

State of Wisconsin

SENATE CHAIR
Howard Marklein

316 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-0703



ASSEMBLY CHAIR
Mark Born

308 East, State Capitol
P.O. Box 8952
Madison, WI 53708-8953
Phone: (608) 266-2540

Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: May 2, 2023

Re: s. 16.515/16.505(2), Stats. Request

Attached is a copy of a request from the Department of Administration, received May 2, 2023, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Department of Justice.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Friday, May 19, 2023**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.


Attachments

HM:MB;jm



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary

Date: May 2, 2023
To: The Honorable Howard Marklein, Co-Chair
Joint Committee on Finance
The Honorable Mark Born, Co-Chair
Joint Committee on Finance
From: Kathy K. Blumenfeld, Secretary ^{DS} 
Department of Administration
Subject: s. 16.515/16.505(2) Request(s)

MAY 02 2023
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Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(2)(k)	Interagency and intra-agency assistance				1.0

As provided in s. 16.515, the request(s) will be approved on May 23, 2023, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Kirsten Grinde at (608) 266-1353, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

CORRESPONDENCE/Memorandum

State of Wisconsin
Department of Administration

Date: May 1, 2023
To: Brian Pahnke
From: Michael R. Schmidt
Subject: Section 16.505(2) Request

Attached is a s. 16.505(2) request analysis for your approval and processing. Listed below is a summary of each item:

DOA RECOMMENDATION:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(2)(k)	Interagency and intra-agency assistance				1.0

AGENCY REQUEST:

<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>2021-22</u>		<u>2022-23</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
DOJ 20.455(2)(k)	Interagency and intra-agency assistance				1.0

BP APPROVAL 



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary
Brian Pahnke, Administrator

Date: May 1, 2023

To: Kathy K. Blumenfeld, Secretary
Department of Administration

From: Michael R. Schmidt
Executive Policy and Budget Analyst

Subject: Request under s. 16.505(2) from the Department of Justice for the Creation of a 1.0 FTE Program Revenue-Service Permanent Position for the Wisconsin Statewide Intelligence Center.

Request:

The Department of Justice requests the creation of a 1.0 FTE program revenue-service permanent position in the interagency and intra-agency assistance appropriation under s. 20.455(2)(k) to support the Wisconsin Statewide Intelligence Center. The position would be funded from a program revenue-service continuing, all monies received appropriation by a grant from the Department of Military Affairs, and therefore no increased expenditure authority is requested.

Revenue Sources for Appropriation(s):

The revenue source for the department's interagency and intra-agency assistance appropriation under s. 20.455(2)(k) is funding received from the department or any other state agency regarding law enforcement assistance. Revenue for this request would be supported by a federal subgrant that the department receives from the Department of Military Affairs.

Background:

The department's Division of Criminal Investigation operates the Wisconsin Statewide Intelligence Center. It is one of two fusion centers in the state. Fusion centers serve as focal points in states and major urban areas to receive, analyze, gather and share threat-related information among state, local, tribal, territorial, federal and private sector partners. The Wisconsin Statewide Intelligence Center is the state's designated primary intelligence fusion center and serves most of the state, while the Southeastern Wisconsin Threat Analysis Center serves the counties of Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha. The state's two fusion centers work in partnership with one another.

Fusion centers were created following the September 11 attacks to address intelligence gaps and improve information sharing and intelligence gathering. As of October 2022, there are 79 fusion centers across the country. The Department of Homeland Security's Office of

Kathy K. Blumenfeld, Secretary

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Intelligence and Analysis and the Federal Emergency Management Agency provide fusion centers with resources, training and other coordinated services.

Each year, the Wisconsin Statewide Intelligence Center receives a sustainment grant from the Department of Military Affairs to help support its operations. This grant consists of funding the state receives from the federal State Homeland Security Program. The State Homeland Security Program is one of three component grant programs that are part of the federal Homeland Security Grant Program. State Homeland Security Program allocations are determined on a formula basis. Generally, each state receives allocations based on a relative risk methodology and statutory minimums.

According to PeopleSoft, as of April 24, 2023, the Wisconsin Statewide Intelligence Center has 17.0 FTE all funds positions. The center has 4.5 FTE program revenue-service positions funded by the interagency and intra-agency assistance appropriation under s. 20.455(2)(k).

Analysis:

The department requests the creation of a 1.0 FTE program revenue-service permanent position at the Wisconsin Statewide Intelligence Center. Its duties would include being a psychologist responsible for identifying warning signs of violence, including demeanor and behavioral changes and recent crisis events. The department indicates that this role would be based on a successful model piloted in other states.

The position would be supported by the sustainment grant that the department receives from the Department of Military Affairs. To illustrate support for the position, the department included information for its fiscal year 2022-23 award. The award is \$950,000, of which \$509,864.20 is for employee salary and fringe benefits costs at the center. The department estimates that it will need \$375,281.47 for the 4.0 FTE permanent positions currently supported by the grant, which would leave \$134,582.73 available to support the requested position. The department indicates that this would allow for an hourly pay rate of up to \$52.96 for the requested position, but the expected pay rate is expected to be lower.

Alternatively, it could be argued that the fiscal year 2022-23 grant would allow for an hourly pay rate of up to \$46.42 for the requested position. Table 1 summarizes this alternative estimate. It includes hourly rate information based on the 2 percent general wage adjustment for state employees in January 2023 included in the 2021-2023 State of Wisconsin Compensation Plan. It also estimates fringe benefits costs using the department's fringe benefits rate included in the 2021-23 Technical Budget Instructions (37.35 percent).

Kathy K. Blumenfeld, Secretary
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May 1, 2023

Table 1. Reestimated Salary and Fringe Benefits Costs for the Request and Positions Funded by the 2023 Sustainment Grant

Item	Hourly 7/1/22- 12/31/22	Hourly 1/1/23- 6/30/23	Total Salary and Fringe (37.35%)
Analyst 1	\$31.44	\$32.07	\$91,065.69
Analyst 2	\$31.44	\$32.07	\$91,065.69
Analyst 3	\$33.59	\$34.27	\$97,303.03
Analyst 4	\$33.59	\$34.27	\$97,303.03
Existing Positions Subtotal			\$376,737.42
Requested Position Subtotal*	\$46.42	\$46.42	\$133,126.43
Grand Total			\$509,863.86

*Annualized.

While it could be argued that the fiscal year 2022-23 award could support an hourly pay rate of up to \$46.42 for the requested position, as the department notes, the expected pay rate would be lower. By way of example, the average hourly rate for an incumbent criminal analyst at the department is \$31.93, and \$34.47 for an incumbent criminal analyst-senior. Also, according to the Department of Administration's Division of Personnel Management, the current appointment maximum is \$32.08 for a criminal analyst and \$41.78 for a criminal analyst-senior.

According to the department's request, because the State Homeland Security Program allocations are determined on a formula basis, have been stable and have increased over time, there would be funding to support the requested position on an ongoing basis. Table 2 illustrates Wisconsin's State Homeland Security Program allocation as announced in the respective Homeland Security Grant Program Notice of Funding Opportunity.

Table 2. State Homeland Security Program Allocations

FFY	Total Allocation (All Jurisdictions)	Wisconsin's Allocation
2018	\$402,000,000	\$3,980,000
2019	\$415,000,000	\$4,077,500
2020	\$415,000,000	\$4,287,500
2021	\$415,000,000	\$4,602,500
2022	\$415,000,000	\$4,847,500
2023	\$415,000,000	\$4,847,500

Table 3 summarizes recent sustainment awards that the department has received from the Department of Military Affairs for the Wisconsin Statewide Intelligence Center, funded by Wisconsin's State Homeland Security Program allocation. It also includes the budgeted salary and fringe benefits costs from the award and the sustainment grant's corresponding federal fiscal year State Homeland Security Program allocation.

Kathy K. Blumenfeld, Secretary
Page 4
May 1, 2023

Table 3. History of the Department's Sustainment Grant and Corresponding State Homeland Security Program Fund Source

SFY	FFY	Total Award	Budgeted Salary and Fringe Benefits
2020	2018	\$695,000	\$444,785
2021	2019	\$730,000	\$443,258
2022	2020	\$850,000	\$474,045
2023	2021	\$950,000	\$509,864

The interagency and intra-agency assistance appropriation under s. 20.455(2)(k) is an all monies received continuing appropriation. This request does not increase expenditure authority and any needed increase in expenditure authority would be handled administratively.

Recommendation:

Approve the request.



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

Josh Kaul
Attorney General

Room 114 East, State Capitol
PO Box 7857
Madison WI 53707-7857
(608) 266-1221
TTY 1-800-947-3529

September 16, 2022

SENT VIA EMAIL

Brian D. Pahnke, Administrator
Division of Executive Budget and Finance
Department of Administration
101 E. Wilson Street, 10th Floor
Madison WI 53702

Re: Request for Program Revenue-Funded Position Authority

Dear Administrator Pahnke:

Pursuant to Wis. Stat. § 16.505(2), the Department of Justice respectfully requests the creation of 1.0 full-time equivalent permanent position in the law enforcement services interagency and intra-agency assistance appropriation under Wis. Stat. § 20.455 (2)(k), supported by an ongoing homeland security sustainment grant awarded by the Department of Military Affairs. The position will enhance the effectiveness of threat analysis services provided to law enforcement agencies by the Wisconsin Statewide Intelligence Center.

Background and Justification

The Wisconsin Statewide Intelligence Center (WSIC) is part of the Division of Criminal Investigation (DCI) and acts as a state fusion center, which is a multi-agency law enforcement intelligence sharing collaborative that provides intelligence and analytical resources and expertise to law enforcement agencies in Wisconsin for the purpose of detecting, preventing, investigating, and responding to criminal and terrorist activities.

WSIC is staffed by sworn law enforcement officers and non-sworn criminal analysts under the direction of a DCI Special Agent In-Charge. Of the eight full-time equivalent (FTE) permanent criminal analysts assigned to WSIC, four are funded by the homeland security sustainment grant award. Through this request, the department seeks to create one more full-time permanent position, supported by the homeland security sustainment grant, to provide psychological expertise in the analysis of threats identified by and referred to WSIC. The position will enhance the center's ability to detect, interdict and prevent incidents of mass or targeted violence by adding professional psychological expertise to the behavioral threat assessment team. Based on a successful

Brian D. Pahnke, Administrator
September 16, 2022
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model piloted in other states, creating a psychologist position at WSIC will enhance the analysis of threats to effectively identify warning signs of violence, including demeanor and behavioral changes and recent crisis events, beyond the content of the threat itself.

Annually, WSIC receives a sustainment grant intended to support ongoing operations from the federal State Homeland Security Grant Program administered by the Department of Military Affairs. The State Homeland Security Program (SHSP) is a core assistance grant that provides ongoing funding to build capabilities at the state, local and tribal levels that improve national resilience to absorb disruptions and rapidly recover from natural and human-caused incidents. Activities funded by the SHSP must support terrorism preparedness or simultaneously support preparedness for terrorism and other hazards by building or enhancing capabilities related to preventing, protecting from, mitigating, responding to and recovering from terrorism. The 2022 SHSP priority areas are:

- Enhancing cybersecurity
- Enhancing the protection of soft targets/crowded places
- Enhancing information and intelligence sharing and analysis, and cooperation with federal agencies, including the U.S. Department of Homeland Security (DHS)
- Combating domestic violent extremism
- Enhancing election security
- Enhancing community preparedness and readiness

In Wisconsin, the Wisconsin Department of Military Affairs, Division of Emergency Management (WEM) is responsible for coordinating homeland security initiatives and related federal grants. In addition to funding WSIC operations, SHSP funding is distributed to support training of emergency first responders, the purchase of equipment for combating and preventing terrorist acts, and for planning activities and exercises. WSIC receives a substantial share of this funding, as it plays a key role in providing law enforcement support for the SHSP priority areas, including cyber-crime investigations, intelligence sharing and analysis, and counter-terror investigations.

Revenue Source

The State Homeland Security Grant Program (SHSP) is a federal formula grant administered by the Department of Military Affairs, and awarded to subrecipients based on the state's multi-year Homeland Security Strategy developed by the Wisconsin Homeland Security Council. Although the source of the grant funding is federal, the grant is awarded to DCI by another state agency, which is recognized as Program Revenue-Service (PR-S) funding by the Department of Justice. The fiscal year 2023 grant award is attached for your reference.

Brian D. Pahnke, Administrator
September 16, 2022
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DCI has been awarded \$950,000 in SHSP grant funds for state fiscal year 2023, of which \$509,864.20 is for WSIC employee salary and fringe costs, while the remaining \$440,135.39 is for related equipment, supplies and services costs of ongoing WSIC operations.

DCI will need \$375,281.47 to pay for the 4.0 FTE permanent positions supported by the grant, including a 2 percent general wage adjustment in January 2023, leaving \$134,582.73 available to support another position. This will allow for a pay rate up to \$52.96 per hour, although the expected pay rate is expected to be lower.

	Hourly	Annual Salary	Annual Fringe	Total
Analyst 1	\$31.44	\$66,049.15	\$24,669.36	\$90,718.51
Analyst 2	\$31.44	\$66,049.15	\$24,669.36	\$90,718.51
Analyst 3	\$33.59	\$70,565.87	\$26,356.35	\$96,922.23
Analyst 4	\$33.59	\$70,565.87	\$26,356.35	\$96,922.23
Grant Budget		\$380,681.00	\$129,183.20	\$509,864.20
Remaining	\$52.96	\$107,450.95	\$27,131.78	\$134,582.73

As an ongoing formula federal grant, the SHSP awards have been stable to growing over many years and therefore are an appropriate funding source to support permanent position authority.

Thank you for your review and consideration of this request. Should you have questions or require additional information, please contact Michelle Gauger, Director of the Bureau of Budget and Finance, directly at (608) 267-6714 or gaugermc@doj.state.wi.us.

Sincerely,



Eric J. Wilson
Deputy Attorney General

EJW:MCG:alm

Enclosure

Cc via email: Krista Rick, Department of Administration

DEPARTMENT OF MILITARY AFFAIRS
Homeland Security Program
Grant Summary Sheet

Recipient or Unit of Government: **Department of Justice**

Project Name: **Homeland Security - WEM/Sustainment and Growth of WSIC - State FY 23**

Address: **Department of Justice/Division of Criminal Investigation, 17 West Main Street, Madison, Wisconsin 53707-3960**

Project Director: **Josh Maas**

Phone number: **608-240-3595**

Signing Official: **Deputy Attorney General Eric Wilson, Attorney General, Department of Justice, 17 West Main Street, Madison, Wisconsin 53707-7857**

Amount of Award: **\$950,000**

SUMMARY OF GRANT:

The Wisconsin Statewide Intelligence Center (WSIC) is an "all-crimes, all-threats, all-hazards, and all-events" intelligence fusion center. The WSIC serves as a primary focal point for information and intelligence sharing throughout the state, county, and local environments, and has been designated by the Governor as the primary fusion center in Wisconsin. This round of funding continues the sustainment and capabilities of WSIC.

Program contact: **Eric Franco (608) 242-3335**

Fiscal contact: **Rebecca Thompson (608) 242-3236**



State of Wisconsin
Tony Evers, Governor



Department of Military Affairs
Paul E. Knapp, Adjutant General

Office of the Adjutant General
2400 Wright Street · P.O. Box 14587 · Madison, WI 53708-0587

May 23, 2022

Josh Maas, Programs Coordinator
Department of Justice/Division of Criminal Investigation
17 West Main Street
Madison, WI 53707-3960

**RE: Homeland Security - WEM/Sustainment and Growth of WSIC - State FY 23
DMA Grant Number: 2021-HSW-40-12811**

Dear Mr. Maas:

Congratulations! On behalf of Major General Knapp, I have approved a grant award to Department of Justice in the amount of \$950,000. These funds are from DMA's Homeland Security - WEM Program available through the State of Wisconsin. This grant supports the Department of Justice Homeland Security - WEM/Sustainment and Growth of WSIC - State FY 23.

To accept this award, have the authorized official initial the bottom right corner of Attachments A and B, and sign the *Signatory Page, Certified Assurances, and OMB Standard Form 424B* (Attachment C). The Project Director should sign the *Acknowledgement Notice*. **Please email a signed and initialed copy back to your WEM grant program manager (eric.franco@wisconsin.gov) and keep a copy for your records.** Funds cannot be released until all signed documents are received.

As Project Director, you will be responsible for all reporting requirements outlined in the grant award and seeing that funds are administered according to the approved application materials and certifications enclosed. We look forward to a collaborative working relationship with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Engle", with a long horizontal flourish extending to the right.

Greg Engle
Acting Administrator
Wisconsin Emergency Management



State of Wisconsin
Tony Evers, Governor



Department of Military Affairs
Paul E. Knapp, Adjutant General

Office of the Adjutant General
2400 Wright Street · P.O. Box 14587 · Madison, WI 53708-0587

FY'21 HOMELAND SECURITY PROGRAM GRANT AWARD
Homeland Security - WEM/Sustainment and Growth of WSIC - State FY 23
2021-HSW-40-12811

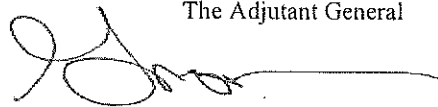
The Department of Military Affairs (DMA), hereby awards to **Department of Justice**, (hereinafter referred to as the **Recipient**), the amount of **\$950,000** for programs or projects pursuant to the federal Homeland Security Grant Program.

This grant may be used until **June 30, 2023** for the programs consistent with the budget and general conditions in Attachment A, subject to any limitations or conditions set forth in Attachments B and/or C, if included.

The Recipient shall administer the programs or projects for which this grant is awarded in accordance with the applicable rules, regulations, and conditions of the Department of Military Affairs. The submitted application is hereby incorporated as reference into this award.

This grant shall become effective, and funds may be obligated (unless otherwise specified in Attachments A and/or B) when the Recipient signs and returns one copy of this grant award to the Department of Military Affairs.

PAUL E. KNAPP
Major General
Wisconsin National Guard
The Adjutant General

BY: 

GREG ENGLE
Acting Administrator
Wisconsin Emergency Management

5/23/2022
Date

The Recipient, **Department of Justice**, hereby signifies its acceptance of the above-described grant on the terms and conditions set forth above or incorporated by reference therein.

RECIPIENT: **Department of Justice**

BY: _____
NAME: **Eric Wilson**
TITLE: **Deputy Attorney General**

Date

DEPARTMENT OF MILITARY AFFAIRS
ATTACHMENT A

APPROVED FY'21 HOMELAND SECURITY GRANT PROGRAM BUDGET

Recipient: **Department of Justice**

Project Title: **Homeland Security - WEM/Sustainment and Growth of WSIC - State FY 23** CFDA #97.067

Grant Period: From **July 1, 2022** To **June 30, 2023**

Grant Number: **2021-HSW-40-12811**

APPROVED BUDGET

	<u>Federal & Match</u>
Personnel	\$380,681.00
Employee Benefits	\$129,183.20
Travel (Including Training)	\$10,000.00
Equipment	
Supplies & Operating Expenses	\$430,135.80
Consultants	
Other	
Indirect	
FEDERAL TOTAL	\$950,000.00
LOCAL CASH MATCH	
TOTAL APPROVED BUDGET	\$950,000.00

AWARD GENERAL CONDITIONS

1. Federal funds cannot be used to supplant local funds; they must increase the amount of funds that would otherwise be available from local resources.
2. To be allowable under a grant program, costs must be paid or obligated (purchase order issued) for services provided during the grant period. If obligated by the end of the grant period, payment must be made within 30 days of the grant period ending date.
3. Grant funds will be disbursed upon DMA receipt of copies of detailed receipts/invoices, proof of payment and a Reimbursement Request Form. The Reimbursement Request form may be found at: <https://dma.wi.gov/DMA/wem/grants/admin-tools>
4. Recipients and subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 2 C.F.R. §§ 200.318-326.
5. Reimbursement for travel (i.e. mileage, meals, and lodging) must represent actual costs incurred and is limited to applicable state rates and timeframes. DMA Grants staff are available to answer questions before costs are incurred.
6. All income generated as a direct result of a grant-funded project shall be deemed program income. Program income must be used for the purpose and under the conditions applicable to the award. Program income should be used as earned and must be expended within the grant performance period. All program income must be reported to DMA in the Fiscal Report submitted in Egrants with supporting documentation attached.
7. The recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from the U.S. Department of Homeland Security."
8. The recipient agrees that when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
9. To be eligible to receive Federal preparedness funding assistance, applicants must meet NIMS compliance requirements. Information on achieving compliance is available through Wisconsin Emergency Management at <https://dma.wi.gov/DMA/wem>
10. The recipient agrees that all allocations and use of funds under this grant will be in accordance with the Federal Fiscal Year (FY) 2020 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity.
11. The recipient and any sub-recipients must comply with the Grant Announcement used to announce the funding opportunity.
12. The recipient and any sub-recipients must comply with the Grant Award Documents.
13. The recipient and any sub-recipients must cooperate with the Homeland Security Compliance Monitors. _____ **INITIAL HERE**

DEPARTMENT OF MILITARY AFFAIRS

ATTACHMENT B

Award Special Conditions

1. Meal and Mileage Reimbursement

Reimbursement for meals and break items for meetings are contingent upon submission of agenda and roster or attendance list and must support the expense. All meals and break materials are reimbursed at current state rates and uniform travel guidelines. Information about rates and mileage is on the DMA website:

<https://dma.wi.gov/resources/state-human-resources-office/tra-lodg-vehicle/>.

2. Procurement

Recipients and sub recipients shall use their own procurement standards and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 2 CFR § 200.318-326.

3. Funding Acknowledgment Required

Funding for project activities is contingent on receipt of Funding Acknowledgments in the amount of the project cost from local governments that meet the federal requirements for local-pass through. Funding Acknowledgments must be submitted to WEM upon submission of reimbursement requests. Upload the documents into Egrants within the Monitoring Section under Project Document Attachment in Egrants.

4. Grant Modification

Grant modification must be approved by Wisconsin Emergency Management (WEM) in order to be considered. The applicant must be current with WEM Fiscal and Program Reports in Egrants for modification to be considered. Grant modifications will not be granted unless applicant provides a compelling reason.

5. Allowable Grant Activities

This funding is intended to support the planning and implementation activities and deliverables as outlined in the grant application and associated project proposal documents submitted to WEM. Activities other than those expressly detailed in this grant are not allowable without prior approval from WEM.

6. Position Description Required

Positions funded by this grant must have a position description. Submit the position description and name of employee in Egrants within the Monitoring Section under Project Document Attachment.

7. SAM Requirement

SAM.gov Requirement – Pursuant to 2 CFR Part 25.200, the applicant must be registered in the System for Award Management (SAM.gov) prior to submitting an application for federal funds and they must certify that they will maintain an active SAM registration at all times during which it has an active federal award.

8. Project Coordination

The project is part of a partnership effort. Project activities, including outreach efforts, shall be coordinated with the STAC and other partners as applicable.

9. Governance

The WSIC will operate under its existing charter and continue to use a multi-disciplinary governance body of which the roster will be provided to WEM by uploading it into Egrants in the Program Report

10. Fusion Center Assessment

State and major Urban Area fusion Centers receiving SHSP or UASI grant funds will be evaluated based on compliance with the guidance and requirements for the

National Network as set forth by DHS Intelligence and Analysis (I&A) through the annual Fusion Center Assessment. In addition, Fusion Centers will:

- ✓ Through the Program Performance Report (PPR), fusion centers will report on the compliance with measurement requirements within the fusion centers through the annual Fusion Center Assessment managed by DHS I&A and reported to FEMA
- ✓ Fusion Center will adhere to the grant requirements are listed at <http://www.dhs.gov/homeland-security-grantprogram-hsgp>.
- ✓ DHS/FEMA approved analyst courses that meet the grant requirement are listed at <http://www.dhs.gov/fema-approved-intelligence-analyst-training-courses>.
Upload all certificates of training conducted with the grant performance of period within the Monitoring Section under Project Document Attachment.
- ✓ Adherence to all other pertinent provisions identified in the "FY 2021 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity (NOFO) "Appendix A – FY 2021 Fusion Centers.

Adherence to FEMA Preparedness Grants Manual Homeland Security Grant Program

____ INITIAL HERE

WISCONSIN DEPARTMENT OF MILITARY AFFAIRS ATTACHMENT C

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F)
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application;
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis- Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction subagreements
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in

floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE Deputy Attorney General
APPLICANT ORGANIZATION Department of Justice	DATE SUBMITTED

ACKNOWLEDGEMENT NOTICE

Date: May 2022

Recipient: Department of Justice

Grant No. 2021-HSW-40-12811

Project Title: Homeland Security - WEM/Sustainment and Growth of WSIC - State FY 23

The following regulations and obligations (referenced below) apply to your grant award.

PROGRESS REPORTS must be submitted on a scheduled basis into the Egrants system. Narrative reports on the status of your project are due on:

Quarterly	Quarterly	Quarterly	Final
<u>10/12/2022</u>	<u>1/12/2023</u>	<u>4/12/2023</u>	<u>7/30/2023</u>

PROGRESS REPORTS NOTE: Quarterly Reports due 04/12 include January, February and March program activity.
 Quarterly Reports due 07/12 include April, May and June program activity.
 Quarterly Reports due 10/12 include July, August and September program activity.
 Quarterly Reports due 01/12 include October, November and December program activity
Reimbursements and grant modifications will be held if there are late program reports.

FINANCIAL REPORTS must be submitted on a scheduled basis into the Egrants system. The Egrants job aid "Submitting a Fiscal Report" may be found at <https://dma.wi.gov/DMA/wem/grants/admin-tools>. Financial reports on the status of your project are due in Egrants on:

Quarterly	Quarterly	Quarterly	Final
<u>10/12/2022</u>	<u>1/12/2023</u>	<u>4/12/2023</u>	<u>7/30/2023</u>

INVENTORY REPORT should reflect final inventory in your records. All equipment purchases must be received, paid for, installed, and deployed before submitting report. Report is due in Egrants on or before:

Complete and return a W-9 *Taxpayer Identification Number Verification Form* (enclosed).

OTHER: _____

ACKNOWLEDGEMENT

The materials referenced above were received and reviewed by the appropriate members of this organization. I also acknowledge receipt of the Grant Award and any attached Special Conditions. I understand that this grant is awarded subject to our compliance with all Conditions, Regulations, and Obligations described in the above materials.

Date

Josh Maas

_____, Project Director

Agreement Articles for Federal Fiscal Year 2022 Homeland Security Awards

Article I - Summary Description of Award

The purpose of the FY 2021 HSGP is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. The HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. Among the five basic homeland security missions noted in the DHS Quadrennial Homeland Security Review, HSGP supports the goal to Strengthen National Preparedness and Resilience. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. This HSGP award consists of State Homeland Security Program (SHSP) funding in the amount of \$4,602,500. This grant program funds a range of activities, including planning, organization, equipment purchase, training, exercises, and management and administration across all core capabilities and mission areas.

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

Recipients must comply with 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>.

Article III - Universal Identifier and System of 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.

Article IV - 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.

Article V - 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.

Article VI - Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 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.

Article VII - National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. section 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require 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.

Article VIII - 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.

Article IX - 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), Pub. L. No. 107-56, which amends 18 U.S.C. sections 175-175c.

Article X - 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.

Article XI - 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.

Article XII - Applicability of DHS Standard Terms and Conditions to Tribes

The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to subrecipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist.

Article XIII - Notice of Funding Opportunity Requirements

All 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.

Article XIV - Trafficking Victims Protection Act of 2000 (TVPA)

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.

Article XV - 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@fema.dhs.gov if you have any questions.

Article XVI - 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.

Article XVII - 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).

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.

Article XIX - Environmental Planning and Historic Preservation (EHP) Review

DHS/FEMA funded activities that may require an EHP review are subject to the FEMA Environmental Planning and Historic Preservation (EHP) review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/ FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA EHP screening form and instructions, go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive order, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Article XX - 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 Administrative Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. After the initial submission for the first award under which this term applies, recipients are required to provide this information once every two (2) years if they have an active award, not every time an award is made. 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/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline.

Article XXI - Best Practices for Collection and Use of Personally Identifiable Information

Recipients who collect personally identifiable information (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 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 at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf and Privacy Template at https://www.dhs.gov/sites/default/files/publications/privacy_pia_template_2017.pdf as useful resources respectively.

Article XXIII - 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.

Article XXIV - 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.

Article XXV - Energy Policy and Conservation Act

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 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.

Article XXVI - 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. 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.

Article XXVII - Homeland Security Grant Program Performance Goal

In addition to the Biannual Strategy Implementation Report (BSIR) submission requirements outlined in the Preparedness Grants Manual, recipients must demonstrate how the grant-funded project addressed the core capability gap associated with this project and identified in the Threat and Hazard Identification and Risk Analysis (THIRA) or Stakeholder Preparedness Review (SPR) or sustains existing capabilities as applicable. The capability gap reduction must be addressed in the Project Description of the BSIR for each project.

Article XXIX - Prior Approval for Modification of Approved Budget

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

Article XXX - 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.)

Article XXXI - 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.

Article XXXII - 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.

Article XXXIII - 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.

Article XXXIV - 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.

Article XXXV - 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 prohibit 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.)

Article XXXVI - 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.)

Article XXXVII - 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.

Article XXXVIII - Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313.

Article XXXIX - 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. 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 C.F.R. Part 17 and 44 C.F.R. Part 19.

Article XL – 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. Article XLI - 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.

Article XLII - 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.

Article XLIII - 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. Article XLIV - Assurances, Administrative Requirements, Cost Principles, Representations 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.

By accepting this agreement, the recipient and its executives, as defined in 2 C.F.R. section 170.315, certify that the recipient's policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

Article XLV - Patents and Intellectual Property Rights

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. section 200 et seq, unless otherwise provided by law. 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.

As the duly authorized representative, I hereby certify that the recipient will comply with the above certifications and conditions.

Recipient Name and Address: Department of Justice, 17 West Main Street, Madison, WI 53707-7857

Sustainment and Growth of WSIC - State FY 23

Application Number and Project Name

Eric Wilson, Deputy Attorney General

Typed Name of Authorized Representative

Signature

Date

**NOTE: The original signature of the chief executive is required.
Substitute signing or stamping is not accepted.**

