

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

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

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

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

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

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

B. Financial Requirements

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

2. **Match Requirement:** None.

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

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

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