

FY2024 HHPD Grant - Summary of Applicable Federal Requirements
(Laws, Regulations, Executive Orders)

- Environmental and Historic Preservation Compliance: applicable laws, implementing regulations, and executive orders, including but not limited to:
 - National Environmental Policy Act (NEPA)
 - National Historic Preservation Act (NHPA)
 - Endangered Species Act (ESA)
 - Executive Order (EO) 11988 (*Floodplain Management*)
 - EO 11990 (*Protection of Wetlands*)
 - EO 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*)

- Non-discrimination Compliance: applicable laws, implementing regulations, and executive orders, including but not limited to:
 - 2 CFR Section 200.300
 - Section 308 of the Stafford Act
 - Sections 503, 504, and 508 of the Rehabilitation Act of 1973
 - Title VI of the 1964 Civil Rights Act
 - EO 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*)

- Procurement: applicable laws, implementing regulations, and executive orders, including but not limited to:
 - 2 CFR Sections 200.317 – 200.326
 - Brooks Act (40 USC Ch. 11: Selection of Architects and Engineers)

- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. In December 2014, FEMA implemented Title 2, Part 200 of the Code of Federal Regulations (C.F.R), the *Uniform Administrative Requirements, Cost Principles, and Audit*

Requirements for Federal Awards ("Super Circular"). 2 C.F.R. Part 200 provides guidance on the administrative aspects of federal grants (e.g. how grants are awarded, managed, audited, and closed out). The following list identifies some of the areas where substantive changes were made, effective December 2014, in 2 C.F.R. Part 200 and impacts HHPD subrecipients.

HHPD Subrecipients are encouraged to become familiar with the requirements of each section:

- 2 C.F.R. Part 200
 - Section 200.112 Conflict of Interest
 - Section 200.204 Federal Awarding Agency Review of Merit Proposals
 - Section 200.307 Program Income
 - Section 200.308 Revision of Budget and Program Plans
 - Section 200.309 Period of Performance
 - Section 200.313 Equipment

- Prohibition on Lobbying using Federal Funds: applicable laws, implementing regulations, and executive orders, including but not limited to:
 - 31 USC Section 1352
 - 44 CFR Part 18

- Debarment, Suspension, and Other Responsibility Matters: applicable laws, implementing regulations, and executive orders, including but not limited to:
 - EO 12549 (*Debarment and Suspension*)
 - 44 CFR Part 67 for prospective participants in primary covered transactions, as defined in 44 Part 17, Section 17.510-A

- Commingling: Commingling is the mixing or blending of funds so that expenditures cannot be identified to a particular grant, project, or indirect activity. FEMA requires that recipients of Federal grants funds utilize financial systems that provide for effective control over accountability for all funds, with separate accounts established for each project. The accounting systems of all subrecipients must ensure that agency funds are not commingled with funds from other Federal agencies. Each award must be accounted for separately. Subrecipients are prohibited from commingling funds on either a program-by-program or project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another. Where a subrecipient's accounting system cannot comply with



this requirement, the subrecipient shall establish a system to provide adequate fund accountability for each project it has been awarded.

- **Supplanting:** FEMA's non-supplanting requirement states that grant funds must never replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Grant funds should increase the overall amount of resources available, and subrecipients must ensure that the current overall level of funding should support objectives (absent exigent circumstances) is not reduced because of Federal funds. *Note: Budgeting matching funds is not considered supplanting and is allowable under the HHPD programs as long as it is clearly identified as such.*
- **Fair Wages and Labor Standards:** Regarding payment of laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds.
 - Section 5196(j)(9) of the US Code of Laws Title 42
- **Federal Funding Accountability and Transparency Act (FFATA) Reporting:** By law, all subrecipients receiving Federal awards totaling \$25,000 or more are subject to the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. These subrecipients must complete and return a FFATA subrecipient Information Reporting Form along with their executed grant agreement in order to continue the approval process.
 - Public Law 109-282
 - Public Law 110-252
 - 2 CFR Part 170
- **Single Audit Act:** All non-Federal entities that expend \$750,000 or more in federal awards during a subrecipient's fiscal year are required to obtain a single audit in accordance with the Single Audit Act Amendments of 1996. In December of 2014, the Office of Management and Budget (OMB) issued *Uniform Administrative Requirements, Cost Principles, and Audit Requirements*, which combines what had been previously contained in eight separate OMB Circulars related to grants into a single set of rules known as the Uniform Guidance. Prior to the issuance of the Uniform Guidance, OMB Circular A-133 governed the audit requirements under the Single Audit Act. Subpart F of the Uniform Guidance replaces Circular A-133 with

the Single Audit compliance supplement contained in Appendix XI of the Uniform Guidance. Subpart F, Audit Requirements, applies to audits of non-Federal entity fiscal years beginning on or after December 26, 2014 (the first fiscal year that begins after December 26, 2014). For nonprofits using the calendar year as their fiscal year, these requirements became effective for December 31, 2015 year-end audits.

- 2 CFR Part 200 Subpart F

- “Build America, Buy America”: The Build America, Buy America Act (BABAA) (Pub. Law 117-58) requires that iron and steel utilized in infrastructure projects be procured with a preference for domestic sources. See <https://www.fema.gov/grants/policy-guidance/buy-america> for more information. This requirement only applies to construction projects funded with HHPD grant dollars.

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