



FY 2013 Solicitation Companion Guide

OVW Grant Programs and Pertinent Post-Award Information

This Guide offers applicants pertinent post-award information for all OVW Programs. This Guide is not a substitute for any of OVW's program-specific solicitations or any of the applicable statutes, regulations, or policies that govern OVW's programs. Applicants are responsible for reading each solicitation in its entirety and for following the instructions set forth in each solicitation.

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OVW Grant Programs and Pertinent Information

The Office on Violence Against Women (OVW) currently administers 22 programs (including the Consolidated Youth Program, new in FY 2012). Three of these programs are “formula” programs. This means that the enacting legislation also specifies how the funds are to be distributed. The remaining 19 programs are “discretionary” in that the Office has the responsibility to create the program parameters, and identify qualified applicants. It is anticipated that solicitations for Fiscal Year (FY) 2013 will be released on a rolling basis starting in the Fall of 2012.

Please refer to the current solicitations posted on OVW's website, www.ovw.usdoj.gov, for the most up-to-date information on deadlines, project periods and budget caps.

OVW Grant Program	Project Period	*Projected Budget Caps
Enhanced Training and Services to End Violence and Abuse of Women Later in Life	3 years	\$400,000
Campus Grant Program	3 years	\$300,000 for single campus; \$500,000 for consortia
Culturally and Linguistically Specific Services for Victims Program	2 years	\$150,000-\$300,000
Education, Training and Enhanced Services to End Violence Against and Abuse of Women with Disabilities Grant Program	3 years for new; 2 years for continuation	New: State - \$700,000 Local - \$550,000 Continuation: State - \$550,000 Local - \$400,000
Grants to Encourage Arrest Policies and Enforcement of Protection Orders	2 years	\$400,000- \$1,000,000 depending on the population of the service area
Legal Assistance for Victims Grant Program	2 years	\$400,000-\$600,000 depending on the number of counties served
Rural Grant Program	3 years	None
Sexual Assault Services Program: Formula Grants to States and Territories	2 years	N/A
Sexual Assault Services Program: Grants	3 years	\$300,000

to Culturally Specific Programs		
Sexual Assault Services Program: Tribal ¹	3 years	\$300,000
State Coalitions Grant Program	1 year	N/A
STOP Violence Against Women Formula Grants to States	2 years	N/A
Safe Havens: Supervised Visitation and Safe Exchange Grant Program	3 years	New applicants- \$400,000 Previous grantees- \$350,000-\$650,000 depending on the number of sites
Transitional Housing Grant Program	3 years	\$250,000
Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program	2 years	\$150,000-\$300,000
Grants to Indian Tribal Governments Program ¹	3 years	\$450,000-\$900,000
Court Training and Improvements Program	2 or 3 years depending on type of project	\$50,000-\$450,000 depending on the type of project as outlined in the solicitation
Consolidated Grant and Technical Assistance Program to Address Children and Youth Experiencing Domestic and Sexual Violence and Engage Men and Boys as Allies	TBD	TBD

* Budget caps for each program are subject to FY 2012 congressional appropriations and availability of funds.

¹ Solicitation released as part of the Coordinated Tribal Assistance Solicitation.

Post-Award Requirements for all Federal Grant Recipients

If you receive a grant from OVW, your agency will be responsible for complying with the following requirements:

Civil Rights Compliance

As a condition for receiving funding from OVW, recipients must comply with applicable Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Department of Justice (DOJ) regulation for the Equal Treatment of Faith-Based Organizations. Depending on the funding source, a recipient must also comply with the nondiscrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (“the Omnibus Crime Control and Safe Streets Act”). Collectively, these federal laws prohibit a recipient of OVW funding from discriminating either in *employment* (subject to the exemption for certain faith-based organizations discussed below) or in the *delivery of services or benefits* on the basis of race, color, national origin, sex, religion, or disability. In addition, recipients of OVW funding may not discriminate on the basis of age in the delivery of services or benefits.

Compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis of national origin in the delivery of services or benefits, entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons, the DOJ has published a guidance document, which is available at <http://www.lep.gov>. OVW encourages applicants and recipients to include within their program budgets the costs for providing interpretation and translation services to eligible LEP service populations.

For technical assistance on complying with the civil rights laws linked to the receipt of federal financial assistance from OVW, please contact the:

Office of Justice Programs
[Office for Civil Rights](#)
810 7th Street NW
Washington, DC 20531
202-307-0690
Fax: 202-616-9865
TTY: 202-307-2027

Funding to Faith-Based Organizations

In 2002, President George W. Bush issued Executive Order 13279 and, in 2004, DOJ issued the regulation, Equal Treatment for Faith-Based Organizations, 28 CFR Part 38. In general, the Executive Order and regulation require funded organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of DOJ funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and require that FBOs be allowed to retain their independence, autonomy, expression, and religious character when

competing for DOJ financial assistance used to support social service programs and participating in the social service programs supported with DOJ financial assistance.

The Executive Order and regulation also prohibit recipient FBOs from using Justice Department funding to engage in inherently religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may, of course, engage in inherently religious activities; however, these activities must be separate in time or location from the Federally-assisted program. Moreover, funded FBOs must not compel program beneficiaries to participate in inherently religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits.

Some program statutes, including the Omnibus Crime Control and Safe Streets Act, contain express nondiscrimination provisions that prohibit all recipients of funding under these statutes from discriminating on the basis of religion in employment. Despite these nondiscrimination provisions, DOJ has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit FBOs applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

If the statute that authorizes a DOJ funding program generally forbids consideration of religion in employment decisions by grantees, an FBO may receive DOJ funds and continue to consider religion when hiring staff if it meets the following criteria:

1. The FBO demonstrates that its program for which it seeks Federal funding is an exercise of religion;
2. The FBO demonstrates that requiring it to either forgo its religious preference in hiring or forgo the federal funding would substantially burden its exercise of religion; and
3. The funding entity is unable to demonstrate that applying the nondiscrimination provision to this FBO would both further a compelling government interest and be the least restrictive means of furthering this interest.

DOJ awarding agencies will grant exemptions to the prohibition against hiring discrimination on the basis of religion in the program statutes on a case-by-case basis to FBOs that certify to the following, unless there is good reason to question its truthfulness:

1. The FBO will offer all Federally-funded services to all qualified beneficiaries without regard for the religious or non-religious beliefs of those individuals; and
2. Any activities of the FBO that contain inherently religious content will be kept separate in time or location from any services supported by direct Federal funding, and if provided under such conditions, will be offered only on a voluntary basis; and
3. The FBO is a religious organization that sincerely believes that providing the services in question is an expression of its religious beliefs; that employing individuals of particular religious belief is important to its religious exercise; and that having to abandon its religious hiring practice to receive Federal funding would substantially burden its religious exercise.

FBOs that are seeking federal financial assistance under the Omnibus Crime Control and Safe Streets Act, the Victims of Crime Act, and the Juvenile Justice and Delinquency Prevention Act as well as an exemption to their prohibition against religious discrimination in hiring, must complete and retain **an original, signed document for their records** (see

sample Certificate of Exemption for Hiring Practices on the Basis of Religion at http://www.ojp.usdoj.gov/funding/forms/fbo_sample.pdf), certifying to the three provisions set forth above, **and then, must work with DOJ to attach it to the grant file, after receipt of an award.** For more information, please consult the Office for Civil Rights at <http://www.ojp.usdoj.gov/about/offices/ocr.htm>.

Confidentiality and Privacy Protections

In accordance with 42 U.S.C. 13925(b)(2), applicants receiving OVW funding, and their subgrantees, must protect the confidentiality and privacy of persons receiving OVW-funded services to support victims' safety. OVW grantees and their subgrantees are prohibited from disclosing personally identifying information collected in connection with services requested, utilized, or denied through the grantee and their subgrantee's programs, to any third party or third-party database without informed, written, reasonably time-limited consent of the person, unless compelled by statutory or court mandate. Where there is a mandate to release information, grantees and subgrantees must make reasonable attempts to provide notice to victims affected by the disclosure of information. They must also take necessary steps to protect the privacy and safety of the persons affected by the release of the information. Regarding unemancipated minors or persons with disabilities lacking capacity to consent, a parent or guardian may consent to the disclosure; however, an abuser of a minor, person with disabilities, or the minor's other parent is prohibited from giving consent to the disclosure.

In addition, grantees and subgrantees may share aggregate information regarding their services and demographics of victims for certain purposes if this information does not identify specific individuals or reveal personally identifying information. They may share such aggregate information with appropriate agencies to comply with Federal, State, Tribal, or Territorial reporting, evaluation, and data collection requirements. For protection order purposes, they may also share court and law enforcement-generated information contained in secure, governmental registries. Moreover, they may share law enforcement-and prosecution-generated information necessary for law enforcement and prosecution purposes.

DOJ regulations (28 CFR Part 22) also require recipients of OVW funding to submit a Privacy Certificate as a condition of approval of any grant application or contract proposal that contains a research or statistical component under which "information identifiable to a private person" will be collected, analyzed, used, or disclosed. These regulations define a research or statistical project as "any program, project, or component thereof ... whose purpose is to develop, measure, evaluate, or otherwise advance the state of knowledge in a particular area." 28 C.F.R. 22.2(c).

See this guide's related section dealing with "Research and Protection of Human Subjects." As stated in that section, with limited exceptions, research is an out-of-scope activity that cannot be supported with OVW funding. As appropriate, OVW will provide the applicant/grantee with additional guidance regarding the Privacy Certificate.

Research and Protection of Human Subjects

Although research is typically an out-of-scope activity that cannot be supported with OVW funding, it is still important for applicants for OVW funding to be aware of DOJ guidance on research involving protection of human subjects so that they do not propose activities that encompass such research. The Department of Justice's Office of Justice Programs (OJP) has developed a "[decision tree](http://www.ojp.usdoj.gov/funding/pdfs/decision_tree.pdf)" at http://www.ojp.usdoj.gov/funding/pdfs/decision_tree.pdf to assist

applicants/grantees in determining whether an activity they plan to undertake with Federal funds constitutes research involving human subjects. If research involving human subjects is involved, DOJ regulations as described below are applicable. OVW strongly encourages applicants to use this decision-tree to ensure that proposed activities can be supported with OVW funding. See also related “Confidentiality and Privacy Protections” section on page 7 of this guide.

Please note that “research” does not include program assessments conducted only for internal improvement purposes. If an OVW program solicitation asks for a more comprehensive program evaluation or other type of activity that constitutes research implicating human subject research and confidentiality/privacy protections, the solicitation will so state.

DOJ regulations (28 CFR Part 46) protect the human subjects of Federally-funded research. In brief, 28 CFR Part 46 requires that most research involving human subjects that is conducted or supported by a Federal department or agency be reviewed and approved by an Institutional Review Board (IRB), in accordance with the regulations, before Federal funds are expended for that research. As a rule, persons who participate in Federally-funded research must provide their “informed consent” and must be permitted to terminate their participation at any time. For additional information on this topic, please see <http://www.nij.gov/nij/funding/humansubjects>.

Anti-Lobbying Act

The Anti-Lobbying Act (18 U.S.C. § 1913) 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 in the process of creating updated uniform guidance for grants and cooperative agreements which will include guidance on lobbying. However, in the interest of full disclosure, 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 OVW. 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.

Reporting Requirements

Federal grants are governed by the provisions of the OMB circulars applicable to financial assistance and the OVW Financial Grants Management Guide, which includes information on allowable costs, methods of payment, audit requirements, accounting systems, and financial records. This document governs how all successful applicants administer funds.

OMB A-133 Audits

Audits of state and local units of government, institutions of higher education, and other nonprofit institutions must comply with the organizational audit requirements of OMB circular A-133, which states that recipients who expend \$500,000 or more of Federal funds during their fiscal year are required to submit a single organization-wide financial and compliance audit

report to the **Federal Audit Clearinghouse** within nine months after the close of each fiscal year during the term of the award.

OVW Reporting Requirements

Grantees must comply with the following OVW reporting requirements:

- Federal Financial Report (SF-425)
OVW grantees are required to file a Federal Financial Report (FFR) quarterly via the FFR module in the web-based Grants Management System (GMS). OVW grantees are required to designate and approve at least one Financial Point of Contact (FPOC) in GMS before they can file the FFR. An FPOC must be registered and approved by the Grant Point of Contact through GMS at <https://grants.ojp.usdoj.gov>.

The FFR is used to track actual expenditures and unliquidated obligations and is due no later than 30 days after the calendar quarter ends. The final FFR is due 90 days after the grant end date. Grantees are encouraged to submit the FFR as soon as the quarter ends to avoid delays in processing and access to grant funds.

The schedule for submitting Federal Financial Reports is as follows:

Reporting quarter:	Due no later than:
January 1–March 31	April 30
April 1–June 30	July 30
July 1–September 30	October 30
October 1–December 31	January 30

Failure by a recipient to submit the SF-425 on time will result in an automatic freeze on funds, may affect future awards, will cause a Grant Adjustment Notice (GAN) to withhold funds, and may lead to the suspension and/or termination of the award. If an SF-425 is delinquent, GMS will automatically send an e-mail message notifying the recipient that funds have been frozen. Once the recipient submits the overdue financial report, GMS will automatically generate a GAN to release funds. Please note that the release of funds can take several days to process through the grant and financial systems.

- Progress Reports
Under the Government Performance and Results Act (GRPA) and Violence Against Women Act (VAWA) of 2000, grantees are required to collect and maintain data that measure the effectiveness of their grant-funded activities.

Each grant program's progress reporting form reflects the different statutorily authorized activities that grantees perform, and collects uniform information on victims served, demographics, and common activities that occur across grant programs. These progress report forms provide OVW with comprehensive data regarding grantee activities and are used for Congressional reporting, OVW's outreach strategy, and other performance-related data reporting.

OVW grantees are required to submit semi-annual or annual progress reports through the Grants Management System (GMS). If selected for funding, the applicant will have

a special condition on their award requiring compliancy with the submission of these progress reports. For information on progress reporting and sample reporting forms, please visit the VAWA Measuring Effectiveness Initiative website: <http://muskie.usm.maine.edu/vawamei/index.htm>

National Environmental Policy Act

All OVW awards are subject to the National Environmental Policy Act (NEPA) and other related Federal laws, if applicable. 42 USC Section 4321 et seq. DOJ has established procedures to implement NEPA. See 28 CFR Part 61. The regulations state that "all Federal agencies are required to give appropriate consideration to the environmental effects of their proposed actions in their decision-making and to prepare detailed environmental statements on . . . major Federal actions significantly affecting the quality of the human environment." 28 CFR section 61.2. Under the regulations, DOJ, among other things, is required to "[c]onsider from the earliest possible point in the process all relevant environmental documents in evaluating proposals for Department action[.]" 28 CFR Section 61.6.

OVW has responsibility to ensure compliance with NEPA and 28 CFR Part 61, including Appendix D (included in Part 61 - Office of Justice Assistance, Research, and Statistics Procedures Relating to the Implementation of the National Environmental Policy Act). For many projects that are funded by OVW, NEPA may have no applicability. However, if OVW funds will be used, for example, to pay for renovation projects or new construction, programs involving the use of chemicals, or any other activity, including research and technology development, that may have an effect on the environment, at a minimum, the funding recipient must provide a full description of proposed project activities to OVW. Prior to allowing a recipient to spend OVW funds for such a project, OVW must make a finding that the project does not significantly affect the human environment and that further environmental assessment is not necessary.

DOJ Information Technology Standards

As appropriate, all equipment and software developed under awards that result from this solicitation must be compliant with DOJ information technology interface standards, including the National Criminal Intelligence Sharing Plan at http://it.ojp.gov/documents/National_Criminal_Intelligence_Sharing_Plan.pdf, the Global Justice XML Data Model at <http://it.ojp.gov/jxdm/>, and the Law Enforcement Information Sharing Plan. A list of additional standards can be found at the OJP Standards Clearinghouse at <http://it.ojp.gov/default.aspx?area=implementationAssistance&page=1017>.

Non-Supplanting of State and Local Funds

Grantees must use Federal funds to supplement existing funds for program activities and may not replace (supplant) nonfederal funds that they have appropriated for the same purpose. Potential supplanting will be the subject of monitoring and an audit. Violations can result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Criminal Penalty for False Statements

False statements or claims made in connection with OVW grants may result in fines, imprisonment, and debarment from participating in Federal grants or contracts, and/or other remedy available by law.

Reporting Fraud, Waste, Error, and Abuse

The Office of the Inspector General (OIG) conducts independent investigations, audits, inspections, and special reviews of U.S. Department of Justice personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in U.S. Department of Justice operations.

You should report potential fraud, waste, abuse, or misconduct to the U.S. Department of Justice, Office of the Inspector General (OIG) by:

Mail: Office of the Inspector General

U.S. Department of Justice

Investigations Division

950 Pennsylvania Avenue, N.W.

Room 4706

Washington, DC 20530

Email: oig.hotline@usdoj.gov

Hotline: (contact information in English and Spanish): (800) 869-4499

Or Hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.justice.gov/oig.

Compliance with the OVW Financial Grants Management Guide

The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the OVW Financial Grants Management Guide which can be found at <http://www.ovw.usdoj.gov/docs/gfmd-financial-grants-management-guide.pdf>.

Suspension or Termination of Funding

OVW may suspend funding in whole or in part, terminate funding, or impose other sanctions on a recipient for the following reasons:

- Failing to comply substantially with the requirements or statutory objectives of the appropriate Act, program guidelines issued thereunder, or other provisions of Federal law.
- Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the application.
- Failing to adhere to the requirements in the agreement, standard conditions, or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding.
- Failing to submit reports.

- Filing a false certification in the application or other report or document.

Before imposing sanctions, OVW will provide reasonable notice to the recipient of its intent to impose sanctions and will attempt to resolve the problem informally. Hearing and appeal procedures will follow those in DOJ regulations in 28 CFR Part 18.

Non-Profit Organizations

In all OVW-funded programs for which non-profit organizations are eligible subrecipients, DOJ's policy is that an organization can demonstrate its non-profit status (if applicable) by any one of four methods:

1. Submission of proof of 501(c)(3) status from the Internal Revenue Service;
2. Submission of a statement from the state or tribal taxing authority or state Secretary of State, or other similar official certifying that the organization is a non-profit operating within the state, and that no part of its net earnings may lawfully benefit any private shareholder or individual;
3. Submission of a certified copy of the applicant's certificate of incorporation or similar document; or
4. Submission of any item above, if that item applies to a state or national parent organization, together with a statement by the state or parent organization that the applicant is a local nonprofit affiliate.

Government Performance and Results Act (GPRA)

The funding recipient agrees to collect data (on a quarterly, semi-annually, or annual basis, as requested) appropriate for facilitating reporting requirements established by Public Law 103-62. The funding recipient will ensure that valid and auditable source documentation is available to support all data collected for each performance measure specified in the grant program progress reports.

Rights in Intellectual Property

DOJ reserves certain rights with respect to data, patentable inventions, works subject to copyright, and other intellectual property associated with an award of Federal funds. See 28 CFR §§ 66.34, 70.36, and 37 CFR Part 401.

Federal Funding Accountability and Transparency Act of 2006 (FFATA)

Applicants receiving an OVW award should be aware of the requirements of the Federal Funding Accountability and Transparency Act of 2006 (FFATA), which calls for the establishment of a single searchable website (www.USASpending.gov) that is accessible by the public and includes the following information for each Federal award:

- The name of the entity receiving the award;
- The amount of the award;

- Information on the award including the transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source, and an award title descriptive of the purpose of each funding action;
- The location of the entity receiving the award and primary location of performance under the award, including the city, state, congressional district, and country;
- A unique identifier of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity; and
- Any other relevant information specified by OMB.

DOJ awarding agencies will be responsible for collecting grantee information and providing it to the public website, using data provided by grantees through the Grants Management System. Additional information regarding these requirements will be provided when available. For more information, visit the USASpending.gov website.

Applicants should note that all recipients of awards of \$25,000 or more consistent with FFATA, will be required to report award information on any first-tier subawards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients. If applicable, the FFATA Subaward Reporting System (FSRS), accessible via the Internet at www.fsrs.gov, is the reporting tool recipients will use to capture and report subaward information and any executive compensation data required by FFATA. The subaward information entered in FSRS will then be displayed on www.USASpending.gov associated with the prime award, furthering Federal spending transparency.

Each applicant entity must ensure that it has the necessary processes and systems in place to comply with the applicable reporting requirements should it receive funding.

For additional information regarding the executive compensation and subaward reporting requirements, please see Vol. 75, No. 177 (September 14, 2010) of the Federal Register, www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf.

Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement

A prospective recipient of an award in excess of \$5,000,000 may be required to submit a detailed certification concerning filing of Federal tax returns, criminal convictions under the Internal Revenue Code, and unpaid Federal tax assessments.

Active SAM Registration

Grant recipients (other than individuals) must maintain current registrations in the System for Award Management (SAM) database. Recipients must review and update information at least annually to satisfy this requirement. For additional information, please review the "System for Award Management Requirements" at <https://www.sam.gov/>.

