CENTER OF EXCELLENCE (COE) TERMS AND CONDITIONS
GRANTS AND FINANCIAL ASSISTANCE DIVISION (GFAD)

In addition to the DHS Standard Terms and Conditions as outlined here: In addition to the DHS Standard Terms and Conditions shown in Article II, below, and at: DHS Standard Terms and Conditions, the following Terms and Conditions apply specifically to this Award as administered by the Grants and Financial Assistance Division (GFAD):

ARTICLE I. GENERAL ADMINISTRATIVE TERMS AND CONDITIONS

A. RESEARCH PROJECT AND MANAGEMENT AWARD SPECIFIC TERMS AND CONDITIONS AND/OR RESTRICTIONS

1. Recipient shall submit all projects and programs funded under this Award to DHS for review and approval using Grantsolutions (Home - innovative Federal grants management services (grantsolutions.gov).

2. Recipient shall compete fully and fairly, to the maximum extent practicable, all projects funded under this Award unless DHS has approved otherwise.

3. Recipient shall submit annual work plans for the activities for this Award to DHS for review and approval ahead of the next budget period. Modifications to any project or program funded under this award should be submitted to DHS for review and approval before initiating new work.

a. Annual work plans must provide information on the overall activities of the Center. The work plan shall include:

i. Summary of the Center's strategic vision and activities;
ii. Summary of Center communication and transition activities;
iii. Summary of Center management efforts including management decision making apparatus and review process to monitor project progress;
iv. Detailed descriptions on each Center project (including sub-recipient projects) to include:

- Abstract (objectives, outcomes, value proposition)
- Objective/Purpose
- Baseline
- Research Methodology, including proposed data sources and indication as to whether any of these sources hold any sensitivities (as outlined in Section A, 11)
- Project milestones
- Performance metrics used to evaluate progress & assessments of current concept of operations and baselines/state of the art in use
- Transition plans to include development steps, intellectual property management plans, & market specific considerations
- Stakeholder engagement
- Potential programmatic risks to completion and risk mitigations; and,
- Project outcomes and outputs, including information on how project outcomes will advance or impact current policies, procedures, technologies or capabilities.

v. Budget information categorized by both object class and project, including budget justification. DHS requires Centers to submit a budget that maps to the key competencies and activities necessary for a Center to deliver useful technologies and knowledge products to the Department. The competency

areas also align to the criteria DHS utilizes to evaluate its Centers of Excellence Program. Centers should allocate resources in the following categories: Administration & Execution, Research & Development, Education & Training, Customer Outreach & Communication, and Transition. The following categories should be included in the budget request. Centers should work with DHS Program Managers to identify minimum expenditures in each category necessary to address Biennial Evaluation Criteria:

1. Administration and Execution (labor)

    a. Director
    b. Executive Director
    c. Professional Project Management Staff & Financial Staff
    d. Travel to sub-contractor sites

2. Research and Development

    a. Principal Investigator & supporting investigators (labor)
    b. Data acquisition (licenses, fees, etc.)
    c. Materials
    d. Supplies
    e. Equipment
    f. Facilities
    g. Project travel (consistent with iv. Customer outreach)

3. Education and Training

    a. Staff (labor)
    b. Scholarships
    c. Fellowships
    d. Internships
    e. Workforce development classes/webinars/seminars
    f. Course & curriculum development (labor)
    g. Summer workshops (labor, facilities, materials)
    h. MSI program support (labor)

4. Customer Outreach and Communication

    a. Professional Strategic Communications Expert (labor)
    b. Communications support staff (labor)
    c. Travel for all Center functions to DHS customers including project level travel
    d. Communication services, products, materials
    e. Annual meeting and outreach events – not including travel (technical and customer engagements)

5. Transition

    a. Technology development professional (labor)
    b. IP due diligence costs (labor legal)
    c. Business planning evaluations – financial modeling to support stage gate decisions (labor business)

d. IP submission costs e.g. trademark, copyright expenses
e. Market assessments (labor)
f. Licensing costs for background IP
g. Initial operations and maintenance costs (vendor services)
h. Unit testing and evaluation – (labor, facilities, supplies/ equipment/materials)
i. Concept or technology integration costs (in customer environments or to meet final customer requirements, e.g. FISMA accreditation)

4. Recipient shall organize and participate in technical review of the research and education efforts funded under this Award annually, at a minimum, or as determined by the DHS Program Officer.

5. Recipient shall participate in a DHS managed, biennial review of the Center's progress against milestones, scientific quality, and assessment of customer relevance for the activities funded under this Award. The DHS Program Officer will select a review panel of subject matter experts representing government, industry and academia, to the extent practicable.

6. Recipient shall participate in at least two DHS Science and Technology (S&T) outreach events per year for the purposes of sharing information on the research, development, and education efforts funded under this Award.

7. Recipient agrees to work with the technology transfer office of recipient's institution to engage in technology transfer and commercialization activities, as appropriate.

8. DHS has an interest in publications generated from DHS-funded research for program awareness. Recipient shall include in progress reports a list of publications produced under this Award during the relevant budget period to the DHS Program Officer. DHS encourages recipients to keep the DHS Program Officer informed about the anticipated release of publications. Please refer to Article II. Section L for information on Enhancing Public Access to Publications.

9. Co-Authoring of Reports and Articles. Papers, presentations, or other documents co- authored by a DHS employee and a COE researcher will be subject to DHS's publications approval process prior to dissemination of the publication by the authors.

Recipient shall submit these publications to the DHS author for DHS clearance at least sixty (60) days prior to dissemination of the publication. Recipient agrees to submit all required DHS clearances with the publication materials to the DHS Program Officer of Record.

10. Information Protection Plan:
The Parties agree that all research conducted under this Award is intended to have publicly releasable results.

a. Accordingly, no research under this Award should involve, use, or generate sensitive information, which includes PII, and/or classified information (see Item i of this section for Definitions).

b. As a condition of access to this Center of Excellence, DHS agrees not to provide the Recipient any data or information that is sensitive or classified, i.e., information or data that would not be released completely in response to a request under the Freedom of Information Act, 5 U.S.C. § 552. (Note: any work that may involve, use sensitive or classified information from DHS should be discussed/scoped with the DHS Program Manager under the auspices of the Recipient's Basic Ordering Agreement which provides controls for these sensitive activities).

c. Should the Recipient inadvertently receive any data or information from DHS that the Recipient has

reason to believe may be sensitive or classified, within 24 hours, the Recipient shall notify the DHS Grants Management Specialist and Program Manager named in the award documents to discuss what was received and plan for remediation.

d. Each recipient shall develop an Information Protection Plan that incorporates policies and procedures that properly define, recognize, and protect sensitive or classified information.

i. Recipient will submit its plan to the DHS Program Officer for review and comment within 30 days of award. The Recipient will be notified of any concerns that may be identified once the plan is reviewed by DHS.
ii. The Recipient will review the Information Protection Plan at least annually and update as necessary for new or existing areas of research that may involve sensitive information.
iii. Recipient will submit their Information Protection Plan, noting any updates each year along with annual work plan submission to the DHS Program Officer for review and comment.
iv. All submissions of Information Protections Plans should include a signature page indicating document concurrence from the Center of Excellence Director and a representative from the University's Sponsored Research Office.

e. Recipient further understands and agrees that despite the best efforts of the Parties to avoid research under this Award that involves, uses, or generates sensitive or classified information, the possibility exists that such information could nonetheless be involved, used or generated and be subject to protection by law, executive order, regulation or applicable DHS policies. The Recipient is, therefore, responsible for compliance with all applicable laws, regulations and policies. Nothing in this Award shall be construed to permit any public disclosure of sensitive and/or classified information in violation of these restrictions.

f. The Information Protection Plan will ensure the Recipient identifies, secures, and prohibits public disclosure of "sensitive or classified information." Recipient maintains responsibility for their due diligence in identifying and properly marking any information governed by U.S. export controls regulations. For further information on applicable export controls, please see Article II, Section H of this award.

g. Required Notifications to DHS:

i. If Recipient determines that research under this Award involved, used, or generated sensitive or classified information, it agrees to secure the information in accordance with its Information Protection Plan and notify the DHS Program Officer immediately.
ii. The Recipient shall inform the DHS Program Officer in writing within 24 hours of the Recipient becoming aware of any potential security lapses involving either: the handling requirements for sensitive or classified information; or material failure of individuals to follow the Information Protection Plan.

h. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-awards/contracts at any tier where the sub-Recipient may use, generate or have access to government facilities and sensitive or classified information.

i. Definitions: For purposes of this section.
Sensitive Information. General Definition. Any information, the loss, misuse, disclosure, or unauthorized access to or modification of which could adversely affect the national or homeland security interest, or the conduct of federal programs, or the privacy to which individuals are entitled under Section 552a of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of

national defense, homeland security or foreign policy. This definition includes the following categories of information:

- Protected Critical Infrastructure Information (PCII) as set out in the Critical Infrastructure Information Act of 2002 (Title II, Subtitle B, of the Homeland Security Act, Public Law 107-296, 196 Stat. 2135), as amended, the implementing regulations thereto (Title 6, Code of Federal Regulations, Part 29) as amended, and any supplementary guidance officially communicated in writing by an authorized official of the Department of Homeland Security (including the PCII Program Officer or his/her designee);
- Information designated as "For Official Use Only," which is unclassified information of a sensitive nature and the unauthorized disclosure of which could adversely impact a person's privacy or welfare, the conduct of federal programs, or other programs or operations essential to the national or homeland security interest; and
- Personally Identifiable Information (PII). 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, regardless of whether the individual is a U.S. citizen, legal permanent resident, visitor to the U.S., or employee or contractor to the Department.
- Sensitive PII is PII which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual.

ii. Classified Information. Defined as information designated in accordance with Executive Order 12958.

11. Data Acquisition and Management Plan

a. Within thirty (30) calendar days of initiating work on any research project that requires access to third party data, including data provided by DHS Component agencies, the Recipient must provide a plan for acquiring data as described in (b) below.

DHS will review the plan and notify the Recipient of any concerns that may be identified. The Recipient shall review the Data Acquisition and Management Plans at least annually, if the project continues, and identify or update, as necessary, any new areas of research that require access to third party data.

b. The plan must include the following information for each project (see 11i for data definitions):

i. The purpose for collecting the data and characteristics of the data. If the data is deemed privacy sensitive, the Recipient must comply with the applicable federal, state, and local privacy laws, as well as DHS and university/research institute policies regarding the collection and use of personally identifiable information (PII).
ii. The uses of the data
iii. The conditions under which the data will be collected and provided to those on the research team
iv. A plan for the disposal or retention of the data after the research ends.
v. All plans must contain a signature page indicating document concurrence by the PI, and a representative from the University's Sponsored Research Office.

c. Information collection activities performed under this award are the responsibility of the awardee, and DHS support of the project does not constitute agency approval of the survey design, questionnaire content or information collection procedures. The awardee shall not represent to respondents that such information is being collected for or in association with the Department of Homeland Security or any other Government agency without the specific written approval of

such information collection plan or device by the agency. This requirement, however, is not intended to preclude mention of DHS support of the project in response to an inquiry or acknowledgment of such support in any publication of this information.

d. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-awards/contracts at any tier where the sub-Recipient may use, generate or have access to government facilities and sensitive or classified information.

12. Information Technology Security

a. As a condition of access to this Center of Excellence, DHS agrees not to provide the Recipient any data or information that is sensitive or i.e., information or data that would not be released completely in response to a request under the Freedom of Information Act, 5 U.S.C. § 552. Should the Recipient receive any data or information from DHS that the Recipient has reason to believe may be sensitive or classified, within 24 hours, the Recipient shall (1) notify the DHS Grants Management Specialist named in the award documents; (2) shall send such data or information to the Grants Management Specialist, unless otherwise directed by DHS; (3) shall erase or otherwise destroy any vestige of such data or information in its records and computer systems; and (4) shall notify the Grants Management Specialist of the means and time of such destruction.

13. Foreign Participation Reporting Instructions

The admittance of foreign detailees, scientists, and students into DHS sponsored/funded academic and other programs may result in continuous exposure of DHS information, personnel, IT systems, technologies, facilities, resources, and programs by non-U.S. citizens. In order to mitigate this potential security risk, DHS Management Policy 121-08 stipulates all foreign detailees, scientist, professors, principal investigators, and student nominees involved in long- term (greater than 30 days) DHS sponsored/funded academic or other DHS programs must submit a DHS Form 11055, to the DHS Office of Chief Security Officer: https://www.fletc.gov/sites/default/files/dhs_form_11055_foreign_national_screeni ng.pdf. The University is required to ensure all foreign investigators and students working on DHS sponsored/funded research or receiving tuition or travel support of any kind through this award, complete DHS Form 11055, to report all foreign national students/teaching assistants. Within the Form, Section I (Foreign National Information), Section II (Foreign National Information -Passport/Visa), and Section III (Foreign National Information (Employer Information) must be completed. Sponsor information will be completed internally at S&T.

Please complete, save and return Form 11055 to by email to Rebecca.Medina@hq.dhs.gov. **Do Not Use the "Submit" button on the form**. Form 11055 shall be submitted within 30 calendar days from either project kick-off or from new foreign participants joining the project. For individual engagements with Foreign Nationals, Recipient will submit Form 11055 at least 30 calendar days prior to the activity in which the foreign national participates. Please indicate your Center of Excellence affiliation and position title in the email.

14. Intellectual Property Management

a. It is vitally important that both Parties understand their respective intellectual property rights and applicable obligations under this Award.
b. Recipients should refer to 2 C.F.R. § 200.448 for a complete summary of their rights and responsibilities.
c. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-

awards/contracts at any tier where the sub-Recipient may use, generate or have access to government facilities and sensitive or classified information.

d. Definitions: Please refer to Article II. Section J.

15. Research Safety Plan

a. DHS COE research addresses issues of importance to intelligence and counter- terrorism agencies, law enforcement, or emergency responders, all of which involve inherent risks. To ensure that researchers and research facilities funded through this Award meet the highest safety standards possible, DHS requires every Recipient of a COE award to develop a Research Safety Plan. The Recipient shall review the Research Safety Plan at least annually and identify or update, as necessary, any new areas of research or sub-recipients conducting research activities under this plan. This review will also ensure that all sub- recipients conducting research covered by this plan have developed and implemented appropriate safety plans and periodic safety training in accordance with their institutional policies and procedures. Recipient will submit any updates to the Research Safety Plan to the DHS Program Officer for review and comment.

b. The Research Safety Plan must include, at a minimum, the following:

i. Identification of possible research hazards associated with the types of research to be conducted under this Award;
ii. Research protocols or practices that conform to generally accepted safety principles applicable to the nature of the research;
iii. The Recipient's processes and procedures to ensure compliance with the applicable protocols and standards;
iv. The Recipient's processes and procedures to ensure the prevention of unauthorized activities conducted in association with this Award;
v. Faculty oversight of student researchers;
vi. Research safety education and training to develop a culture of safety;
vii. Access control, where applicable;
viii. Independent review by subject matter experts of the safety protocols and practices; and
ix. Demonstrated adherence to all safety-related terms and conditions contained elsewhere in this Award.

c. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-awards/contracts at any tier where the sub-Recipient may conduct research where safety protocols are necessary to conduct safe research.

16. Public Communication: The Recipient shall update all required project information for entry into a DHS project database. Posting and updating Center and project level information is a condition for receiving further annual funding increments. Project updates follow pre-determined categories of information that must be populated at least annually.

B. DHS PROGRAMMATIC INVOLVEMENT

DHS staff are not meant to play a dominant role nor assume direction or primary responsibility for awardee activities. However, in addition to the usual monitoring and technical assistance, the following identifies DHS responsibilities under this Award:

1. DHS shall determine if a kickoff meeting is required for proposed projects or proposed continuations of existing projects. DHS shall coordinate with appropriate DHS staff, Center staff and Center researchers prior to project initiation.

2. DHS shall approve or disapprove annual work plans and any modifications to the work plans for this Award (See Article 1. A.).
3. DHS shall conduct ongoing monitoring of the activities of Recipient's workplan and activities funded through this Award through face-to-face and/or telephone meetings and review of progress reports.
4. DHS shall coordinate biennial reviews in cooperation with the Recipient during the Project Period to provide guidance on how the

research and education programs need to evolve to align with the needs of the Homeland Security Enterprise consistent with the COE mission. The biennial review evaluates the Center's long-term strategy, relevance of the research and education to DHS mission needs and technology gaps, stakeholder engagement, research quality, outreach efforts and management of the activities funded under this Award. The DHS Program Officer will select a review panel of subject matter experts representing government, industry and academia for the biennial review.

5. DHS coordination with the Recipient will include, but is not limited to:
    a. Providing strategic input as necessary on an ongoing basis;
    b. Coordinating research and development activities that support the national research agenda; and
    c. Creating awareness and visibility for this program.
6. DHS may modify this Award to support additional research projects funded by DHS or other sources provided that these projects meet three conditions:
    a. Are research for a public purpose that addresses homeland security research priorities;
    b. Fall within scope of the grant or cooperative agreement; and
    c. Conform to federal assistance agreements (grant and cooperative agreement) guidelines.
7. DHS employees may co-author publications with COE researchers. Any publication co- authored by DHS staff will be subject to DHS's publications approval process prior to dissemination of the publication as required under Item 9, in Section A.
8. DHS shall review and provide comments on the Recipient's Information Protection Plan as required under Item 11 in Section A.
9. DHS shall review and provide comments on the Recipient's Research Safety Plan as required under Item 14, in Section A.
10. DHS may create a Board of Directors that provides guidance on research relevance to the DHS Program Officer regarding the Recipient's research plan.
11. DHS may invite subject matter experts, customers, or stakeholders to assist in evaluating the Center's annual workplan, annual meetings, or other events for the purpose of reviewing project quality and/or providing relevant operational perspectives.
12. DHS shall facilitate initial engagement with Homeland Security Enterprise stakeholders, but recipient is expected to maintain ongoing engagement for research areas of interest to the stakeholders.
13. DHS shall ensure adherence to DHS privacy policies and requirements and include that recipients perform work in a manner consistent with DHS authorities.

C. AMENDMENTS AND REVISIONS

1. Budget Revisions

    a. The Recipient shall obtain prior written approval from the DHS Grants Officer for transfers of funds between direct cost categories in the approved budget when such cumulative transfers among those direct cost categories exceed ten percent of the total approved budget.

    b. The Recipient shall obtain prior written approval from the DHS Grants Officer for any budget revision that would result in the need for additional resources/funds.

    c. The Recipient shall obtain prior written approval from the DHS Grants Officer to transfer amounts budgeted for direct costs to the indirect costs line item or vice versa.

2. Extension Request

    a. Extensions to the Period of Performance can only be authorized in writing by the DHS Grants Officer.

    b. The extension request shall be submitted to the DHS Grants Officer sixty (60) days prior to the expiration date of the performance period.

    c. Requests for time extensions to the Period of Performance will be considered, but will not be granted automatically, and must be supported by adequate justification in order to be processed. The justification is a written explanation of the reason(s) for the delay; an outline of remaining resources/funds available to support the extended Period of Performance; and a description of performance measures necessary to complete the project. Extension requests shall not be processed without up-to-date performance and financial status reports and adequate justification.

d. DHS has no obligation to provide additional resources/funding due to an extension.

D. EQUIPMENT

1. Title to equipment acquired by the Recipient with Federal funds provided under this Award shall vest in the Recipient, subject to the conditions pertaining to equipment in the 2 CFR Part 200.

2. Prior to the purchase of Equipment in the amount of $5,000 or more per unit cost, the recipient must obtain the written approval from DHS.

3. For equipment purchased with Award funds having a $5,000 or more per unit cost, the Recipient shall submit an inventory that will include a description of the property; manufacturer model number, serial number or other identification number; the source of property; name on title; acquisition date; and cost of the unit; the address of use; operational condition of the property; and, disposition data, if applicable. This report will be due with the Final Progress Report no later than (120) days after the expiration of the Project Period, and shall be submitted via GrantSolutions using the guidance found here: Grant Solutions Performance Progress Report.

E. FINANCIAL REPORTS

1. Annual Federal Financial Reports – The Recipient shall submit a Federal Financial Report (SF-425) into the GrantSolutions system no later than thirty (30) days after the end of the budget period end date. The report shall be submitted via GrantSolutions using the guidance found here: Grant Solutions Federal Financial Report
2. Final Federal Financial Report – The Recipient shall submit a Federal Financial Report (SF-425) into the GrantSolutions system no later than 120 days after the end of the Project Period end date. The report shall be submitted via GrantSolutions using the guidance found here: Grant Solutions Federal Financial Report
3. Quarterly Federal Financial Reports (Cash Transaction) – the Recipient shall submit the Federal Financial Report (SF-425) Cash Transaction Report to the Department of Health and Human Services, Payment Management System. Quarterly Cash Transaction reports shall be submitted no later than 1/30, 4/30, 7/30, and 10/30.

F. PAYMENT

1. The Recipient shall be paid in advance using the U.S. Department of Health and Human Services/Payment Management System, provided it maintains or demonstrates the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds from the DHS and expenditure disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

2. Any overpayment of funds must be coordinated with the U.S. Department of Health and Human Services/Payment Management System.

G.PERFORMANCE REPORTS

1. Performance Reports. The Recipient shall submit semi-annual performance reports to the DHS Grants Officer for review and acceptance by DHS as a condition for receiving further annual funding increments. Semi-Annual performance reports are due 6 months after the start of each budget year (by January 1). Annual Reports must provide a summary of the activities conducted during the prior budget year. The report shall be submitted via GrantSolutions using the guidance found here, no later than sixty (60) calendar days after the end of the Center's budget period of year:
www.grantsolutions.gov/support/pdf/GrantRecipientProcessPerformanceProgessReport .pdf

a. Performance reports must provide information on the overall progress of the Center based on the activities discussed in the corresponding work plan. These reports should map work plan activities (activities planned) to those activities performed during the year to include:

i. Summary reports on the Center's strategic vision and support justification
ii. Summary of Center communication and transition activities;
iii. Summary of Center management efforts including decision making apparatus;
iv. Performance reports on each Center Project should include:

- Explanation of any changes from the initially approved workplan
- Objective/Purpose
- Baseline
- Methodology
- Project milestones to include progress met against them
- Performance metrics used to evaluate progress & assessments of current concept of operations and baselines/state of the art in use
- Transition plans to include development steps, intellectual property management plans, & market specific considerations
- Stakeholder engagement
- Potential programmatic risks to completion; and,
- Progress against each milestone outcomes and outputs and explanation of why any items were not reached
- Unanticipated problems and plans for addressing them; and
- Information supported by data on how project outcomes will advance or impact current technologies or capabilities.

v. Budget information and expenditure (narrative and figures) categorized by both object class and project as described in Article 1, Item A.3.
vi. If applicable, include a certification that no patentable inventions were created during the budget period.
vii. Updates to the Center's Information Protection Plan and Researcher Safety Plan as needed.

b. If the performance report contains any information that is deemed proprietary, the Recipient will denote the beginning and ending of such information with the following heading: ******PROPRIETARY INFORMATION******

2. Final Performance Report. The Recipient shall submit the Final COE Performance Report to the DHS Grants Officer and DHS Program Officer no later than 120 calendar days after the expiration of the Project Period (See Section H). The report shall be submitted via GrantSolutions using the guidance found here:
https://www.grantsolutions.gov/support/pdf/GrantRecipientProcessPerformanceProgessReport
.pdf

a. The Final COE Performance Report shall include:

i. An executive summary and final summary abstracts for each sub- project across all years of the period of performance
ii. Address the areas identified above in the annual report section

H. PERIOD OF PERFORMANCE

The Period of Performance is the Project Period approved for the supported activity and is comprised of one or more Budget Periods as reflected on the Notice of Award cover page.

1. Project Period. The Project Period is referenced in the original award letter. All COEs' annual performance periods shall run from July 1 to June 30 of the following year. An exception is made for the first performance period, which will run from the date of award to June 30 of the following year. Subsequent years' funding is contingent on acceptable performance, as determined by the Department of Homeland Security's (DHS's), acceptance and approval of each non-competing continuation application, and the availability of the next year's annual DHS appropriations. The Recipient shall only incur costs or obligate funds within the Project Period for approved activities.

2. Budget Period. The Budget Period shall be for a period of 12 months, from July 1, through June 30 of the following year.

a. Additional funding will be provided for subsequent Budget Periods of the project, contingent on all of the following:

i. Acceptable performance of the project as determined by the DHS under this Award;
ii. Acceptance and approval by the DHS of each noncompeting continuation application;
iii. Acceptance and approval by the DHS of each previous Annual Performance Report and
iv. Subject to the availability of appropriated funds.

3. Non-Competing Continuation Requirements

a. Ninety (90) calendar days prior to the expiration date of each budget period, the Grants Officer will request submission of the annual incremental funding request details via Grants.gov website. The Recipient shall submit a non-competing continuation application to request the next Budget Period's incremental funding and a separate request for any possible carryover of prior year funds. The non- competing continuation application shall include:

i. An annual project work plan as described in Article A, Item 3
ii. Carryover of Funds. Recipients are required to submit a separate Carryover Application for the unobligated balances remaining from funds awarded in one budget period to be carried over to the next succeeding budget period. This submission is due to the DHS Grants Officer and DHS Program Manager 90 calendar days prior to budget period expiration (e.g., March 31 unless otherwise notified by DHS Grants and Financial Assistance Officers) and is a best estimate at the budget period expiration from the recipient (lead university and all sub-recipients). The Program Officer will review the Carryover justification, in consultation with the DHS Grants Officer, and provide input to the Grants Officer that the justification is reasonable and the carryover funds should be used to complete any objectives which remain unmet from the prior budget period. Requests for carryover of funds from one Budget Period to the next Budget Period shall be submitted separately via email to the DHS Grants Officer with an SF 424 (R&R) face page and shall include:

1. A brief description of the projects or activities and milestones to be carried forward,
2. The amount of funds to be carried over and a revised Center budget consistent with Article A. Item 3
3. The reason the projects or activities were not completed in accordance with the project timeline, and
4. The impact on any future funding for the projects or activities.

iii. The DHS Program Officer will review the continuation application submission and provide input to the Grants Officer as to whether the Continuation Application is consistent with the approved workplan.

I. PRIOR APPROVAL REQUIRED

The Recipient shall not, without the prior written approval of the DHS, request reimbursement, incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities prior to the approved Budget Period.

ARTICLE II. GENERAL TERMS AND CONDITIONS

A. ACCESS TO AND RETENTION OF RECORDS.

The Recipient shall retain financial records, supporting documents, statistical records, and all other records pertinent to this Award for a period of three years from the date of submission of the final expenditure report. The only exceptions to the aforementioned record retention requirements are the following:

1. If any litigation, dispute, or audit is started before the expiration of the 3-year period, the records

shall be retained until all litigation, dispute or audit findings involving the records have been resolved and final action taken.

2. Records for real property and equipment acquired with Federal funds shall be retained for three (3) years after final disposition.

3. The DHS Grants Officer may direct the Recipient to transfer certain records to DHS custody when he or she determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, the DHS Grants Officer may make arrangements for the Recipient to retain any records that are continuously needed for joint use.

4. DHS, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of the Recipient that are pertinent to this Award, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to Recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this award term are not limited to the required retention period, but shall last as long as records are retained.

With respect to sub-recipients, DHS shall retain the right to conduct a financial review, require an audit, or otherwise ensure adequate accountability of organizations expending DHS funds. Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Access to Records).

B. COMPLIANCE ASSURANCE PROGRAM OFFICE TERMS AND CONDITIONS

The Compliance Assurance Program Office (CAPO) is comprised of the DHS Treaty Compliance Group (TCG), DHS Export Controls Group (ECG), and the DHS Regulatory Compliance Group (RCG). The Under Secretary of Science and Technology (USST) is the DHS official responsible for the various portfolios under CAPO's purview and for implementing procedures to ensure that the Recipient and any Recipient institutions/collaborators under this Award comply with international treaties, federal regulations, and DHS policies for Arms Control Agreements, Biosafety, Select Agent and Toxin Security, Animal Care and Use, the Protection of Human Subjects in Research, Life Sciences Dual Use Research of Concern, and Export Controls.

CAPO collects and reviews relevant documentation pertaining to this Award on behalf of the USST. Additional guidance regarding the review process is provided in the following sections, along with contact information. This guidance applies to the Recipient and any/all Recipient institutions involved in the performance of work under this Award. The Recipient is responsible for ensuring that any/all Recipient institutions and collaborators comply with all requirements and submit relevant documentation, as outlined in sections C – G below, for work being performed under this Award.

C. TREATY COMPLIANCE FOR BIOLOGICAL AND CHEMICAL DEFENSE EFFORTS

The Recipient and any Recipient institution shall conduct all biological and chemical defense research, development, testing, evaluation, and acquisition projects in compliance with all arms control agreements of the U.S., including the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC). DHS

Directive 041-01, Arms Control Compliance for Chemical and Biological Defense Activities, requires review of all such projects, including classified projects; projects involving biological and/or chemical agents, surrogates, or simulants; and non-laboratory activities related to biological and/or chemical agents (e.g., literature reviews, simulations, and/or modeling activities) to be systematically evaluated for compliance at inception, prior to funding approval, whenever there are any project changes, and whenever in the course of project execution an issue potentially raises a compliance concern.

1. Requirements for Initial Treaty Compliance Review. To ensure compliance with DHS Directive 041-01, for each biological and/or chemical defense- related effort (including non- laboratory activities related to biological and/or chemical agents) to be conducted under this Award, the Recipient must submit the following documentation for compliance review and certification prior to funding approval: a completed Treaty Compliance Form (TCF) and a Statement of Work (or workplan). The Recipient should contact work with the DHS Program Manager to engage CAPO regarding treaty compliance issues. The DHS Program Manager should help them obtain the TCF, submit the completed TCF, and/or request additional guidance regarding treaty compliance documentation and review requirements. The CAPO will review all submitted materials and provide written confirmation of approval to the Recipient once the treaty compliance certification process is complete. The Recipient and any Recipient institution shall not initiate any new activities, or execute modifications to approved activities, prior to receipt of this written confirmation.

2. Requirements for Ongoing Treaty Compliance Review. To ensure ongoing treaty compliance for approved biological and/or chemical defense-related efforts funded through this Award, the Recipient, working with the DHS PM must notify CAPO of changes to include – but are not limited to—the addition of biological or chemical agents (including any additional strains/isolates of biological material, simulants, or surrogates), a change in performers or sub-performer(s), modifications to the scope of work, and/or changes to the technical approach per DHS Directive 041-01.

D. REGULATORY COMPLIANCE FOR BIOLOGICAL LABORATORY WORK

The Recipient and any Recipient institution shall conduct all biological laboratory work in compliance with applicable federal regulations; the latest edition of the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories; DHS Directive 066-02,Biosafety; DHS Instruction 066-02-001, Instruction for Ensuring Biosafety Compliance; and any local institutional policies that may apply for Recipient institution facilities performing work under this Award. The CAPO will review the submitted Treaty Compliance Form (TCF) for planned work under this Award to determine the applicability of the requirements outlined in this section. **The Recipient must engage the DHS Program Manager who will facilitate engagement with CAPO for guidance on the requirements, and then submit all required documentation based on CAPO guidance, prior to the initiation of any biological laboratory work under this Award.**

Requirements for All Biological Laboratory Work. Biological laboratory work includes, but not limited to, laboratory activities involving: (1) recombinant or synthetic nucleic acid molecules (DNA, RNA); (2) Biological Select Agents and Toxins or 'BSAT'; or (3) biological agents, toxins, surrogates, or other biological materials that are not recombinant, synthetic, or BSAT. Each Recipient and any Recipient institution to be conducting biological laboratory work under this Award must submit copies of the following documentation, as required by the CAPO after review of the TCF(s), for review prior to the initiation of such work:

a. Research protocol(s), research or project plan(s), standard operating procedures(s), or other detailed description of the biological laboratory work to be conducted;

b. Documentation of project-specific biosafety review for biological laboratory work subject to such review in accordance with institutional policy;

c. Institutional or laboratory biosafety manual (may be a related plan or program manual) for each facility/laboratory to be involved in the biological laboratory work;

d. Biosafety training program description (should be provided as available in existing policies, plans, and/or manuals for all relevant facilities/laboratories where work is conducted;

e. Documentation of the most recent safety/biosafety inspection(s) for each facility/laboratory where the biological laboratory work will be conducted;

f. Exposure Control Plan, as applicable;

g. Documentation from the most recent Occupational Safety and Health Administration (OSHA) or State Occupational Safety and Health Agency inspection report; a copy of the OSHA Form 300 Summary of Work Related Injuries and Illnesses or equivalent, for the most recent calendar year; and documentation of any OSHA citations or notices of violation received in the past five (5) years; and

h. Documentation from the most recent U.S. Department of Transportation (DOT) inspection report; and documentation of any DOT citations or notices of violation received in the past 5 years.

Requirements for Research Involving Recombinant or Synthetic Nucleic Acid Molecules. Laboratory activities involving recombinant or synthetic nucleic acid molecules research are defined by the NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules, "NIH Guidelines". Each Recipient and any Recipient institution shall conduct all such work in compliance with the NIH Guidelines. In addition to the documentation referenced above, **each facility conducting research activities involving recombinant or synthetic nucleic acid molecules under this Award must submit copies of the following documentation to the CAPO for review prior to the initiation of such activities:**

a. Institutional Biosafety Committee (IBC) Charter, and/or other available documentation of IBC policies and procedures;

b. Most recent Office of Biotechnology Activities (OBA) acknowledgement letter of the annual IBC Report;

c. IBC-approved recombinant or synthetic nucleic acid molecules research protocol(s); and

d. Documentation of final IBC approval for each recombinant or synthetic nucleic acid molecules research protocol and all subsequent renewals and amendments as they occur.

Requirements for Activities Involving Biological Select Agents and Toxins (BSAT). **Planned activities involving the possession transfer, and/or use of BSAT must be reviewed by the CAPO prior to initiation.** This requirement also applies to activities involving select toxins that fall below the Permissible Toxin Limits, both at facilities registered with the National Select Agent Program and at unregistered facilities. Each Recipient and any Recipient institution shall conduct all BSAT work in compliance with all applicable regulations, including 42 C.F.R. § 73, 7 C.F.R. § 331, and 9 C.F.R. § 121, related entity- and laboratory-specific policies and procedures, and DHS Directive 026- 03, Rev 01, Safeguarding Select Agents and Toxins; and DHS Instruction 026-03-001, Safeguarding Select Agents and Toxins. In addition to the documentation referenced in Section B.1 above, **each facility conducting activities involving BSAT under this Award must submit copies of the following documentation to the CAPO for review prior to the initiation of such activities**:

a. Current APHIS/CDC Certificate of Registration;

b. Current versions of the Biosafety, Security, and Incident Response Plans required and reviewed under the Select Agent Regulations; and

c. Documentation of the most recent annual BSAT facility inspection, as required of the Responsible Official under the Select Agent Regulations.

The Recipient should contact the DHS Program Manager who will work with CAPO to obtain the CAPO Documentation Request Checklist, submit documentation, or request more information regarding the DHS CAPO documentation and compliance review requirements. The CAPO will provide written confirmation of receipt of all required documentation to the designated Point(s) of Contact. The CAPO will evaluate the submitted materials, along with available documentation from any previous reviews for related work at the Recipient and Recipient institution. Additional documentation may be required in some cases and must be submitted upon request. The CAPO will review all submitted materials and provide written confirmation to the Recipient once all requirements have been met.

CAPO review of submitted materials may determine the need for further compliance review requirements, which may include documentation-based and on-site components. The Recipient, and any Recipient institutions conducting biological laboratory work under this Award, must also comply with ongoing CAPO compliance assurance and review requirements, which may include but are not limited to initial and periodic documentation requests, program reviews, site visits, and facility inspections.

The Recipient must promptly report the following to the CAPO, along with any corrective actions taken: (1) any serious or continuing biosafety or BSAT program issues as identified by the APHIS/CDC National Select Agent Program, other compliance oversight authorities, or institutional-level reviews (e.g., IBC or equivalent, laboratory safety/biosafety inspections); (2) any suspension or revocation of the APHIS/CDC Certificate of Registration; and (3) any for-cause suspension or termination of biological, rDNA, or BSAT activities at the laboratories/facilities where DHS-sponsored work is conducted.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to applicable DHS requirements for biological laboratory activities. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., BMBL and NIH Guidelines). The Recipient must provide the CAPO with documentation sufficient to illustrate this compliance. The CAPO will evaluate compliance measures for these institutions on a case-by-case basis. The Recipient must not initiate work nor provide funds for the conduct of biological laboratory work under this Award without CAPO's formal written approval.

E. REGULATORY REQUIREMENTS FOR RESEARCH INVOLVING ANIMALS

The Recipient and any Recipient institution shall conduct all research involving animals under this Award in compliance with the requirements set forth in the Animal Welfare Act of 1966 (P.L. 89-544), as amended, and the associated regulations in 9 C.F.R., Chapter 1, Subchapter A; the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals (which adopts the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training", 50 FR20864, May 20, 1985); the National Research Council (NRC) Guide for the Care and Use of Laboratory Animals; the Federation of Animal Science Societies (FASS) Guide for the Care and Use of Agricultural Animals in Agricultural Research and

Teaching; and any additional requirements set forth in the DHS Directive for the Care and Use of Animals in Research (026-01). Each Recipient and any Recipient institution planning to perform research involving animals under this Award must comply with the requirements and submit the documentation outlined in this section.

1. Requirements for Initial Review of Research Involving Animals. Research Involving Animals includes any research, experimentation, biological testing, and other related activities involving live, vertebrate animals, including any training for such activities. Each facility conducting research involving animals under this Award must submit copies of the following documentation to the CAPO for review prior to the initiation of such research:

    a. Institutional Animal Care and Use Committee (IACUC)-approved animal research protocol(s), including documentation of IACUC approval, any protocol amendments, and related approval notifications;

    b. Public Health Service (PHS) Animal Welfare Assurance, including any programmatic amendments, and the most recent NIH Office of Laboratory Animal Welfare (OLAW) approval letter for each Recipient and Recipient institution; OR DHS Animal Welfare Assurance, if the Recipient is not funded by the PHS and does not have a PHS Assurance on file with OLAW. Any affiliated IACUCs must be established under the same requirements as set forth in the PHS Policy;

    c. Most recent IACUC semiannual program review and facility inspection reports covering all relevant facilities/laboratories involved in DHS-funded work;

    d. Most recent USDA Inspection report covering all relevant species, facilities/laboratories involved in DHS-funded work; and

    e. Most recent Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) inspection report(s) for AAALAC-accredited institution(s) housing and/or performing work involving animals under this Award.

All documentation, as well as any questions or concerns regarding the requirements referenced above, should be submitted to the DHS Program Manager who will facilitate engagement with CAPO. Additional documentation may be required in some cases and must be submitted upon request. The CAPO will review all submitted materials and provide written confirmation to the Recipient once all documentation requirements have been met. Upon receipt of this written confirmation, the Recipient may initiate approved animal research projects under this Award but must address any potential compliance issues or concerns identified by the CAPO. **Research involving the use of nonhuman primates or international collaborations involving animal research will require more extensive review prior to approval and must not begin under this Award without first obtaining a formal certification letter from the CAPO.**

The Recipient, as well as any Recipient institution and partner institutions conducting animal research under this Award, shall also comply with ongoing CAPO compliance assurance functions, which may include but are not limited to periodic site visits, program reviews, and facility inspections.

2. Requirements for Review of Research Involving Nonhuman Primates. For research activities involving any nonhuman primates, each Recipient and any Recipient institutions will be further reviewed by the VMO and CAPO prior to the initiation of work.

3. Requirements for Ongoing Review of Research Involving Animals. For ongoing animal research activities, each Recipient and any Recipient institutions must submit updates to the CAPO regarding any amendments or changes to (including expiration, renewal, or completion of) ongoing animal protocols as they occur and may be required to submit annual updates regarding the ACU program at Recipient and Recipient institutions. Annual

updates may include, but are not limited to, the IACUC semiannual (program review and facility inspection) reports, the USDA inspection report, and the most recent AAALAC accreditation letter, as applicable.

The Recipient must promptly report the following to the CAPO, along with any corrective actions taken: (1) any serious or continuing noncompliance with animal care and use regulations and policies adopted by DHS (as referenced above); (2) any change in AAALAC accreditation status; (3) any USDA Notice of Violation; and (4) IACUC suspension of any animal research activity conducted under this Award.

4. Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to DHS approval for work involving animals. All entities involved in activities under this Award must comply with their own applicable national and regional/local regulations, standards and guidelines. The Recipient must provide CAPO documentation sufficient to illustrate this compliance. The CAPO will evaluate compliance measures for these institutions on a case-by-case basis to determine their sufficiency. The Recipient must not initiate nor provide funds for the conduct of work involving animals at foreign institutions under this Award without formal written approval from the CAPO.

F. REGULATORY REQUIREMENTS FOR LIFE SCIENCES DUAL USE RESEARCH OF CONCERN (DURC)

The Recipient and any Recipient institutions shall conduct all research involving agents and toxins identified in sections III.1 and 6.2.1 of the USG Policy for Oversight of Life Sciences Dual Use Research of Concern and USG Policy for the Institutional Oversight of Life Sciences Dual Use Research of Concern, respectively, in accordance with both policies referenced above and in accordance with any additional requirements set forth in related DHS policies and instructions. Under this award, each Recipient and any Recipient institutions planning to perform research involving agents and toxins identified in sections III.1 and 6.2.1 of the USG DURC policies, regardless of the funding source, must submit the following documentation outlined in this section for CAPO review.

Note that submission of an iDURC form for review is required for any recipient planning to conduct life sciences laboratory work, in order for CAPO to determine applicability of USG DURC policies. Additional documentation may be required once a determination that the submitted work falls within DURC policy is made. Institutions were required to implement the policy on or by September 24, 2015.

1. Requirements for Research Using DURC Agents and Toxins. To ensure compliance with the USG DURC Policies, each facility conducting research involving the agents and toxins identified in sections III.1 and 6.2.1 of the USG DURC Policies, regardless of funding source, must submit the following documentation for compliance review by CAPO prior to approval of funding:

a. A completed iDURC form and a Statement of Work (or workplan);
b. Institutional Review Entity (IRE) charter, and/or other available documentation of IRE policies and procedures, to include the contact information for the Institutional Contact for DURC (ICDUR);
c. Institution's project-specific risk mitigation plan, as applicable;
d. DURC training or education program description; and
e. Formal annual assurance of compliance with the USG Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern.

2. Required Notifications to DHS:

a. Within 30 calendar days of initial and periodic reviews of institutional review of research with DURC potential, notify CAPO of the results, including whether the research does or does not meet the DURC definition.

b. Report, in writing, any instances of noncompliance and mitigation measures to correct and prevent future instances of noncompliance within 30 calendar days to CAPO.

3. Flowdown Requirements: The Recipient shall include the substance of this section in all sub-awards/contracts at any tier where the sub-Recipient is performing work with agents or toxins identified in sections III.1 of the USG Policy for Oversight of Life Sciences Dual Use Research of Concern and 6.2.1 of the USG Policy for the Institutional Oversight of Life Sciences Dual Use Research of Concern.

The Recipient should contact the DHS Program Manager who will submit documentation or to request more information regarding the DHS regulatory documentation and compliance review requirements as requested by CAPO. CAPO will provide written confirmation of receipt of all required documentation to the DHS Program Manager. CAPO will evaluate the submitted materials. Additional documentation may be required in some cases and must be submitted upon request. CAPO will review all submitted materials and provide written confirmation to the Recipient once all requirements have been met. Upon receipt of this written confirmation, the Recipient may initiate approved projects under this award.

In order to meet the reporting requirements set forth in section IV.2 of the 2012 USG Policy for Oversight of Life Sciences Dual Use Research of Concern (the biannual DURC Data Call), the Recipient and any Recipient institution shall submit documentation regarding all active, planned or recently completed (within twelve months of the submission) unclassified intramural or extramural activities on Federally-funded or conducted life science research projects biannually on the first Monday in May and November. The Recipient must submit documentation to the DHS Program Manager who will submit to CAPO. Documentation should include an update on all listed activities, including status, all agents or toxins incorporated by strain or surrogate name, performers, contract information, and sites of activities. Documentation should also include any changes to existing or completed projects since the most recent submission, including— but not limited to—the addition of agents, a change in performer, modifications to the scope of work, and/or changes to the technical approach. A supplemental report detailing all work involving low pathogenic avian influenza virus H7N9 (LPAI H7N9) and Middle East Respiratory Syndrome Coronavirus (MERS-CoV).

4. Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to the iDURC policy. The Recipient must provide CAPO documentation sufficient to illustrate this compliance. CAPO will evaluate compliance measures for these institutions on a case-by-case basis. The Recipient must not initiate work nor provide funds for the conduct of biological laboratory work under this Award without CAPO's formal written approval.

G. REGULATORY REQUIREMENTS FOR RESEARCH INVOLVING HUMAN SUBJECTS

The Recipient and any Recipient institutions shall conduct all Research Involving Human Subjects in compliance with the requirements set forth in 45 C.F.R. § 46, Subparts A-D, DHS Directive 026-04, Protection of Human Subjects, and any related DHS policies and instructions prior to initiating any work with human subjects under this Award. Each Recipient and any Recipient institutions planning to perform research involving human subjects under this Award must submit the documentation outlined

in this section for CAPO review.

Requirements for Research Involving Human Subjects. Each facility conducting work involving human subjects under this Award is required to have a project-specific Certification of Compliance letter issued by the CAPO. Each Recipient must submit the following documentation to the CAPO for compliance review and certification prior to initiating research involving human subjects under this Award:

1. Research protocol, as approved by an Institutional Review Board (IRB), for any human subjects research work to be conducted under this Award;
2. IRB approval letter or notification of exemption (see additional information below on exemption determinations), for any human subjects research work to be conducted under this Award;
3. IRB-approved informed consent document(s) (templates) or IRB waiver of informed consent for projects involving human subjects research under this Award; and

Exemptions for Research Involving Human Subjects. Exemption determinations for human subject research to be conducted under this Award should only be made by authorized representatives of (1) an OHRP-registered IRB, or equivalent, or (2) the CAPO. Exemption determinations made by an OHRP-registered IRB, or equivalent, should be submitted to the CAPO for review and record-keeping. Program managers, principal investigators, research staff, and other DHS or institutional personnel should not independently make exemption determinations in the absence of an IRB or CAPO review. DHS program managers (or institutions conducting human subjects' research under this Award) seeking an exemption determination from the CAPO should submit a request to STregulatorycompliance@hq.dhs.gov that includes the following:

1. Research protocol or detailed description of planned activities to be conducted under this Award.
2. Identification of the exemption category that applies to the project(s) to be conducted under this Award and explanation of why the proposed research meets the requirements for that category of exemption.

All documentation, as well as any questions or concerns regarding the requirements referenced above, should be submitted to the CAPO at STregulatorycompliance@hq.dhs.gov. The submitted documentation will be retained by the CAPO and used to conduct a regulatory compliance assessment. Additional documentation may be required in some cases to complete this assessment. The Recipient must provide this documentation upon request, and address in writing any compliance issues or concerns raised by the CAPO before a certification letter is issued and participant enrollment can begin under this Award. The CAPO will review all submitted materials and provide written confirmation to the Recipient once all documentation requirements have been met.

The Recipient and any Recipient institution shall submit updated documentation regarding ongoing research involving human subjects, as available and prior to the expiration of previous approvals. Such documentation includes protocol modifications, IRB renewals for ongoing research protocols ("Continuing Reviews"), and notifications of study completion.

The Recipient must promptly report the following to the CAPO, along with any corrective actions taken: (1) any serious or continuing noncompliance with human subjects research regulations and policies adopted by DHS (as referenced above); and (2) suspension, termination, or revocation of IRB approval of any human subjects research activities conducted under this Award.

Foreign Contractors/Collaborators and U.S. Institutions with Foreign Subcomponents. Foreign organizations (including direct Contractors, Subcontractors, Grant Recipients, Sub-recipients, and subcomponents or collaborating partners to U.S. Recipients) are subject to all DHS and CAPO requirements for research involving human subjects. All entities involved in activities under this Award must comply with applicable national and regional/local regulations, and standards and guidelines equivalent to those described for U.S. institutions (e.g., 45 C.F.R. § 46, including all Subparts, as relevant). The CAPO will evaluate compliance measures for these

institutions on a case-by-case basis to determine their sufficiency. The Recipient must not initiate nor provide funds for the conduct of work involving human subjects at foreign institutions under this Contract without formal written approval from the CAPO.

H. COMPLIANCE WITH U.S. EXPORT CONTROLS

Activities performed by the Recipient and any Recipient institution under this Award may or may not be subject to U.S. export control regulations. The Recipient and any Recipient institution shall conduct all such activities, to include any and all DHS-funded research and development, acquisitions, and collaborations in full compliance with all U.S. export controls—to include but not limited to the Export Administration Regulations (EAR), the International Traffic in Arms Regulations (ITAR), and the Office of Foreign Assets Control (OFAC) Regulations. The Recipient and any Recipient institution will ensure that all legal requirements for compliance with U.S. export controls are met prior to transferring commodities, technologies, technical data, or other controlled information to a non-U.S. person or entity.

I. CONTROLLED UNCLASSIFIED INFORMATION

The parties understand that information and materials provided pursuant to or resulting from this Award may be export controlled, sensitive, for official use only, or otherwise protected by law, executive order or regulation. The Recipient is responsible for compliance with all applicable laws and regulations. Nothing in this Award shall be construed to permit any disclosure in violation of those
restrictions.

Awards are intended for unclassified, publicly releasable research. The awardee will not be granted access to classified information. DHS does not expect that the results of the research project will involve classified information.

If, however, in conducting the activities supported under an award, the PI or co-PI is concerned that any of the research results involve potentially classifiable information that may warrant Government restrictions on the dissemination.

J. PATENT RIGHTS AND DATA RIGHTS

Patent rights

The Recipient is subject to applicable regulations governing patents and inventions, including government-wide regulations, 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."

Invention Disclosure and Related Requirements

The clause at 37 CFR 401.14, "Standard Patent Rights Clauses," is incorporated by reference herein. 37 CFR 401.14(c)(1) requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for patent matters. Under 35 U.S.C. 201(d), an invention means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the U.S. Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act. Invention disclosure statements shall be made by creating an invention record using the Interagency Edison system website at: http://www.iedison.gov .

Data rights

1. General Requirements. The Recipient grants the Government a royalty free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in:

a. Any data that is first produced under this Award and provided to the Government;

b. Any data owned by third parties that is incorporated in data provided to the Government under this Award; or

c. Any data requested in paragraph 2 below, if incorporated in the Award.

'Data' means recorded information, regardless of form or the media on which it may be recorded.

2. Additional requirements for this Award.

a. Requirement: If the Government believes that it needs additional research data that was produced under this Award, the Government may request the research data and the Recipient agrees to provide the research data within a reasonable time.

b. Applicability: The requirement in paragraph 2.a of this section applies to any research data that are:

1. Produced under this Award, either as a Recipient or sub-recipient;
2. Published, which occurs either when:

a. The research data is published in a peer-reviewed scientific or technical journal; or

b. DHS publicly and officially cites the research data in support of an agency action that has the force and effect of law.

3. Requirements for sub-awards: The Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Patent Rights and Data Rights) and the DHS Standard Terms and Conditions award term (Copyright).

K. PROGRAM INCOME

Post-award program income:

In the event program income becomes available to the recipient post-award, it is the recipient's responsibility to notify the DHS Grants Officer to explain how that development occurred, as part of their request for guidance and/or approval. The Grants Officer will review approval requests for program income on a case-by-case basis; approval is not automatic. Consistent with the policy and processes outlined in 2 C.F.R. Part 200.307, pertinent guidance and options, as determined by the type of recipient and circumstances involved, may be approved by the Grant Officer.

If approval is granted, an award modification will be issued with an explanatory note in the remarks section of the face page, concerning guidance and/or options pertaining to the recipient's approved request. All instances of program income shall be listed in the progress and financial reports.

L. PUBLICATIONS

1. All publications produced as a result of this funding which are submitted for publication in any magazine, journal, or trade paper shall carry the following:

    a. Acknowledgement. '"This material is based upon work supported by the U.S. Department of Homeland Security under Grant Award Number, Award No 12345."
    b. Disclaimer. "The views and conclusions contained in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied, of the U.S. Department of Homeland Security."

Recipient agrees to include in any sub-award made under this Agreement the requirements of this award term (Publications).

2. Enhancing Public Access to Publications. DHS Policy explicitly recognizes and upholds the principles of copyright. Authors and journals can continue to assert copyright in DHS-funded scientific publications, in accordance with current practice. The policy encourages authors to exercise their right to give DHS a copy of their final manuscript or software before publication. While individual copyright arrangements can take many forms, DHS encourages investigators to sign agreements that specifically allow the manuscript or software to be deposited with DHS for public posting or use after journal publication.

Institutions and investigators may wish to develop particular contract terms in consultation with their own legal counsel, as appropriate. But, as an example, the kind of language that an author or institution might add to a copyright agreement includes the following: "Journal (or Software recipient) acknowledges that the Author retains the right to provide a final copy of the final manuscript or software application to DHS upon acceptance for Journal publication or thereafter, for public access purposes through DHS's websites or for public archiving purposes."

M. SITE VISITS

The DHS, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the DHS on the premises of the Recipient, or a contractor under this Award, the Recipient shall provide and shall require its contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.

N. TERMINATION

Either the Recipient or the DHS may terminate this Award by giving written notice to the other party at least thirty (30) calendar days prior to the effective date of the termination. All notices are to be transmitted to the DHS Grants Officer via the email address identified on the Notice of Award. The Recipient's authority to incur

new costs will be terminated upon arrival of the date of receipt of the letter or the date set forth in the notice. Any costs incurred up to the earlier of the date of the receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment. Closeout of this Award will be commenced and processed pursuant to 2 C.F.R. §200.344.

O. TRAVEL

Travel required in the performance of the duties approved in this Award must comply with 2 C.F.R.§ 200.

Foreign travel must be approved by DHS in advance and in writing. Requests for foreign travel identifying the traveler, the purpose, the destination, and the estimated travel costs must be submitted to the DHS Grants Officer Sixty (60) days prior to the commencement of travel.

P. CLASSIFIED SECURITY CONDITION

Classified national security information, as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

1. No funding under this award shall be used to support a contract, sub-award, or other agreement for goods or services that will include access to classified national security information if the award recipient itself has not been approved for and has access to such information.

2. Where an award recipient has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information by the contractor, sub- awardee or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the Federal department or agency with whom the classified effort will be performed.

3. Such contracts, sub-awards, or other agreements shall be processed and administered in accordance with the DHS 'Standard Operating Procedures, Classified Contracting by State and Local Entities,' dated July 7, 2008; EOs 12829, 12958, 12968, as amended; the National Industrial Security Program Operating Manual (NISPOM); and/or other applicable implementing directives or instructions.

4. Immediately upon determination by the award recipient that funding under this award will be used to support such a contract, sub-award, or other agreement, and prior to execution of any actions to facilitate the acquisition of such a contract, sub-award, or other agreement, the award recipient shall contact ISPB, or the applicable Federal department or agency, for approval and processing instructions.

- DHS Office of Security ISPB contact information:
- Email: DD254AdministrativeSecurity@dhs.Gov

Q. GOVERNING PROVISIONS

The following are incorporated into this Award by this reference: Testing of change T&C etc...

31 C.F.R.205	Rules and Procedures for Funds Transfers
2 CFR Part 200	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Award
Application	Grant Application and Assurences dated

R. ORDER OF PRECEDENCE

1. 2 C.F.R. Part 200, 'Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.'
2. The terms and conditions of this Award
3. The Funding Opportunity, ,
4. Application and Assurances dated