFG speak to this Grant Agreement Article.

Article VII - Best Practices for Collection and Use of Personally Identifiable Information (PII)

Recipients who collect 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 personally identifiable information (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.

SAHA Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. In order to meet the documentation requirements of the SAHA in certain program categories, it is necessary to obtain, retain, and provide, if requested, PII for clients served with SAHA funding. The National Board does not require and does not expect to receive PII beyond what is noted in the SAHA Documentation Requirements as stated in the SFG. Items that should not be submitted to EFSP as documentation include, but are not limited, to driver's licenses, Social Security Numbers or cards, pay stubs, etc.

Article VIII - 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. section 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” – in the SFG speak to this Grant Agreement Article.

Article IX - Civil Rights Act of 1968

Recipients must comply with Title VIII of the *Civil Rights Act of 1968*, Pub. L. No. 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. section 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.)

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” – in the SFG speak to this Grant Agreement Article.

Article X - Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. sections 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. There are no allowable activities that can be funded regarding materials that would be copyrighted with SAHA funds. Any necessary materials for use in the SAHA would not generally be copyrighted. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” – and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XI - 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 3000. 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Is not debarred or suspended from receiving Federal funds” – and the Financial Terms and Conditions sections in the SFG speak to this requirement.

Article XII - 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. sections 8101-8106).

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs.

Article XIII - 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.

SAHA Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. Expenditures paid with SAHA funding cannot be charged to other awards/grants. See statement contained in the Certification Forms – “Will expend monies only on EFSP eligible costs” – as well as the Eligible Expenditures section of the SFG for further explanation of this requirement.

Article XIV - 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. No. 92-318 (1972) (codified as amended at 20 U.S.C. section 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

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” – in the SFG speak to this Grant Agreement Article.

Article XV - Energy Policy and Conservation Act

Recipients must comply with the requirements of the *Energy Policy and Conservation Act*, Pub. L. No. 94-163 (1975) (codified as amended at 42 U.S.C. section 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. With the exception of supplies and equipment purchases, up to \$300 per item to address emergency rehabilitation costs/building code citations for mass shelter and mass feeding sites, there are no other allowable activities that can be funded with SAHA funds. See the statement in the Certification Forms – “Will expend monies only on SAHA eligible costs” – and the Eligible Expenditures section of the SFG for further explanation of this Grant Agreement Article.

Article XVI - False Claims Act and Program Fraud Civil Remedies

Recipients must comply with the requirements of the *False Claims Act*, 31 U.S.C. sections 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. sections 3801-3812, which details the administrative remedies for false claims and statements made.)

SAHA Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. Generally, this act provides for criminal penalties if false claims are filed.

Article XVII - 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.)

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs.

Article XVIII - 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.

SAHA Applicability: This article applies to the EFSP National Board as the recipient, all State Set-Aside Committees, Local Boards and LROs as subrecipients of funds.

Article XIX - 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. section 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. section 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. Domestic air travel for long distance transportation to move migrants to another city may be an allowable activity. However, international air transportation of people and property are not allowable activities that can be funded with SAHA funds. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” – and the Eligible Expenditures section of the SFG provide additional guidance on complying with this Grant Agreement Article.

Article XX - 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. section 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. section 2225.

SAHA Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. Should SSAs, Local Boards, or LROs conduct conferences, meetings, or trainings for SAHA, they must comply with this requirement.

Article XXI - Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with the *Title VI of the Civil Rights Act of 1964* (42 U.S.C. section 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-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds]” – in the SFG speak to this Grant Agreement Article.

Article XXII - Lobbying Prohibitions

Recipients must comply with 31 U.S.C. section 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Will not use SAHA funding for any lobbying activities and if receiving \$100,000, or more, will provide the “Certification Regarding Lobbying” and, if applicable, will complete Standard Form LLL, “Disclosure Form to Report Lobbying”, – in advance with its instructions – speak to this Grant Agreement Article. The “Lobbying Prohibition and Reporting Requirements” section in the SFG also speak to this Grant Agreement Article.

Article XXIII - National Environmental Policy Act

Recipients must comply with the requirements of the *National Environmental Policy Act of 1969*, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 *et seq.*) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies.

Article XXIV - 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 faith-based organizations in individual DHS programs.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. SAHA guidelines prohibits discrimination based on age, race, sex, religion, national origin, disability, economic status or sexual orientation.

Article XXV - 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.

SAHA Applicability: This applies to all State Set-Aside Committees, Local Boards and LROs. SAHA is not intended to make up for budget shortfalls or to be considered a line item in an annual budget. SAHA funds cannot replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article XXVI - Notice of Funding Opportunity Requirements

All of the 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.

SAHA Applicability: The requirements stated in this article applies to the recipient, the EFSP National Board. The NOFO and guidance is made available to the National Board via the ND Grants System. All terms and conditions of the award are agreed to when the National Board accepts the award in the ND Grants System.

Article XXVII - Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the *Bayh-Dole Act*, 35 U.S.C. section 200 *et seq.* 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. section 401.14.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. There are no allowable activities that would be patented with SAHA funds. Any necessary materials for use under the SAHA would not generally be patented. The statement contained in the Certification Forms –“Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XXVIII - 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. No. 89-272 (1965) (codified as amended by the *Resource Conservation and Recovery Act*, 42 U.S.C. section 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The statement contained in the Certification Forms –“Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XXIX - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. section 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Practices non-discrimination [those agencies with a religious affiliation must agree not to refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds] - and the Client Eligibility sections in the SFG speak to this Grant Agreement Article.

Article XXX - 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.

SAHA Applicability: The reporting in this article applies to the recipient, the EFSP National Board. The EFSP is registered in the SAMS system. Any necessary updates to EFSP information in the system or required reporting related to the grant will be made appropriately.

Article XXXI - 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.

SAHA Applicability: This article applies to the Recipient (National Board) and all Sub-recipients (State Set-Aside Committees, Local Boards and LROs). As information received from State Set-Aside Committees, Local Boards and LROs are necessary components of the required reports, the statements contained in the Certification Forms regarding the DUNS number, Federal Employer Identification Number (FEIN), and reporting requirements speak to this Grant Agreement Article.

Article XXXII - 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. There are no allowable activities that can be funded regarding communication equipment. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XXXIII - 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XXXIV - Trafficking Victims Protection Act of 2000

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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XXXV - Universal Identifier and System for 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.

SAHA Applicability: System for Award Management (SAM) registration in this article applies to the recipient, the EFSP National Board. Any necessary updates to EFSP information in the system will be made yearly. The unique identifier statement applies to all State Set-Aside Committees, Local Boards and LROs. All funded LROs are required to provide their DUNS number to EFSP before payments can be released. The statement contained in the Certification Forms – “Has provided a Data Universal Number System (DUNS) number issued by Dun & Bradstreet (D&B) and required associated information to EFSP” - speak to this Grant Agreement Article.

Article XXXVI - 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. sections 175-175c.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The statement contained in the Certification Forms – “Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article XXXVII - 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.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. The use of any organization's marks, including those of DHS, must be approved through proper channels. EFSP does not approve the use of the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials including those of the Federal Emergency Management Agency (FEMA) or those of any other National Board member agency. SSAs, Local Boards or LROs wishing to use the marks of any of these organizations must secure the individual agency's permission. Bank accounts used by agencies funded under the EFSP should be set up in the individual agency's name, not as FEMA.

Article XXXVIII - Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C section 2409, 41 U.S.C. section 4712, and 10 U.S.C. section 2324, 41 U.S.C. sections 4304 and 4310.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. The article speaks to employees and contractors with the Department of Defense and disallowed costs with funding. The statement contained in the Certification Forms –“Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG speak to this Grant Agreement Article.

Article 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@dhs.gov if you have any questions.

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. Should there be changes to the award, the EFSP National Board will communicate changes (as necessary) to State Set-Aside Committees, Local Boards and LROs. Item 2 (Amendments) under Financial Terms and Conditions also speaks to this Grant Agreement Article.

Article XL - Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. Section 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. Section 200.308(e) 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 DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/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.

SAHA Applicability: This article applies to the EFSP National Board. The budget submitted with the application in the ND Grants system generally remains the same. The scope and purpose of the program does not change. The guidelines are in the SFG.

Article XLI - Disposition of Equipment Acquired Under the Federal Award

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

SAHA Applicability: This article applies to all State Set-Aside Committees, Local Boards and LROs. While it may appear the types of programs and activities referenced in this article would not be consistent with the types of programs and activities funded by SAHA, the article still applies. LROs may use up to \$300 to purchase eligible equipment with EFSP funds. The statement contained in the Certification Forms –“Will expend monies only on SAHA eligible costs” - and the Eligible Expenditures section of the SFG provide additional guidance regarding this Grant Agreement Article.

FINANCIAL TERMS AND CONDITIONS

The National Board requires all participants to meet the requirements stated in this SFG regarding program compliance, reporting, documentation and submission of documentation.

1. Definitions

- a. “Jurisdiction” refers to the city, county or combination receiving funds through EFSP.
- b. “Local Recipient Organization” or “LRO” refers to the local private or public (local or state) agency that will receive any award of funds from the National Board.
- c. “Award” refers to the award of funds made by the National Board to a local private or public (local or state) agency.
- d. “End-of-program” refers to the jurisdiction’s end date, as agreed upon by the Local Board and National Board, by which all monies must be expended or returned to the National Board.
- e. “Begin Date” is the date LROs may begin expending funds.
- f. “End date” is the date by which all funds must be expended or returned to the National Board.

2. Amendments

An award may be amended at any time by a written modification. Amendments, which reflect the rights and obligations of either party, shall be executed by both the National Board and the LRO.

3. Local Board Authority Related to Local Recipient Organizations

The Local Board is responsible for monitoring expenditures of LROs receiving SAHA funds.

Local Boards may not alter or change National Board cost eligibility or approve expenditures outside of the National Board’s criteria without National Board permission. Local Boards may not alter or change the National Board’s documentation requirements.

In the event the National Board discovers ineligible expenditures by an LRO, the National Board will send a written request for recoupment of the amount to the LRO, copying the Local Board. If the LRO is unwilling or unable to reimburse the National Board for the ineligible expenditure, the National Board may refer the matter to FEMA.

If the Local Board suspects that fraud has been committed by an LRO, the Local Board must contact the DHS Office of Inspector General (OIG) with details of the suspected fraud or misuse of Federal funds. The OIG’s preferred method for reporting fraud is to fill out and submit their online allegation form from their website www.oig.dhs.gov. The address for mailing information is **DHS Office of Inspector General/MAIL STOP 0305, Attention: Office of Integrity & Quality Oversight – Hotline, Murray Lane SW, Washington, DC 20528-0305.**

If an LRO received an award under previous phases (Public Laws 98-8, 98-151 and 98-181, 98-396, 99-88 and 99-160, 99-500 and 100-6, 100-71 and 100-120, 100-404 and 101-45, 101-100, 101-467, 102-139, 102-389, 103-124, 103-327, 104-91 and 104-134, 104-204, 105-65, 105-276, 106-74, 106-377, 107-73, 107-294 and 108-7, 108-90, 108-334, 109-90, 109-295, 110-161, 110-329 and 111-5, 111-83, 112-10, 112-74, 113-6, 113-76, 114-4, 114-113, 115-31, 115-141 or 116-6), it must not include those funds in any reporting for the current award. Reports should be confined to the amount granted by the National Board under the new appropriations legislation (Public Law 116-26).

4. Cash Depositories

- a. Any money advanced to the LRO under the terms of this award must be deposited in a checking account in a bank with Federal Deposit Insurance Corporation (FDIC) or Federal Savings & Loan Insurance Corporation (FSLIC) insurance coverage (whose responsibility has been taken over by FDIC), and the balance exceeding the FDIC or FSLIC coverage must be

collaterally secured. Interest income earned on these funds must be put back into eligible program costs, not administration.

- b. LROs are encouraged to use minority-owned banks (a bank that is owned at least 51 percent by minority group members). This is consistent with the national goal of expanding the opportunities for minority business enterprises. A list of minority-owned banks can be obtained at the addresses below.

- I. <https://www.federalreserve.gov/supervisionreg/minority-depository-institutions.htm>
- II. www.fdic.gov/regulations/resources/minority/MDI.html

5. Retention and Custodial Requirements for Records

- a. Financial records, supporting documentation, statistical records, and all other records pertinent to the award shall be retained by the LROs, Local Boards, and SSA Committees for a period of three years from the end-of-program date with the following exceptions:
 - i. If any litigation, claim, program compliance review, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, program compliance problems, or audit findings involving the records have been resolved.
 - ii. Records for non-expendable property, if any, acquired in part with SAHA funds shall be retained for three years from the submission of the Local Board Plan to the National Board. Non-expendable property is defined as tangible property having a useful life of more than one year and an acquisition cost of more than \$300 per unit.
- b. The retention period shall start from the submission of the Local Board Plan to the National Board.
- c. The National Board may request transfer of certain records to its custody from LROs, Local Boards, and SSA Committees when it determines that the records possess long-term retention value. The LROs, Local Boards, and SSA Committees shall make such transfers as requested.
- d. The Director of FEMA, the Comptroller General of the United States, and the National Board, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of LROs, Local Boards, and SSA Committees, to make audits, examinations, excerpts, and transcripts.

6. Financial Management Systems

The LRO shall maintain a financial management system that provides for the following:

- a. Accurate, current and complete disclosures of the financial results of this program.
- b. Records that identify adequately the source and application of funds for federally supported activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, non-obligated balances, assets, outlays, and incomes.
- c. Effective control over and accountability for all funds, property, and other assets.
- d. Procedures for determining eligibility of costs in accordance with this guidance.
- e. Accounting records that are supported by source documentation. The LRO must maintain and retain a register of cash receipts and disbursements and original supporting documentation such as purchase orders, invoices, canceled checks or documentation for other acceptable payment methods, sign-in logs and any other documentation that is necessary to support their costs under the program.
- f. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

- g. In cases where more than one civil jurisdiction (e.g., a city and a balance of county, or several counties) recommends awards to the same LRO, the LRO can combine these funds in a single account. However, separate program records for each civil jurisdiction award must be kept.

7. Audit Requirements

If receiving \$100,000 or more in SAHA funds, the LRO will be eligible to receive the funds if it arranges for an independent audit of funds to coincide with the next scheduled annual audit of its financial affairs. Newly funded LROs receiving \$50,000 or more in SAHA funds will need to share a copy of their most recent audit with the Local Board for review. LROs that participated in the EFSP in the past will not have to submit copies of their

A webinar providing information on audit requirements is available on the EFSP website under Pre-recorded Presentations under Supplemental Funding Information.

audits, the LROs will be eligible to receive funds. An original copy of an LRO's audit or review will be provided to the National Board upon request. **It is not necessary to have a separate, independent audit/review for this award so long as program funds are treated as a separate element in the LRO's regular annual audit/review. The audit submitted must be from the current year or one year prior.**

All SAHA funded LROs (both governmental and not-for-profit) that expend \$750,000 or more in Federal funds must comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200 of the Office of Management and Budget (Uniform Guidance), Audits of States, Local Government, and Nonprofit Organizations, which requires a single organization-wide audit. This \$750,000 could be exclusively SAHA funds or a combination of SAHA and other Federal funds that an agency might be receiving. **Note: A copy of the audit report must be forwarded to the National Board annually along with the regular audit. SAHA funds must be clearly identified by ID number in the audit/review and Schedule of Federal Awards.**

Audits of units of government shall be made annually unless the state or local government had, by January 1, 1987, a constitutional or statutory requirement for less frequent audits. **LROs** receiving funds in a single or multiple jurisdictions must identify each award individually by their LRO ID number in each jurisdiction under the Pass-Through Grantors Number on the Schedule of Expenditures of Federal Awards.

8. Payment

A direct payment shall be made to the LRO upon recommendation of the Local Board and approval by the National Board. All LROs will have to be in compliant with SAHA guidelines. Any LRO with an outstanding compliance exception will have to resolve the exception, prior to the release of funds.

9. Financial Reporting Requirements

The National Board shall provide LROs with the necessary reporting requirements in advance of report deadlines.

LROs shall submit Supplemental Funding Reimbursement Reports to the National Board by the application deadline designated by the National Board.

10. Closeout

The following definitions shall apply:

- a. "Closeout" is the process by which the National Board determines that all applicable administrative actions and all required work of the award have been completed.

- b. "Disallowed costs" are those charges that the National Board determined to be unallowable in accordance with the legislation, National Board requirements and applicable Federal cost principles or other conditions contained in the award. The applicable cost principles are contained in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200 of the Office of Management and Budget (Uniform Guidance.). If you are unsure of where to find the Uniform Guidance, check with your local Congressional Representative, contact the National Board staff, or visit the Office of Management and Budget's website: www.omb.gov.

11. Suspension and Termination Procedures

The following definitions shall apply:

- a. Termination – termination of this award means the cancellation of SAHA assistance, in whole or in part, under the award at any time prior to the date of completion.
- b. Suspension – the suspension of this award is an action by the Local Board or National Board that temporarily suspends SAHA assistance under the award pending corrective action by the LRO or pending a decision by the National Board to terminate the award.

12. Lobbying

Pursuant to 31 U.S.C. §1352, an LRO is prohibited from using federally appropriated grant funds for lobbying activities. This condition bars the use of Federal money for political activities but does not in any way restrict lobbying or political activities paid for with non-Federal funds. This condition prohibits the use of Federal grant funds for the following activities:

A webinar detailing the process for submitting Certification Forms is available on the EFSP website under Pre-recorded Presentations in the Supplemental Funding Information tab.

- Federal, state or local electioneering and support of such entities as campaign organizations and political action committees;
- Direct lobbying of the Congress and State Legislatures to influence legislation;
- Grassroots lobbying concerning either Federal or state legislation;
- Lobbying of the Executive Branch in connection with decisions to sign or veto enrolled legislation; and,
- Efforts to utilize state or local officials to lobby the Congressional or State Legislatures.

Any LRO that will receive more than \$100,000 in SAHA funds is required to submit:

- a certification form that SAHA funds will not be used for lobbying activities; and,
- a disclosure of lobbying activities (if applicable).

This certification and disclosure must be submitted prior to grant payment.

13. Debarment and Suspension Regarding Funding

Pursuant to Executive Order 12549, Debarment and Suspension, all LROs benefiting from SAHA funding must certify that they have not been debarred or suspended from receiving funds from or doing business with the Federal government. Each LRO will make this certification by signing the LRO Certification Form which states the requirement. Each Local Board must certify they have received the LRO Certification Form from the LRO which state the requirements.

OTHER TERMS AND CONDITIONS

Duplication of Benefits

There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part §225 (Uniform Guidance), basic Guidelines Section C.(c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts §220 and §230 and 48 CFR Part §31.2 (Uniform Guidance.)

SAHA Applicability: *This applies to all State Set-Aside Committees, Local Boards and LROs. SAHA is not intended to make up for budget shortfalls or to be considered a line item in an annual budget. Expenditures charged in full to the SAHA grant may not also be charged to other awards/grants; nor may expenditures paid for with SAHA funding be charged to other awards/grants. The statements contained in the Certification Forms – “Will use funds to supplement/extend existing resources and not to substitute or reimburse ongoing programs and services” and “Will expend monies only on SAHA eligible costs” - as well as the Eligible Expenditures section of the SFG speak to this requirement.*

Non-Supplanting Requirement

Grant funds will not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Applicants or grantees may be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

SAHA Applicability: *This applies to all State Set-Aside Committees, Local Boards and LROs. SAHA is not intended to make up for budget shortfalls or to be considered a line item in an annual budget. The Preamble and the statement contained in the Certification Forms – “Will use funds to supplement/extend existing resources and not to substitute or reimburse ongoing programs and services” - speak to this requirement.*

Hatch Act

The Hatch Act restricts the political activity of individuals principally employed by state or local executive agencies and who work in connection with programs financed in whole or in part by Federal loans or grants. All recipients of financial assistance will comply with the regulations, as applicable, to States and Local Governments, of the Hatch Act, 5 U.S.C. § 1501 – 1508, as amended.

SAHA Applicability: *This applies to all State Set-Aside Committees, Local Boards and LROs (both governmental and non-profit). These entities are responsible for determining the applicability of this requirement to the employees of their agency/organization as this requirement is fact-dependent and needs to be compared to the work of the individual employee.*

False Claims Act and Program Fraud Civil Remedies

All recipients of financial assistance will comply with the requirements of 31 U.S.C. § 3729 which sets forth that no recipient of Federal payments shall submit a false claim for payment. Further, 38 U.S.C. § 3801 – 3812 contains administrative remedies for false claims and statements made.

SAHA Applicability: *This applies to all State Set-Aside Committees, Local Boards and LROs. Generally, this act provides for criminal penalties if false claims are filed.*

Debarment and Suspension

Executive Orders 12549 and 12689 provide protection against waste, fraud and abuse by debaring or suspending those persons/agencies deemed irresponsible in their dealings with the Federal government. The recipient agency must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part §3000 (Uniform Guidance.) *See also Appendix B. Certifications and Assurances*

SAHA Applicability: *This article applies to all State Set-Aside Committees, Local Boards and LROs. The statement contained in the Certification Forms – “Is not debarred or suspended from receiving Federal funds” – and the Financial Terms and Conditions sections in the SFG speak to this requirement.*

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. §2225(a), the recipient agrees to 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, 15 U.S.C. §2225.

SAHA Applicability: *This applies to all State Set-Aside Committees, Local Boards and LROs. Should SSAs, Local Boards, or LROs conduct conferences, meetings, or trainings for SAHA, they must comply with this requirement.*

Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS recommends that all grantees who collect PII have a publicly-available privacy policy that describes what PII they collect, how they use the PII, whether they share the PII with third parties, and how individuals may have their PII corrected where appropriate. Grantees may also find as a useful resource the DHS Privacy Impact Assessments: The Privacy Office Official Guidance and the Privacy Impact Assessment Template (available on the DHS Privacy Office website at:

http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and

http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf.

SAHA Applicability: *This applies to all State Set-Aside Committees, Local Boards and LROs. In order to meet the documentation requirements of the SAHA in certain program categories, it is necessary to obtain, retain, and provide, if requested, PII for clients served with SAHA funding. The National Board does not require and does not expect to receive PII beyond what is noted in the SAHA Documentation Requirements as stated in the SFG. Items that should not be submitted to EFSP as documentation include, but are not limited to, driver's licenses, Social Security Numbers or cards, pay stubs, etc.*

ELIGIBILITY

To be considered for an award, agencies must meet the following criteria:

- Be a nonprofit, faith-based or governmental entity that provided direct services on or after January 1, 2019 through June 30, 2019 to southern border migrants released from DHS custody
- Submit a completed application, including:
 - Supplemental Reimbursement Report
 - Spreadsheets of expenditures
 - Daily Logs/Schedules reflecting the number of individuals served
 - Copies of receipts showing proof of expenditures
 - Proof of payment (agency's canceled check or credit/debit card)
- Provide the agency's Data Universal Number System (DUNS) Number. All agencies applying for this funding opportunity must have a DUNS number. DUNS numbers are issued by Dun & Bradstreet (D&B) at no cost. Link for DUNS Number -<https://www.dnb.com/duns-number/get-a-duns.html>
- Provide the agency's Federal Employer Identification Number (FEIN) - All agencies applying for this funding opportunity must have a FEIN number. FEIN numbers are issued by the Internal Revenue Service (IRS) at no cost. Link for FEIN -www.irs.gov
- Apply on or before the deadline. See key program dates in this document and on the EFSP website. The deadline will also appear on the application.

The application is available via the EFSP website, [Supplemental Funding Information](#).

If an agency must apply for either the DUNS or FEIN numbers, they should do so before the application deadline. Applications will be considered incomplete if the information is not provided. [This will prevent an agency from receiving funds.](#)

Any agency that participated in the EFSP in the past and has outstanding compliance exceptions, must resolve them prior to the submission of the Local Board or SSA Committee application to the National Board. Any agency with an outstanding compliance exception after the application has been submitted to the National Board, will not be eligible to receive funds from this opportunity. For questions about compliance status, see the Compliance Resolution section of this document.

The following entities are not eligible to apply for funds:

- Organizations that have only passed down funds or equipment to other local entities that provided direct services
- Agencies that only provided charitable donations
- Services to migrants that were provided outside of the January 1, 2019 – June 30, 2019 time frame

ELIGIBLE EXPENDITURES AND REQUIRED DOCUMENTATION

The National Board has determined that, initially, reimbursements will be made to defray direct shelter, food, and related expenses incurred on or after January 1, 2019 through June 30, 2019. Should there be remaining funds after eligible reimbursements have been made through June 30, 2019, eligible reimbursements and projected costs beyond June 30, 2019 may also be considered for funding.

There are two categories of expenditures, primary and secondary. Primary expenditures will be considered for reimbursement first. Should funds remain available, secondary expenditures will be considered. Below are the eligible expenditures for these funds.

Primary Expenditures:

- Shelter/Lodging (expenses related to mass shelter or hotel/motel nights of stay)
 - Basic First Aid/ Over The Counter Medication (e.g. band-aids, Tylenol, Advil)
 - Hygiene items (e.g. baby wipes, diapers, toiletries, undergarments)
 - Clothing
 - Cots and Beds, including pillows
 - Linens (e.g. sheets, towels, wash cloths)
 - Shelter Utilities (electricity, gas, water)
 - Maintenance & Housekeeping (repair and cleaning supplies)
 - Contracted Services (security, laundry, trash pickup)
 - Local Transportation to and from shelter (including contracted services, vehicle rental, gas, insurance, drivers)

- Food (congregate meals or food pantry services)
 - Food items
 - T-shirt bags
 - Storage containers to separate bulk food purchases
 - Utensils (e.g. plates, forks, knives)
 - Cookware (pots, pans)
 - Equipment Purchased/Rented (food prep – e.g. stove, microwave)
 - Local Transportation to and from food services (including contracted services, vehicle rental, gas, insurance, drivers)

- Other Supportive Services Provided Directly to Clients (e.g. toiletries, diapers, feminine hygiene products, undergarments)

Secondary Expenditures:

- Long Distance Transportation Costs (transportation costs to move migrants to another city or state)
 - Bus tickets, airline tickets, train tickets
- Health/Medical
- Mental Health
- Legal Aid
- Translation Services

At this time, the National Board has not determined whether Local Boards and SSA Committees will be able to recoup administrative costs to carry out this program. Local Boards and SSA Committees will be advised by the National Board when a decision has been made.

Under the McKinney-Vento Act, the EFSP National Board has the discretion and flexibility to allow funding for activities to supplement and expand ongoing efforts to provide shelter, food, and supportive services for homeless individuals, to strengthen efforts to create more effective and innovative local programs by providing funding for them, including medical treatment, transportation costs, mental health, legal aid and translation services.

Payment Method: Payment for all eligible program expenses must have been made by an approved method of payment directly to the vendor, not more than 90 days after the invoice date. Approved payment methods are:

- LRO check
- LRO debit card
- LRO credit card - vendor issued (i.e., Sam's Club, other store vendor issued credit card)
- LRO credit card - third party (i.e., American Express, Visa)
- Electronic payment from LRO's bank account

EFSP does not allow the reimbursement of staff/volunteers, other LROs or any party other than the vendor of services. Cash payments are ineligible.

Documentation must be provided for all expenses made. Documentation includes proof of payment (see payment method above) and receipts/invoices from vendors for services provided.

REPORTING

As part of the application process, agencies will be required to complete and submit a **Supplemental Funding Reimbursement Report** and spreadsheets reflecting expenditures made on or after January 1, 2019 through June 30, 2019, with the application. Agencies will also be required to submit copies of supporting documentation (proof of payment and receipts/invoices) of eligible expenditures to the Local Board. The Local Board will forward all documentation of all applying agencies to the National Board for consideration before submitting their Local Board Plan. Prior to the release of funds, proof of expenditures must be filed with the National Board for any applying agency. No agency will receive funds that have not submitted their completed supporting documentation by the established deadline.

Spreadsheets and daily logs must be submitted along with the required documentation and **Supplemental Funding Reimbursement Report** with the application. See Required Forms section for forms used by applicant agencies during the application process.

COMPLIANCE RESOLUTION

Agencies participating in this program, must ensure they do not have any compliance exceptions with the National Board. All outstanding compliance exceptions must be resolved before payment can be released to agencies.

If an applying agency has any outstanding compliance exceptions from previous EFSP participation, they will be required to resolve these exceptions before the Local Board or SSA Committee submits their application to the National Board.

For any questions about compliance resolution, please contact:

- The Local Board for assistance
- The EFSP website, www.efsp.unitedway.org (Existing LROs will need to log in with their user ID and password. After signing in, select Reports from the menu on the left side of the page, then select Compliance from the dropdown menu and the correct spending cycle or phase.)
- National Board staff at suppfund@www.unitedway.org or 703.706.9660

APPLICATION PROCESS

The application to apply for these supplemental funds is available on the EFSP website, www.efsp.unitedway.org. The National Board will notify Local Boards and SSA Committees via email when the application is available. Applicants will go to the EFSP website and click on **Supplemental Funding Information** to access the application. The process differs depending on whether the organization is local or state-wide.

Local organizations will apply through their Local Board, including local governmental entities. Applications will be submitted to the EFSP Local Board for the jurisdiction (city or county) in which they provided services. A separate application must be provided to each EFSP Local Board of a jurisdiction that an applicant is seeking funds. While completing the application, applicants will select the jurisdiction and the Local Board information will be populated on the application. State-wide organizations that provided eligible, direct services themselves and not through a local entity may apply through their EFSP State Set-Aside (SSA) Committee. Organizations may access SSA Committees and Local Board contact information by clicking on **Supplemental Funding Information**.

After applicants complete their applications, they will electronically submit them to the EFSP Local Board or SSA Committee, as appropriate. Applicants will be able to print the application before sending it. In addition, a copy of the application will be sent to the applicant via email after it is sent to the Local Board or SSA Committee. The Local Board and SSA will also receive an email notification that will include a copy of the application. The Local Board will compile all applications received and will electronically submit them as a package to the National Board for review and award decision. The SSA Committee will compile all applications received and will electronically submit them as a package to the National Board for review and award decision.

The National Board will review all applications received so that they can make final award decisions. This is a competitive grant process, so no application is guaranteed an award. Due to the limited funds, priority will be given to communities deemed to have been most impacted by this humanitarian crisis. Additionally, based on level of demand, it is possible that an award could be less than the full amount requested.

In prioritizing award determinations, the National Board will use a number of factors, including:

- Migrant release data received from Immigration Customs Enforcement (ICE)/Customs and Border Protection (CBP)
- Proximity to ICE and CBP facilities performing releases
- Number of migrants served
- Information organizations provided on the direct costs incurred in serving migrants
- Subject matter expertise and discretion of the National Board
- Any other information and guidance that may be applicable to determining awards
- Sufficiency of available funding

After the National Board makes its funding decisions, Local Boards and SSA Committees will be notified of their award amount. Local Boards will have 5 business days to submit their Local Board Plan to the National Board so that payments may be released to the LROs approved to receive funds.

LROs will have to submit their LRO Certification before funds can be released. If an LRO receives \$100,000 or more in funding, they will have to complete a Lobbying Certification, which will be available to them while completing the LRO Certification.

PAYMENT RELEASE

After the National Board makes its funding decisions, Local Boards and SSA Committees will submit their Local Board Plans to the National Board and LROs submit their LRO Certifications and Lobbying

Certification, as necessary. A direct payment will be made to each agency approved to receive a funding award. To prevent delay, any agency selected to receive funds that has participated in the EFSP in the past, should ensure their bank information is accurate/updated to receive a direct deposit. Newly funded agencies that have not previously participated in the EFSP will receive payment in the form of a check mailed to the address of record.

If an applying agency has any outstanding compliance exceptions from previous EFSP participation, they will be required to resolve these exceptions before the Local Board or SSA Committee submits their application to the National Board.

For any questions about compliance resolution, please contact:

- The Local Board for assistance
- The EFSP website, www.efsp.unitedway.org (Existing LROs will need to log in with their user ID and password. After signing in, select Reports from the menu on the left side of the page, then select Compliance from the dropdown menu and the correct spending cycle or phase.)
- National Board staff at suppfund@uww.unitedway.org or 703.706.9660

NATIONAL BOARD EXPECTATIONS OF LOCAL BOARDS & STATE SET-ASIDE COMMITTEES FOR THE SUPPLEMENTAL FUNDS

Local Boards

Local Boards should broadly share information with non-profit, faith-based and governmental entities in their communities via their networks and coalitions—including social media, as appropriate—regarding funding opportunity. This notification is intended to reach **all agencies** whether or not they have participated in EFSP in the past. While there is not a requirement to advertise in printed media, it is recommended.

A Local Board mirrors the composition of the National Board. The Local Board is the governing body for the local EFSP in the county or city it serves. The Local Board represents the interests of community needs and shall review applications received from LROs to determine eligibility, work with applicant agencies to ensure completeness of applications, and submit the application package for the community to the National Board. After reviewing applications received, the Local Board will submit them as a package to the National Board.

State Set-Aside Committees

SSA Committees will review all applications received and submit them to the National Board.

Each SSA Committee is to contact the Governor's office of their state to advise of the funding opportunity. The SSA Committee, which mirrors the composition of the National Board, functions as a Local Board for any state-wide entity application for supplemental funding. The SSA Committee represents state-wide interests. SSA Committees will review all applications received and submit them as a package to the National Board.

After the National Board has determined awards, it will notify Local Boards and SSA Committees of entities awarded funds. These Local Boards and SSA Committees will be required to submit a Local Board Plan to the National Board, which includes the local entities' information (contact, address, etc.), the amount of funds awarded to each agency and the category in which they may spend the funds (i.e., shelter, food, other related services). Once the Local Board Plans are received, and LRO Certifications have been received from awarded agencies, the National Board will make direct deposits or mail checks to those entities receiving an award.

At this time, the National Board has not determined whether Local Boards and SSA Committees will be able to recoup administrative costs to carry out these supplemental funds. Local Boards and SSA Committees will be alerted by the National Board when a decision has been made.

GLOSSARY

Award - the dollar amount granted to either a jurisdiction as a whole or an individual LRO.

Documentation - proof of payment, invoices, per diem schedules, vouchers, letters, mileage logs or schedules, etc. to support expenditures.

DocuSign - an e-signature and workflow solution. All applications, Local Board Plans, Local Recipient Organization Certifications, and Lobbying Certifications must be electronically signed using DocuSign.

Eligible Costs - charges made that the National Board determines to be allowable in accordance with SAHA guidelines.

Jurisdiction - city, county or combination receiving funds through EFSP.

Local Recipient Organization (LRO) - any local non-profit, faith-based or governmental entity that may apply for these supplemental funds through the Local Board, regardless of current or former EFSP participation.

LRO ID Number - the unique 9-digit number that identifies each LRO within a jurisdiction.

Local Board – Local Board mirrors the composition of the National Board. The Local Board is the governing body for the local EFSP in the county or city it serves. The Local Board represents the interests of community needs and shall review applications received from LROs to determine eligibility, work with applicant agencies to ensure completeness of applications, and submit the application package for the jurisdiction to the National Board. A directory of Local Boards can be found at [Supplemental Funding Information](#).

Local Board ID Number - the unique 6-digit number assigned by EFSP that identifies each Local Board.

Mass Feeding (Congregate Meals) - A facility that prepares and serves congregate meals for clients in a program operated by an LRO.

Mass Shelter - A facility that has the capacity to provide accommodations for at least 5 clients per night at a single site operated by the LRO.

National Board - the governing body responsible for the administration of the EFSP, composed of representatives of American Red Cross, Catholic Charities USA, The Jewish Federations of North America, National Council of the Churches of Christ in the USA, The Salvation Army, United Way Worldwide, and the Federal Emergency Management Agency (FEMA), which also chairs the Board.

State Set-Aside (SSA) Committee - The SSA Committee, which mirrors the composition of the National Board, functions as a Local Board for any state-wide entity application for funding under this supplemental program. The SSA Committee represents state-wide interests. A directory of SSA Committees can be found at [Supplemental Funding Information](#).

REQUIRED FORMS (SAMPLES)

**EMERGENCY FOOD AND SHELTER PROGRAM
LOCAL PROVIDER APPLICATION FOR
SUPPLEMENTAL APPROPRIATIONS FOR HUMANITARIAN ASSISTANCE FUNDING**

This application must be completed in its entirety. Any missing information may cause an application to be disqualified. The funds may only be used to reimburse for direct food and shelter services provided on or after January 1, 2019 through June 30, 2019 for southern border migrants released from U.S. Department of Homeland Security (DHS) custody. Documentation (proof of payment-canceled check, agency debit or credit card and receipts/invoices), daily logs/schedules and expenditure spreadsheets are required to be submitted to the applicable Local Board along with this application. Any applicant not previously participating in EFSP that is requesting \$50,000 or more will be required to provide a copy of their most recent annual audit with this application.

DEADLINE FOR SUBMISSION OF APPLICATION: This application will be submitted to (include Local Board point of contact, organization affiliation, mailing address) by (date and time). No applications received after the deadline will be considered for an award.

JURISDICTION ID AND NAME: _____

LRO ID AND NAME: _____

REQUEST AMOUNT: \$ _____

APPLICANT INFORMATION

Point of Contact Information (Name/Title/Phone/Fax/Email):

Name/Title: _____

Applicant Phone/Fax/Email:

Phone: _____ **Fax:** _____ **Email:** _____

Applicant's Physical Address: _____

Congressional District Where Applicant is Physically Located: _____ (house.gov)

Applicant's Mailing Address: (If different from physical address. Will have to be provided, otherwise, will be the same.) _____

Applicant's Federal Employer Identification Number (FEIN): _____

Applicant's Data Universal Number System (DUNS): _____ **Agency's Website:** (if applicable) _____

**Is the applicant debarred or suspended from receiving funds or doing business with the Federal government?
Please check appropriately.**

YES NO

(An applicant debarred or suspended from receiving federal funds, may not apply for this funding opportunity.)

FUNDING REQUEST

Total Eligible Unduplicated/Unique Migrant Clients Served (best of knowledge): _____

Total Amount of Reimbursement Funds Requested (must be itemized below): \$ _____

Period When Services Were Provided: Begin Date: _____ End Date: _____

To be considered for reimbursement, applicants must itemize all expenses below.

PRIMARY ELIGIBLE REIMBURSEMENTS

FOOD AND SHELTER:

- **FOOD** (served/congregate meals or bags/boxes of groceries) TOTAL REQUEST: \$ _____

Total Number of Migrant Clients Served in Food Services: _____

Total Meals Served: _____

ITEMIZED ELIGIBLE REIMBURSEMENTS \$:

Total Amount for Served/Congregate Meals: \$ _____

Total Amount for Bags/Boxes of Foods: \$ _____

- **SHELTER** (mass/local shelter facilities or motels) TOTAL REQUEST: \$ _____

Total Migrant Nights (duplicated): _____

Total Migrants Unduplicated Served in Shelter: _____ Average Length of Stay Before Departing: _____

ITEMIZED ELIGIBLE REIMBURSEMENTS \$:

Basic First Aid/ Over-The-Counter Medication (e.g. Tylenol, Advil, etc.): \$ _____

Hygiene items (baby wipes, diapers, toiletries, undergarments, etc.): \$ _____

Clothing: \$ _____

Cots and Beds: \$ _____

Linens (sheets, towels, wash cloths, etc.) \$ _____

Shelter Utilities (electricity, gas, water): \$ _____

Maintenance & Housekeeping (repair and cleaning supplies): \$ _____

Contracted Services (security, laundry, trash pickup): \$ _____

Local Transportation (to and from shelter) (including contracted and/or vehicle rental, gas, insurance, drivers):
\$ _____

Equipment Purchased/Rented (food prep – stove, microwave, etc.): \$ _____

Hotel/Motel Stay (for migrants): \$ _____

SECONDARY ELIGIBLE REIMBURSEMENTS (based on funding availability): TOTAL REQUEST: \$ _____

Total Migrant Clients Receiving the Following Services: _____

ITEMIZED ELIGIBLE REIMBURSEMENTS \$:

Long-Distance Transportation (bus tickets, airline tickets, and train tickets to get to sponsor): \$ _____

Health/Medical: \$ _____

Mental Health: \$ _____

Legal Aid: \$ _____

Translation Services: \$ _____

ADMINISTRATIVE REIMBURSEMENTS (based on funding availability):

Administrative Costs: \$ _____

I hereby certify that the information provided in this application and all supporting documentation complies with all funding requirements. Our agency understands that all parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing these emergency supplemental funds. All appropriate staff and volunteers have been informed of the requirements for these funds. The Local Board has been provided and we have retained a copy of this application for our records.

I certify that the information provided in this application and all supporting documentation that will be submitted to the Local Board for consideration of a grant/award under the U.S. Department of Homeland Security's/Federal Emergency Management Agency's Emergency Food and Shelter Program is accurate.

Authorized Official Name and Title of the Agency: _____

Signature: _____

Date: _____

CERTIFICATIONS:

Local Recipient Organization Certification

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM SUPPLEMENTAL FUNDING LOCAL RECIPIENT ORGANIZATION CERTIFICATION

By signing this Local Recipient Organization (LRO) Certification Form, our agency certifies we have read and understand the Supplemental Appropriations for Humanitarian Assistance (SAHA) Funding Special Funding Guidance, including the Grant Agreement Articles, Financial Terms and Conditions, and Other Terms and Conditions as well as the Eligible and Ineligible Costs and Documentation sections and agree to comply with all program requirements. Our agency understands that all parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program including those not specifically stated in the Supplemental Funding Guidance. All appropriate staff and volunteers have been informed of SAHA requirements. The Local Board has been provided and we have retained a copy of this form for our records.

I certify that my public or private agency:

- Has the capability to provide emergency food and/or shelter services.
- Will use funds to supplement/extend existing resources and not to substitute or reimburse ongoing programs and services.
- Is nonprofit or an agency of government.
- Will not use EFSP funds as a cost-match for other Federal funds or programs.
- Has an accounting system, and will pay all vendors by an approved method of payment.
- Understands that cash payments (including petty cash) are not eligible under EFSP.
- Conducts an independent annual review if receiving \$50,000-\$99,999/an independent annual audit if receiving \$100,000 or more in EFSP funds, and follows OMB's Uniformed Guidance if receiving \$750,000 or more in Federal funding.
- Has not received an adverse or no opinion audit.
- Is not debarred or suspended from receiving Federal funds.
- Has provided a Federal Employer Identification Number (FEIN) to EFSP.
- Has provided a Data Universal Number System (DUNS) number issued by Dun & Bradstreet (D&B) and required associated information to EFSP.
- Practices non-discrimination (agencies with a religious affiliation, will not refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling in any program receiving Federal funds).
- Will not charge a fee to clients for EFSP funded services.
- Has a voluntary board if private, not-for-profit.
- Will provide all required reports to the Local Board in a timely manner; (i.e., Second Payment/Interim Request and Final Reports).
- Will expend monies only on eligible costs and keep complete documentation (copies of canceled LRO checks -- front and back, other proof of payment, invoices, receipts, etc.) on all expenditures for a minimum of three years after end-of-program date, and for compliance issues until resolved.
- Will spend all funds and close-out the program by my jurisdiction's selected end-of-program date and return any unused funds (\$5.00 or more) to the National Board.
- Will provide complete, accurate documentation of expenses to the Local Board, if requested, following my jurisdiction's selected end-of-program date.
- Has no known EFSP compliance exceptions in this or any other jurisdiction.
- Will not use EFSP funding for any lobbying activities and if receiving \$100,000 or more, will provide the "Certification Regarding Lobbying" and, if applicable, will complete Standard Form LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- Will not and will ensure its employees, volunteers or other individuals associated with the program will not engage in any trafficking of persons during the period this award is in effect.
- Will not and will ensure its employees, volunteers or other individuals associated with the program will not use EFSP funds to support access to classified national security information.

PLEASE ENSURE THIS INFORMATION IS ACCURATE BEFORE SIGNING.

Certification Regarding Lobbying

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM

SUPPLEMENTAL FUNDING CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid by or on the behalf of the undersigned, to any person for influencing or attempting 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 the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, contribution, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

[click to view signed pdf](#)

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

This form must be completed in its entirety. Please do not alter this form; any questions regarding the form should be directed to EFSP staff.

catholic charities

LRO Name

Jane Doe

Representative Name

Jane M. Doe

Representative Signature

084000-001

LRO ID Number (9 digits)

7/15/2019

Date (month/day/year)

NOTE: Standard Form LLL and instructions are available at www.grants.gov

Local Board Certification

www.efsp.unitedway.org Emergency Food and Shelter Program SF-0006-01 DIRECT 1
 701 North Fairfax Street
 Alexandria, VA 22314-2084
 Phone 703-706-9660 Fax 703-706-9677

Supplemental Funding Local Board Plan
 Due date for submission: September 17, 2019

Jurisdiction: **Birmingham/Jefferson, Shelby Counties, AL, Local Board ID# 0006-01** Award Amount: **\$347,629**

Phase SF start date: 1/1/2019 **Local Board ID: 000601**

Spending Period Extension Request: If extension date is not selected, the end date for this spending period will be 03/31/2020.

DRAFT IMAGE OF LOCAL BOARD PLAN CERTIFICATION

As the chair of the Local Board, I certify that the Local Board meets the requirements as stated on the Local Board Certification Form and that the above information and all information provided on the attached forms and via the EFSP website are correct. Our Local Board understands that all parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program, including those not specifically stated in the Manual and the accompanying Phase 36 Responsibilities and Requirements Manual.

Birmingham/Jefferson, Shelby Counties, AL, Local Board ID# 0006-01

Signature of Local Board Chair: _____ Date: _____
 Print Name of Local Board Chair: _____

NOTE: Indicate below at least one alternate authorized signature which is acceptable for the processing of your jurisdiction's paperwork, i.e., Local Board Plans, Second Payment Requests, etc., to be used in the absence of the Local Board Chair. Alternate signatories must be members of the Local Board or the Local Board contact. Submission of any type of documentation from an unauthorized signer will not be processed.

_____	_____
Print Name	Print Name
_____	_____
Signature	Signature
_____	_____
Position with Local Board	Position with Local Board

EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM SUPPLEMENTAL APPROPRIATIONS FOR HUMANITARIAN ASSISTANCE LOCAL BOARD PLAN CERTIFICATION

By signing the Local Board Certification Form, our Local Board certifies we have thoroughly read and understand the Supplemental Funding Guidance (SFG). We agree to administer the Emergency Food and Shelter Program (EFSP) as required. Additionally, we certify that the local private non-profit or governmental agencies selected as LROs reflected on the Local Board Plan have read and understand the SFG, including the Grant Agreement Article, Financial Terms and Conditions, and Other Terms and Conditions as well as the Eligible Expenditures and Documentation sections and agree to comply with all program requirements. The agencies understand that all parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing this program including those not specifically stated in the SFG. They will certify this by completing and signing the Supplemental Appropriations for Humanitarian Assistance Local Recipient Organization (LRO) Certification Form. This form will be forwarded by the LRO. The Local Board Certification Form will be submitted as part of the Local Board Plan. The Local Board and each LRO have retained a copy for their records.

<p>The Local Board certifies it has selected agencies that meet the EFSP requirements, including but not limited to the items noted and each agency:</p> <ul style="list-style-type: none"> • Has the capability to provide emergency food and/or shelter services. • Will use funds to supplement or expand existing programs and services. • Is nonprofit or an agency of government. • Has an accounting system, and will pay all vendors by an approved method of payment. • Understands that cash payments (including petty cash) are not eligible under EFSP. • Follows OMB's Unfunded Guidance if receiving \$750,000 or more in Federal funding. • Is not delinquent or suspended from receiving Federal funds. • Has not received an adverse or no opinion audit. • Practices nondiscrimination (agencies with a religious affiliation will not refuse service to an applicant based on religion, nor engage in religious proselytizing or religious counseling with Federal funds). • Does not charge any client a fee for services funded by EFSP. • Has a private, not-for-profit voluntary board. • Will provide all required reports and documentation, as requested, to the Local Board in a timely manner. • Will expend monies only on EFSP eligible costs and keep complete documentation (and provide, if requested) on all expenditures for a minimum of three years after end-of-program date and for compliance issues, until resolved. • Will spend all funds and close out the program by the jurisdiction's selected end-of-program deadline. • Will not use EFSP funding for any lobbying activities and if receiving \$100,000 or more, will provide the "Certification Regarding Lobbying" and, if applicable, will complete Standard Form L.L.L., "Disclosure Form to Report Lobbying", in accordance with its instructions. • Has no known EFSP compliance exceptions in this or any other jurisdiction. • Will not use EFSP funds as a cost-match for other Federal funds or programs. • Has provided a Federal Employer Identification Number (FEIN) to EFSP. • Has provided a Data Universal Number System (DUNS) number issued by Dun and Bradstreet (D&B) and required associated information to EFSP. <p>This also certifies that the Local Board agrees to or has complied with the following rules and responsibilities:</p> <ol style="list-style-type: none"> 1. Invited National Board agencies and/or their local affiliates to participate on the Local Board. Has included a homeless or formerly homeless person as a member of the Local Board. Has included a Native American to participate on the Local Board where a federally recognized reservation lies in or encompasses the jurisdiction. Has considered adding additional board members to broaden community 	<ol style="list-style-type: none"> 2. representation including special emphasis groups (e.g., elderly, families with children, Native Americans, veterans, and mentally and physically disabled). 2. Has elected a chair. 3. Has advertised locally via print media, the availability of funds, including the acknowledgement of the Federal funding source. 4. Has promoted the program to all agencies who may have provided services to migrants released by the U.S. Department of Homeland Security (DHS) custody from the southern border to provide emergency food and/or shelter assistance, including those on Native American reservations, not just those represented on the Local Board. 5. Has held meetings to decide which local private or public agencies should receive grants and determined the amount of grant funds to each based on the applications received, will monitor expenditures of funds and eligible cost compliance at the local level, and will ensure all funds are properly spent before the jurisdiction's end-of-program date. 6. Has established a written appeals process for participation or funding by funded or non-funded agencies. - Is this necessary? 7. Has submitted the Local Board Certification with the Local Board Plan and Board Roster, to the National Board by the specified deadline. 8. Will provide technical assistance on EFSP guidelines and requirements to LROs. 9. Will coordinate with state agencies that administer food, utility, and other Federal assistance programs. 10. Will reallocate funds within a jurisdiction or LRO, as necessary, (e.g., from food to shelter). If funds are transferred from one LRO to another, will notify the National Board using the EFSP website and affected LROs in writing as promptly as possible or before the specified dead line. 11. Understands that if deadline dates given by the National Board to Local Boards and LROs for the EFT forms and resolution of compliance problems are not met, that the unpaid funds for the jurisdiction will be forfeited and reclaimed by the National Board. 12. Will ensure that any funds unspent (\$5.00 or more) at end-of-program are promptly returned to the National Board. 13. Will obtain and review for accuracy the Supplemental Funding Reimbursement Form, spreadsheets and daily logs for LROs and will forward to the National Board. Will require fund reimbursements from LROs in the event of expenditures violating the eligible costs under this award. 14. Will remain in operation until all program and compliance requirements of the National Board have been satisfied. 15. Will retain all records related to the program for three years from the end-of-program date, more than three years, if necessary, until compliance issues are resolved.
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Please do not alter the Local Board Certification form; any questions regarding the form should be directed to EFSP staff at support@efsp.unitedway.org or 703-706-9660.

SUPPLEMENTAL FUNDING REIMBURSEMENT REPORT

0123-00 Sample Jurisdiction

0123-00-001
Jane J. Doe
Sample Agency
123 Sample Street
Sample City, State 12304

This **Supplemental Funding Reimbursement Report** must be completed to report on the funds your agency spent on or after January 1, 2019 through June 30, 2019 to provide services to migrants released from the U.S. Department of Homeland Security (DHS) custody at the southern border. This information is required prior to the release of funds to reimburse your agency for any expenditures made. **Please be sure to complete the form in its entirety.**

In addition to completing and submitting this report, your agency will need to provide spreadsheets, daily schedules and documentation (proof of payment and receipts/invoices) to support the expenditures reported to provide assistance. **Your application to request reimbursement cannot be submitted, if this report, required spreadsheets and daily schedules are not included.**

After the required information has been submitted to the Emergency Food and Shelter Program (EFSP) National Board, it will be reviewed quickly so that payment may be released to your agency, if awarded funds. If you have any questions regarding this report, or the required information that must accompany it, please reference the **Supplemental Funding Guidance** or **pre-recorded presentation** on the EFSP website, **Supplemental Funding Information**. You may also contact EFSP staff at suppfund@www.unitedway.org or 703.706.9660.

REPORT ON THE AMOUNT SPENT BY YOUR AGENCY

	<u>Amount</u>
A. Congregate Meals	\$ _____
B. Bags/Boxes of Food	\$ _____
C. Basic First Aid/OTC	\$ _____
D. Hygiene Items	\$ _____
E. Cots and Beds	\$ _____
F. Linen	\$ _____
G. Agency Utilities	\$ _____
H. Local Transportation	\$ _____
I. Maintenance/Housekeeping	\$ _____
J. Clothing	\$ _____
K. Contracted Services	\$ _____
L. Equipment	\$ _____
M. Hotel/Motel Stay	\$ _____
N. Long Distance Transportation	\$ _____
O. Health/Medical	\$ _____
P. Mental Health	\$ _____
Q. Legal Aid	\$ _____
R. Translation Services	\$ _____
S. Administrative Expenses	\$ _____
Total Reported:	\$ _____

I hereby certify that the information provided in this report and all supporting documentation complies with all funding requirements. Our agency understands that all parties will be held accountable for complying with the provisions of the grant as well as full compliance with applicable requirements of all other Federal laws, Executive Orders, regulations, and policies governing these emergency supplemental funds. All appropriate staff and volunteers have been informed of EFSP requirements for these funds. The Local Board has been provided and we have retained a copy of this report for our records.

I certify that the information provided in this report and all supporting documentation that will be submitted to the Local Board for consideration of a grant/award under the U.S. Department of Homeland Security's/Federal Emergency Management Agency's Emergency Food and Shelter Program is accurate.

The report will be dated and signed electronically via DocuSign during the application process.

Signature/Title of Agency Official: _____

Date: _____

Supplemental Appropriations for Humanitarian Assistance Funding Spreadsheet Guidance

Spreadsheets provide an overview of how EFSP funds were spent and serve as a checklist with which documentation can be compared. Spreadsheets are required for all agencies applying for Supplemental Appropriations for Humanitarian Assistance Funds.

There are two categories of expenditures, primary and secondary. The National Board has determined that, initially, reimbursements will be made to defray direct shelter, food, and related expenses incurred on or after January 1, 2019 through June 30, 2019. Should funds remain available, secondary expenditures will be considered. At this time, the National Board has not determined whether Local Boards and SSA Committees will be able to recoup administrative costs to carry out this program. Local Boards and SSA Committees will be advised by the National Board when a decision has been made.

A separate spreadsheet is required for each category. Daily logs are also required to account for number of meals and nights of shelter provided for migrants released from DHS at the southern border.

Spreadsheets and daily logs must be submitted electronically in the application process. Spreadsheets and daily logs alone are not sufficient. Copies of supporting documentation (proof of payment and receipts/invoices) of eligible expenditures must be submitted to the Local Board.

- If spreadsheets and daily logs are not completed accurately, it will result in the possibility of delay or disqualification to receive funds. No blank spaces are acceptable, N/A is allowed only for the Invoice/Receipt Number column.
- All spreadsheets and daily logs must include:
 - Jurisdiction Name and 6-digit Local Board ID
 - LRO Name and 9-digit LRO ID
 - LRO Address

Note: New organizations applying for SAHA funding will not have an ID number. You may enter New Agency in the spreadsheet and daily logs.

Required Elements for Primary and Secondary Expenditures Spreadsheets (sample spreadsheets are available on the EFSP website at [Supplemental Funding Information](#))

1. **Payment/Check Number:** preprinted number on check, used to pay vendors for service; if an agency's credit/debit card is used, indicate credit card or debit card in the spreadsheet (do not include the card number); for electronic transactions, indicate EFT. The approved payment methods are LRO checks, LRO debit card, LRO credit card, and electronic payments from LRO's bank account. All spreadsheets must be sorted by the payment/check number.
2. **Payment/Check Date (MM/DD/YY):** date the payment/check is issued (date printed on the check) to pay vendors; if an agency's credit/debit card is used, indicate the date of the purchase (invoice/receipt); all payments must be made **no more than 90 days** after the invoice/receipt date.
3. **Payment/Check Clear Date (MM/DD/YY):** date the payment/check goes through banking system (also known as cancellation date of a check); EFSP generally references the check or the bank statement for this information. If an agency's debit/credit card is used, the date will be the same as the date of the purchase (invoice/receipt).
4. **Invoice/Receipt Date (MM/DD/YY):** date the vendor prints on the invoice or receipt; invoice/receipt date must be dated within **January 1, 2019 – June 30, 2019**.
5. **Invoice/Receipt Number:** preprinted number on the invoice/receipt from vendors; if there is no invoice number, indicate not applicable (N/A) on the spreadsheet.
6. **Vendor Name:** company or individual that provided services for agency or migrants.
7. **Total Check Amount:** cost paid to vendors for services provided for agency or migrants; **total face amount** of check/payment is required. When multiple invoices were paid by one check, all invoices must be listed as separate line items; check information should be repeated as needed.
8. **Invoice/Receipt Amount:** total cost of purchase.
9. **EFSP Portion of Invoice Amount:** portion of the purchase paid with EFSP funds; the EFSP portion should not exceed the total check amount and invoice amount. The column must be totaled on each page if multiple pages are required for the category. The total amount must be provided for the category on the last page, if multiple pages are required.

Example of Primary Expenditures Spreadsheet for Food and Shelter

Emergency Food and Shelter Program Supplemental Appropriations for Humanitarian Assistance Funding

Jurisdiction ID and Name	0123-00 Sample Jurisdiction
LRO ID and Name	0123-00-001 Sample Agency
LRO Address City/State/Zip	123 Sample Street, City, State Zip

Spreadsheets and daily logs must be submitted electronically in the application process on EFSP website. Spreadsheets alone are not sufficient. Copies of supporting documentation (proof of payment and receipts/invoices) of eligible expenditures must be submitted to the **Local Board**. Documentation may also be sent electronically in the application process, if volume is not too large.

PRIMARY ELIGIBLE REIMBURSEMENTS SPREADSHEET - FOOD AND SHELTER

Payment/Check Number	Payment/Check Date (MM/DD/YY)	Payment/Check Clear Date (MM/DD/YY)	Invoice/Receipt Date (MM/DD/YY)	Invoice/Receipt Number (If no number, enter N/A)	Vendor Name	Invoice/Receipt Amount	Total Check Amount	EFSP Portion of Invoice Amount
87364	04/15/19	04/19/19	04/12/19	842086	Sample Vendor	250.00	250.00	250.00
Credit Card	06/01/19	06/01/19	06/01/19	789134	General Store	50.00	50.00	50.00
Total								300.00

Sample Spreadsheets and Guidance are available on EFSP website at Supplemental Funding Information.

Example of Secondary Expenditures Spreadsheet for Other Services

Emergency Food and Shelter Program Supplemental Appropriations for Humanitarian Assistance Funding

Jurisdiction ID and Name	0123-00 Sample Jurisdiction
LRO ID and Name	0123-00-001 Sample Agency
LRO Address City/State/Zip	123 Sample Street, City, State Zip

Spreadsheets and daily logs must be submitted electronically in the application process on EFSP website. Spreadsheets alone are not sufficient. Copies of supporting documentation (proof of payment and receipts/invoices) of eligible expenditures must be submitted to the **Local Board**. Documentation may also be sent electronically in the application process, if volume is not too large.

SECONDARY ELIGIBLE REIMBURSEMENTS SPREADSHEET - OTHER SERVICES

Payment/Check Number	Payment/Check Date (MM/DD/YY)	Payment/Check Clear Date (MM/DD/YY)	Invoice/Receipt Date (MM/DD/YY)	Invoice/Receipt Number (If no number, enter N/A)	Vendor Name	Invoice/Receipt Amount	Total Check Amount	EFSP Portion of Invoice Amount
12395	02/26/19	03/29/19	01/15/19	6501	Sample Bus Company	600.00	1,200.00	600.00
Debit Card	03/10/19	03/10/19	03/10/19	LS-555-05	Legal Services Corporation	320.00	320.00	320.00
EFT	04/25/19	04/25/19	04/25/19	CH54321-20	Sample Translation Company	150.00	150.00	150.00
Total								1,070.00

Sample Spreadsheets and Guidance are available on EFSP website at Supplemental Funding Information.

Required Elements for Daily Meal Log and Daily Shelter Log (sample daily logs are available on EFSP website at Supplemental Funding Information)

1. **Date (MM/DD/YY):** date that agency provided service (food, shelter and other service) to migrants. The daily logs must be sorted in date order, and show a daily count. Date must be within **January 1, 2019 – June 30, 2019**.
2. **Number of Meals served:** number of meals served to migrants. For agencies provide bags/boxes of food items, provide the best estimate of number of meals included in the bag/box.
3. **Number of Migrants Served:** number of migrants served per day.
4. **Total Number of Unduplicated Migrants Served:** total number of unique migrant clients served.

Example of Daily M

**Emergency Food and Shelter Program
Supplemental Appropriations for Humanitarian Assistance Funding**

DAILY MEAL LOG

Jurisdiction ID (6 digits) and Name	0123-00 Sample Jurisdiction
LRO ID (9 digits) and Name	0123-00-001 Sample Agency
LRO Street Address	123 Sample Street, Sample City, State Zip

Date (MM/DD/YY)	Number of Meals Served	Number of Migrants Served
06/01/19	100	50
06/02/19	70	35
06/03/19	80	40
06/04/19	90	45
Total Number Served	340	170
Total Number of Unduplicated Migrants Served	150	

Daily meal log must show a **daily** count. Sample daily logs and guidance are available on EFSP website at Supplemental Funding Information. Spreadsheets and daily logs must be submitted electronically in the application process on EFSP website. Spreadsheets and daily logs alone are not sufficient. Copies of supporting documentation (proof of payment and receipts/invoices) of eligible expenditures must be submitted to the **Local Board**. Documentation may also be sent electronically in the application process, if volume is not too large.

Example of Daily Shelter Log

**Emergency Food and Shelter Program
Supplemental Appropriations for Humanitarian Assistance Funding**

DAILY SHELTER LOG

Jurisdiction ID (6 digits) and Name	0123-00 Sample Jurisdiction
LRO ID (9 digits) and Name	0123-00-001 Sample Agency
LRO Street Address	123 Sample Street, Sample City, State Zip

Date (MM/DD/YY)	Number of Migrants Served
03/01/19	25
03/02/19	24
03/03/19	24
03/04/19	25
Total Number Served	98
Total Number of Unduplicated Migrants Served	65

Daily shelter log must show a **daily** count. Sample daily logs and guidance are available on EFSP website at Supplemental Funding Information. Spreadsheets and daily logs must be submitted electronically in the application process on EFSP website. Spreadsheets and daily logs alone are not sufficient. Copies of supporting documentation (proof of payment and receipts/invoices) of eligible expenditures must be submitted to the **Local Board**. Documentation may also be sent electronically in the application process, if volume is not too large.

HELP DESK TECHNICAL ASSISTANCE

Supportive materials have been provided to assist with the application and implementation of these funds including, but not limited to, this Supplemental Funding Guidance, Frequently Ask Questions (FAQs), Spreadsheet Templates, and Key Program Dates. The National Board has produced a series of pre-recorded trainings to assist with the application process and administration of the funds. All training and guidance materials are available on the EFSP website under [Supplemental Funding Information](#).

Potential applicants may seek assistance about the supplemental funding by contacting:

- Local Board for assistance
- SSA Committee for state-wide agencies
- EFSP website by clicking [Supplemental Funding Information](#)
- National Board staff at suppfund@uww.unitedway.org or 703.706.9660