



LORD & ASSOCIATES

**THE SECRETS TO SECURING
FEDERAL FUNDING
ACT(S), CFDA & CFR**

THE ACT(S) THAT GOVERN ALL FEDERAL GRANTS,
CONTRACTS & COOPERATIVE AGREEMENTS

Seeds
to
Sustain
Your
Priorities

Disclaimer: This information is not a substitute for the professional advice you would receive from a qualified accountant or attorney and it does not constitute legal or financial professional advice nor is it conveyed or intended to be conveyed in the course of any advisor-client discourse, but is intended to be general information with respect to common fundraising & development issues from federal sources. When making decisions as a result of the information contained within this Webinar, as with information from any fundraising or development professional or reference source, you should always seek the advice of a qualified accountant or attorney.

WHY LEARN ABOUT THE ACT(S), CFDA OR CFR(S) RELATIONSHIP TO FEDERAL FUNDING?

- Greater Understanding Can Equal Greater Success
- Negotiating for your Organizational & Program Priorities





- Identifying Successful Strategies and Funding
- Community, Economic Development & Housing Planning






WHY LEARN ABOUT THE ACT(S), CFDA OR CFR(S) RELATIONSHIP TO FEDERAL FUNDING?

- Identify & Obtain Federal Grant Funding 




And Low Interest Federal Loans 




THE GOOD THAT CAN BE DONE

- *Catalog of Federal Domestic Assistance contains detailed program descriptions for 2,228 Federal assistance programs.*
 - **474 Funding Opportunities:** Department of Health and Human Services
 - **271 Funding Opportunities:** Department of the Interior
 - **253 Funding Opportunities:** Department of Agriculture
 - **127 Funding Opportunities:** Department of Justice
 - **126 Funding Opportunities:** Department of Housing and Urban Development

THE GOOD THAT CAN BE DONE

- *Catalog of Federal Domestic Assistance (CFDA) provides a full listing of all Federal programs available to*
 - *State and*
 - *local governments (including the District of Columbia);*
 - *federally-recognized Indian tribal governments; Territories (and possessions) of the United States;*
 - *domestic public, quasi- public, and private profit and*
 - **nonprofit organizations and institutions; (900+)**
 - *specialized groups;*
 - *and individuals.*

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- Seeds 
 - Grants, Contracts & Cooperative Agreements, Program Income (Feds)
 - Formula, Discretionary & Competitive, Discretionary & Discretionary
 - Grants & Contracts (States)
 - Grants & Program Related Investments (Foundations)
 - Corporate Giving & Sponsorships
 - Individual Contributions & Events Revenues
 - Financing
- Strategy? Write lots of grants or maximize sustainability?

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- Prepping the Soil = 's Return on Investment (ROI)
 - Research identifies the immediate & unique Nonprofit strengths & capacities, along with any 'low hanging fruit' such as:
 - Un or under- recovered Indirect Costs (IDC)
 - Reporting that could result in the your organization being invited for additional discretionary end of year funding
 - Other opportunities TBD from the Act(s)/CFDA/CFR review
 - A grantwriting strategy that is informed by an ROI analysis guiding priority setting – not every grant that it is possible to write is profitable to write
 - Annual Grantwriting Calendar & Resources Needed
 - Gaps, Professional Development or Other Capacities Needed
 - Multi-directional Operational Commitments

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- What guides do you use to negotiate the best funding scenarios for your Organization?
- Why do you use them?
- Benefits of using federal standards
- Consequences of not being familiar with standards
- Knowing the Order of Standards
- Act(s) also known as Legislation
 - CFR(s) also known as Code of Federal Regulations
 - OMB Circulars & Departmental or Agency Published Guidance
 - Other written guidance from your Agency Contact
 - Verbal guidance from your Agency Contact
 - Verbal guidance from anyone else

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- Knowing the Order of Standards
 - Strategy
 - Negotiations
- Act(s)
 - Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224)
 - The Lobbying Disclosure Act of 1995 (P.L. 104-65)
 - Federal Assistance Management Improvement Act of 1999 (P.L. 106-107)
 - Federal Financial Accountability and Transparency Act of 2006
 - CFR(s)
 - OMB Circulars & Departmental or Agency Published Guidance
 - Other written guidance from your Agency Contact
 - Verbal guidance from your Agency Contact
 - Verbal guidance from anyone else

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224)*
- **PROCUREMENT CONTRACTS** - *Requires ... a procurement contract ... as the legal instrument reflecting a relationship between the Federal Government and a State or local government ... whenever the principal purpose of the agreement is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government.*

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224)*
- **GRANTS** - *Requires each executive agency, when no substantial involvement is anticipated ... during performance of the contemplated activity, to use a grant agreement as the legal instrument ... whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government.*

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *Federal Grant and Cooperative Agreement Act of 1977 (P.L. 95-224)*
- **COOPERATIVE AGREEMENTS** - *Requires each executive agency to use a cooperative agreement as the legal instrument ... whenever the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government, and substantial involvement is anticipated, ... during performance of the contemplated activity.*

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *The Lobbying Disclosure Act of 1995 (P.L. 104-65)*
- **An Act to provide for the disclosure of lobbying activities to influence the Federal Government** and for other purposes.
 - Sec.2.FINDINGS (3) – “the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.”
 - Sec.3.DEFINITIONS (7) LOBBYING ACTIVITIES – “The term ‘lobbying activities’ means **lobbying contacts and efforts to support such contacts**, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.”

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *The Lobbying Disclosure Act of 1995 (P.L. 104-65)*
- Sec.3.DEFINITIONS (8) LOBBYING CONTACT
 - Oral or written (including emails)
 - See Sec.3.DEFINITIONS (8)(A)(i-iv) for further definitions
 - See Sec.3.DEFINITIONS (8)(B) EXCEPTIONS (i) – “The term “lobbying contact” does not include a communication that is made by a public official acting in the public official’s capacity,” and see, the rest of the section (ii – xviii)

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *The Lobbying Disclosure Act of 1995 (P.L. 104-65)*
- Sec.3.DEFINITIONS (10) LOBBYIST. – “The term “*lobbyist*” means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged by such individual to that client over a six month period.
- Sec.3.DEFINITIONS (3-4) COVERED EXECUTIVE BRANCH OFFICIAL and COVERED LEGISLATIVE BRANCH OFFICIAL.

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *The Lobbying Disclosure Act of 1995 (P.L. 104-65)*
 - Sec. 18. EXEMPT ORGANIZATIONS – 501(c)(4)'s which engage in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan or any other form.
 - Social Welfare organizations under 501(c)(4) cannot receive federal funds if they engage in lobbying.
 - **(Nonprofit) organizations under 501(c)(3) must be careful not to put their tax exempt status at risk by engaging in lobbying activities such as taking a position in favor of one candidate over another, or otherwise attempting to influence legislation.**

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *Federal Financial Assistance Management Improvement Act of 1999 (P.L. 106-107)*
 - **Requires** the designated lead agency official to **consult with the representatives of non-Federal entities during plan development and implementation.**
 - **Requires** each Federal agency to submit the plan developed to
 - the Director of the Office of Management and Budget (OMB) and Congress and
 - report annually thereafter on plan implementation and
 - agency performance in meeting goals and objectives.

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- *Federal Financial Assistance Management Improvement Act of 1999 (P.L. 106-107)*
 - **Directs** each Federal agency to **develop and implement a plan** that, among other things, streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency.
 - **Requires** each agency to
 - publish the plan in the Federal Register,
 - receive public comment, and
 - hold public forums on the plan.

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

• *Federal Financial Assistance Management Improvement Act of 1999 (P.L. 106-107)*

- Directs the General Accounting Office to evaluate the effectiveness of this Act. Requires the evaluation to be submitted to the lead agency, the Director, and Congress. **Requires the evaluation to be performed with input from State, local, and tribal governments and nonprofit organizations.** Terminates this Act eight years after enactment.

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

• *Federal Financial Accountability and Transparency Act of 2006*

- "An Act to require full disclosure of all entities and organizations receiving federal funds."
- <http://fedspending.org>
- <http://usaspending.gov>
- * On September 26, 2006, President Bush signed into law S. 2590, the Federal Funding Accountability and Transparency Act (P.L. 109-282). ... the legislation requires the Office of Management and Budget (OMB) to establish a publicly available, online database containing information about entities that are awarded federal grants, loans, and contracts.
- -- CRS Report for Congress, "The Federal Funding Accountability and Transparency Act: Background, Overview and Implementation Issues" by Garrett Leigh Hatch, Analyst in Government Organization and Management, Government and Finance Division

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

• *Readiness Checklist*

- Review of [CDFA](#) Summary Sheet for your Funding Opportunity
- Review of the Act(s) authorizing the Funding Opportunity
- Review of the [Codes of Federal Regulation](#) (CFRs) implementing the Funding
- Compare the info you learn from the Act(s) & the CFRs to the RFP/NOFAs for the funding – make sure you identify the best funding opportunities & for your organization
- Make sure all of your [required registrations](#) are completed far in advance of the grant submittal deadline
- Draft an [SF424 Budget](#) and, if possible, present & discuss it with your funding opportunities' designated technical assistance provider
- Document broad support, Congressionals, State Legislators, etc.

THE DIFFERENCE BETWEEN GRANTS & HAVING A DEVELOPMENT STRATEGY

- INCREASING FUNDING & SUSTAINABILITY with the STRATEGIC USE OF THE ACT(S), CFDA & CFR(S)
- Greater Understanding Can Equal Greater Success
 - Stronger Proposals
 - Understanding Your Funder's Responsibilities & Your Own
- Negotiating for Tribal Needs
 - Understanding the types of legal agreements for obtaining federal funding
 - Refraining from actions that could leave you ineligible for federal funding
- Planning Successful Funding Strategies
 - Researching Federal Funding Awards for Community, Social, Economic Development & Housing Needs
 - Preparing to Obtain Federal Grant Funding
 - And Low Interest Federal Loans



LORD & ASSOCIATES

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THE SECRETS TO SECURING FEDERAL FUNDING



Thank You!
For additional info, contact Wanda Jean Lord, Principal Consultant
401 835 4806 or wlord@lord-and-associates.com
