



DIVISION OF EMERGENCY MANAGEMENT
Office of the Governor

RICK PERRY
Governor

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5805 N. Lamar Blvd.
Austin, Texas 78752

STEVEN McCRAW
Director
Office of Homeland Security

JACK COLLEY
Chief

December 29, 2008

The Honorable J. D. Salinas
Judge, Hidalgo County
100 E. Cano, 2nd Floor
Edinburg, TX 78539

RECEIVED

JAN 06 2009

COUNTY JUDGE

Dear Judge Salinas:

This letter is to advise you of the availability of the FY 2009 Operation Stonegarden (OPSG-09) grant program from the U.S Department of Homeland Security (DHS) for counties directly on the U.S. - Mexico border in Texas. OPSG-09 will provide funding to eligible localities to enhance cooperation and coordination between federal and local law enforcement agencies in a joint mission to secure the United States borders.

The OPSG-09 grant can be used for law enforcement overtime and certain law enforcement operating expenses while participating in border security operations approved by DHS. OPSG-09 grant funds can also be used to purchase eligible law enforcement equipment. Grant funds cannot be used to hire additional law enforcement officers. As with most federal grants, there are a host of terms and conditions attached to the grant that limit what grant funds can be used for.

Only counties may apply for OPSG-09 grants and they may include the local Sheriff's Office, other county level law enforcement agencies, such as constables, as well as municipal police departments within the county in their grant application. This is a competitive grant with \$60 million in grant funds available for award nationwide. Funding allocations will be determined by an assessment of risk, the Budget Narrative that applicants must provide with their grant applications, and the Operations Order that applicants must develop in coordination with the local Customs and Border Protection staff.

OPSG-09 grant applications from counties are due to the to the State Administrative Agency at the Division of Emergency Management no later than January 30, 2009 and Operations Orders must be sent electronically by that date. The State must submit its consolidated set of county grant applications and supporting documents to DHS. We anticipate DHS will announce awards in September. The period of performance for the grant will be up to 36 months.

Please see the attachments to this letter, which include the DHS Grant Guidance and Application Kit and forms that will assist you in applying for this grant. Pages 13 and 14 of the DHS Guidance and Application Kit outline allowable and unallowable costs. Attachment OPSG-09 Form A-4 is an electronic spreadsheet that you may use to build your grant budget.

I encourage you to take advantage of this grant program.

Sincerely,

A handwritten signature in black ink that reads "Jack Colley". The signature is written in a cursive style with a large initial "J".

Jack Colley,
Chief

cc: County Sheriff

Attachments:

1. OPSG-09 Form A-1 - Local Application
2. OPSG-09 Form A-2 - Designation of Grant Officials
3. OPSG-09 Form A-3 - Application of Federal Assistance
4. OPSG-09 Form A-4 - Budget Worksheet
5. OPSG-09 Form A-5 - Assurances and Certifications
6. FY 09 OPSG Grant Guidance
7. Form 74-176 Direct Deposit Form
8. Example of OPSG-09 Operations Order

APPLICATION FOR STATE ASSISTANCE

(Instructions on Reverse)

1. NAME OF PROGRAM/ ASSISTANCE: <p style="text-align: center;">OPERATION STONEGARDEN 09</p>	2. APPLICANT STATUS: <input type="checkbox"/> City <input checked="" type="checkbox"/> County: (HIDALGO COUNTY SHERIFF'S OFFICE)
3. START DATE: (UPON AWARD) <p style="text-align: center;">SEPTEMBER 1ST 2009</p>	4. END DATE: (36 MONTHS) <p style="text-align: center;">SEPTEMBER 30TH 2012</p>
5. APPLICANT INFORMATION	
a. Legal Name of Applicant Organization (as it appears on the OPSG-08 Application/Form A-1): <p style="text-align: center;">HIDALGO COUNTY SHERIFF'S OFFICE</p>	b. Name & Telephone Number of Grant Performance Officer: <p style="text-align: center;">GUADALUPE "LUPE TREVINO SHERIFF</p>
c. Mailing Address: <p style="text-align: center;">P.O BOX 1228, EDINBURG, TEXAS 78540</p>	d. Physical Address (if different from Mailing Address): <p style="text-align: center;">711 EL CIBOLO ROAD, EDINBURG, TEXAS 78540</p>
6. EMPLOYER IDENTIFICATION NUMBER / TAX ID # <p style="text-align: center;">74-6000717</p>	
7. ESTIMATED EXPENSES: Total Estimated Cost/Federal Request (This amount will be the total on your Budget Narrative Worksheet)	
8. CERTIFICATION: I certify that to the best of my knowledge and belief this application and its attachments are true and correct.	
a. Typed Name of Authorized Official:	J.D. SALINAS
b. Title of Authorized Official:	HIDALGO COUNTY JUDGE
c. Original Signature of Authorized Official:	
d. Date Signed:	

INSTRUCTIONS FOR FRONT SIDE OF THIS FORM

1. Except as indicated below, entries are self-explanatory.
2. Item 1: Enter "Operation Stonegarden 2008".
3. Item 5a: Enter the legal name of your jurisdiction. Your entry should match the Applicant Name used on the OPSG-08 Program Application (Form A-1).
4. Item 7: The data in this section should agree with the information on the Budget Narrative Worksheet.
5. Item 8 a, b, & c. This form must be signed by an Authorized Official who is a person authorized by the governing body of the jurisdiction to apply for grants and accept grants and execute agreement and contracts on behalf of the jurisdiction. Authorized Officials are County Judges, Mayors, and many City Managers – **not** Sheriffs or Chiefs of Police.



For Comptroller's use only

DIRECT DEPOSIT AUTHORIZATION INSTRUCTIONS

- Use only BLUE or BLACK ink.
- Alterations must be initialed.
- Financial institution must complete Section 4.
- Section 7 must be completed by the paying state agency
- Check all appropriate box(s).

TRANSACTION TYPE

SECTION 1	<input type="checkbox"/> New setup (Sections 2, 3 & 4)	<input type="checkbox"/> Change financial institution (Sections 2, 3 & 4)
	<input type="checkbox"/> Cancellation (Sections 2 & 3)	<input type="checkbox"/> Change account number (Sections 2, 3 & 4)
	<input type="checkbox"/> Interagency transfer (Sections 2 & 3)	<input type="checkbox"/> Change account type (Sections 2, 3 & 4)
	<input type="checkbox"/> Exemption (Sections 2 & 5)	

PAYEE IDENTIFICATION

SECTION 2	1. Social Security number or Federal Employer's Identification (FEI) _____			2. Mail code (If not known, will be completed by Paying State Agency) _____		
	3. Name _____			4. Business phone number: _____		
	5. Street address _____		6. City _____	7. State _____	8. ZIP code _____	

AUTHORIZATION FOR SETUP, CHANGES OR CANCELLATION

SECTION 3	9. Pursuant to <i>Section 403.016</i> , Texas Government Code, I authorize the Comptroller of Public Accounts to deposit by electronic transfer payments owed to me by the State of Texas and, if necessary, debit entries and adjustments for any amounts deposited electronically in error. The Comptroller shall deposit the payments in the financial institution and account designated below. I recognize that if I fail to provide complete and accurate information on this authorization form, the processing of the form may be delayed or that my payments may be erroneously transferred electronically.					
	I consent to and agree to comply with the National Automated Clearing House Association Rules and Regulations and the Comptroller's rules about Electronic transfers as they exist on the date of my signature on this form or as subsequently adopted, amended or repealed.					
	10. Authorized signature _____		11. Printed name _____		12. Date _____	

FINANCIAL INSTITUTION (Must be completed by financial institution representative.)

SECTION 4	13. Name _____		14. City _____		15. State _____	
	16. Routing transit number _____		17. Customer account number (Dashes required <input type="checkbox"/> YES) _____		18. Type of account <input type="checkbox"/> Checking <input type="checkbox"/> Savings	
	19. Representative name (Please print) _____			20. Title _____		
	21. Representative signature (Optional) _____		22. Phone number _____		23. Date _____	

EXEMPTION:

SECTION 5	I claim exemption and request payment by state warrant (check) because:					
	24. <input type="checkbox"/> I hold a position that is classified below group 8 in the position classification salary schedule.					
	25. <input type="checkbox"/> I am unable to establish a qualifying account at a financial institution.					
	26. <input type="checkbox"/> I certify that payment by direct deposit would be impractical and/or more costly to me than payment by warrant.					
27. Authorized signature _____		28. Printed name _____		29. Date _____		

CANCELLATION BY AGENCY

SEC6	30. Reason _____			31. Date _____		

PAYING STATE AGENCY

SECTION 7	32. Signature _____		33. Printed name _____			
	34. Agency name _____			35. Agency number _____		
	36. Comments _____		37. Phone number _____		38. Date _____	

**OPERATION STONEGARDEN 2009 (OPSG-09)
GRANT APPLICATION**

1. APPLICANT NAME (Jurisdiction):	HIDALGO COUNTY SHERIFF'S OFFICE		
2. COUNTY:	HIDALGO		
3. PARTICIPATING AGENCIES	(List the county & municipal law enforcement agencies who will participate in the grant program)		
4. CHECKLIST OF APPLICATION ATTACHMENTS:	<input type="checkbox"/> Designation of Grant Officials (Form A-2). <input type="checkbox"/> Application for Federal Assistance (Form A-3). The Authorized Official must sign this form. <input type="checkbox"/> Financial Cost Estimate (Form A-4). The Grant Financial Officer must sign this form. <input type="checkbox"/> Assurances and Certifications (Form A-5). The Authorized Official must sign this form. <input type="checkbox"/> Direct Deposit Authorization Form (Form 74-176). The Grant Financial Officer must sign this form.		
	<input type="checkbox"/> Appendix A. Budget Narrative Worksheet – see Note below		
	<input type="checkbox"/> Appendix B. Operations Order Report - see Note below		
	Note: See the Operation Stonegarden 2009 (OPSG-09) Guidance & Application Kit for information on completing these forms.		
5. CERTIFICATION	The undersigned agree to comply with all terms and conditions outlined in the DHS Fiscal Year 2009 Operation Stonegarden Guidance and Application Kit.		
_____ Authorized Official (Original Signature)	_____ Date	_____ Grant Project Officer (Original Signature)	_____ Date
6. APPROVAL	The attached application is approved.		
	<input type="checkbox"/> Chief, Division of Emergency Management <input type="checkbox"/> State Coordinator of Preparedness and Operations		_____ Date

Mail completed forms and application materials to:

State Administrative Agency
 Governor's Division of Emergency
 Management
 Texas Department of Public Safety
 PO Box 4087
 Austin, TX 78773-0224

DESIGNATION OF GRANT OFFICIALS

GRANT:	Operation Stonegarden 2009 – Local Grants (OPSG-09)
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GRANT PERIOD: (date of award for 36 months)	SEPTEMBER 1ST 2009 - SEPTEMBER 30TH, 2012
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AGENCY NAME:	HIDALGO COUNTY SHERIFF'S OFFICE
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Grant Project Officer	
<i>Name</i>	GUADALUPE "LUPE" TREVINO
<i>Title</i>	SHERIFF
<i>Official Mailing Address</i>	PO BOX 1228, EDINBURG, TEXAS 78540
<i>Daytime Phone Number</i>	956-383-8114 ext 6003
<i>Fax Number</i>	956-393-6179
<i>E-mail Address</i>	sheriffrevino@hidalgo.org

Grant Financial Officer	
<i>Name</i>	RAY EUFRACIO
<i>Title</i>	COUNTY AUDITOR
<i>Official Mailing Address</i>	2808 S. BUSINESS HWY 281 EDINBURG, TEXAS 78539-6243
<i>Daytime Phone Number</i>	956-318-2511
<i>Fax Number</i>	956-318-2577
<i>E-mail Address</i>	Ray.eufracio@auditor.co.hidalgo.tx.us

Authorized Official *	
<i>Name</i>	J.D. SALINAS
<i>Title</i>	HIDALGO COUNTY JUDGE
<i>Official Mailing Address</i>	PO BOX 1356, EDINBURG, TEXAS 78539
<i>Daytime Phone Number</i>	956-318-2600
<i>Fax Number</i>	956-318-2699
<i>E-mail Address</i>	Jd.salinas@co.hidalgo.tx.us

* An individual authorized to execute contracts on behalf of a jurisdiction or local law enforcement agency.
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STATE & FEDERAL ASSURANCES & CERTIFICATIONS

FY 2009 OPERATION STONEGARDEN GRANT PROGRAM (OPSG-09)

NAME OF APPLICANT:
HIDALGO COUNTY SHERIFF'S OFFICE

This form includes Federal and State assurances and certifications that must be reviewed, signed, and submitted as a part of the Application for Federal Assistance.

Note: Certain of these assurances may not be applicable to your program. If you have any questions, please contact the awarding agency.

As the duly authorized representative of the applicant, I hereby certify that the applicant (as a grantee or subgrantee) will comply with the Federal and State assurances and certifications below.

J. D. SALINAS	HIDALGO COUNTY JUDGE
Typed Name of Authorized Official	Title
Signature of Authorized Official	Date Signed

A. FEDERAL ASSURANCES

The Applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

B. STATE ASSURANCES

The Applicant:

1. Must comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

2. Must insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.
3. Must comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.
4. Must comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.
5. If the grantee or subgrantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.
6. If the subgrantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.
7. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local sub-grantee shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met. (See Section __.36 for additional guidance on contract provisions).
8. Must comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Sub-grantees shall also ensure that all program personnel are properly trained and aware of this requirement.
9. Will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.
10. Will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.
12. Certifies that is and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.
13. Must adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, *et seq.*

13. Has the legal authority to apply for federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of the project described in this application.

14. Will give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

15. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.

16. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

C. FEDERAL CERTIFICATIONS

The applicant (as grantee or subgrantee) certifies:

1. Drug-Free Workplace. It will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
 - B. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the applicant's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
 - C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
 - D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. abide by the terms of the statement, and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions with respect to any employee who is so convicted:
 - i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
 - G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2. Lobbying:

- A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government.
 - B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the Governor's Division of Emergency Management to obtain the appropriate disclosure form.
 - C. It will include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.
3. It will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
 4. It will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
 5. It will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
 6. It will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 7. It will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
 - a.
 8. It will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
 9. It will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

10. It will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
11. It will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
12. It will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Standard Form 424B