

## 1. PREFACE

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A. The Department of Commerce promotes job creation and economic growth by ensuring fair trade, providing the data necessary to support commerce and constitutional democracy, and fostering innovation by setting standards and conducting foundational research and development.

B. DOC may award Federal financial assistance (e.g., a grant or cooperative agreement) when authorized by federal statutes. While Federal agencies generally have “inherent” authority to enter into contracts to procure goods or services for their own use, there is no inherent authority to enter into financial assistance relationships. Therefore, the relevant statute is studied to determine whether an agency is authorized to transfer money, property in lieu of money, or other direct assistance to eligible recipients to support or stimulate a public purpose. DOC does not have a general financial assistance authority, and the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. §§ 6301-6308) does not provide such authority.<sup>1</sup> Such authority must be provided by specific statute. The operating unit’s basic legislation must be analyzed to determine whether Federal financial assistance is authorized, and if so, under what circumstances and conditions. The following DOC operating units are authorized to provide financial assistance:

1. U.S. Census Bureau (Census). Being the authority on demographic data in the United States, Census provides comprehensive statistical data about the Nation's diverse population. Its data forms the foundation for constitutional mandates, such as Congressional apportionment, and serves as a cornerstone for analyzing economic trends, facilitating informed decision-making processes for policymakers, businesses, and researchers alike. Census provides funding opportunities through cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education (other entities may be considered), to aid and promote statistical, research, and methodology activities in support of its mission under the Title 13 of the United States Code.

2. Economic Development Administration (EDA). EDA’s mission is to lead the federal economic development agenda by promoting innovation and competitiveness and preparing American regions for growth and success in the worldwide economy. EDA’s investment policy is designed to establish a foundation for sustainable job growth and the building of durable regional economies throughout the United States. This foundation builds upon two key economic drivers - innovation and regional collaboration. Innovation is key to global competitiveness, new and better jobs, a resilient economy, and the attainment of national economic goals. Regional collaboration is essential for economic recovery because regions are the centers of competition in the new global economy and those that work together to leverage resources and use their strengths to overcome weaknesses will fare better than those that do not. EDA encourages its partners around the country to develop initiatives that advance new ideas and creative approaches to address rapidly evolving economic conditions.

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<sup>1</sup> The Federal Grant and Cooperative Agreement Act is designed to ensure that agencies use the legal instrument that suits the intended and authorized relationship (e.g., a contract when an agency is purchasing goods or services for the agency’s direct benefit or use; a grant to support a recipient in carrying out a public purpose of support or stimulation authorized by a law).

3. International Trade Administration (ITA). ITA is responsible for most non-agricultural U.S. trade issues and works with the Office of the U.S. Trade Representative in coordinating U.S. trade policy. ITA operates through four principal units: (a) Market Access and Compliance, (b) Trade Development, (c) Import Administration, and (d) U.S. and Foreign Commercial Service. ITA provides financial assistance through several programs to promote trade, investment, and commercial relations, and maintains comprehensive commercial and economic data on particular countries and regions of the world. These ITA financial assistance programs aim to strengthen domestic export competitiveness and promote U.S. industry's increased participation in international markets.

4. Minority Business Development Agency (MBDA). MBDA is the only Federal agency created specifically to foster the establishment and growth of minority-owned businesses in the United States. MBDA provides financial assistance to public and private organizations that provide a wide range of business development services to minority entrepreneurs through a nationwide network.

5. National Institute of Standards and Technology (NIST). NIST provides financial assistance to aid U.S. industry through research and services, contributes to public health and safety, supports U.S. scientific and engineering research communities, and works with state and local organizations to either establish or expand existing services focused on small to medium-sized manufacturers. These services address critical needs in areas such as production techniques, technology applications, and business practices.

6. National Oceanic and Atmospheric Administration (NOAA). NOAA provides daily weather forecasts, severe storm warnings, climate monitoring to fisheries management, coastal restoration, and the supporting of marine commerce. NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. NOAA's dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers and other decision makers with reliable information they need when they need it.

7. National Telecommunications and Information Administration (NTIA). NTIA is the Executive Branch agency that is principally responsible for advising the President on telecommunications and information policy issues. NTIA's programs and policymaking focus largely on expanding broadband Internet access and adoption in America, expanding the use of spectrum by all users, and ensuring that the Internet remains an engine for continued innovation and economic growth.

a. First Responder Network Authority (FirstNet). As described in the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. §§ 1401-1473, FirstNet holds a single, nationwide Federal Communications Commission (FCC) license to use Band 14 spectrum frequencies for the purposes of developing, building and operating the Nationwide Public Safety Broadband Network (NPSBN) and awards grants to assist eligible state, county and municipal public safety entities (incumbents) in relocating their currently active communication operations from Band 14 to other frequency assignments allocated by the FCC.

C. DOC administers a diverse array of financial assistance programs and projects in connection with the spectrum of business and economic development concerns as outlined above. DOC operating units and Grants Offices are responsible for the award, administration, and monitoring of these programs. The administration of DOC financial assistance programs requires adherence to program objectives and sound business practices. Federal financial assistance programs must be administered in accordance

with governing laws, regulations, policies, and procedures. Awards are made to a wide variety of recipients, including state and local governments, for-profit or commercial organizations, and educational institutions.

D. DOC views its relationship with financial assistance recipients as a partnership, with the recipient providing the effort and expertise necessary to carry out approved activities and DOC providing financial assistance and involvement as appropriate. In implementing these respective roles, DOC has established Grants Management Offices and Program Offices within seven of its operating units. Grants Management Offices serve as the focal point for the business management aspects of financial assistance administration, including maintenance of official files and receipt of required reports from award recipients. The Grants Officer is the DOC official authorized to award financial assistance and make decisions on requests for any award amendments including but not limited to award terms and conditions, budgets, and program plans (i.e., scopes of work). The Program Officers serve as the focal point for the programmatic, scientific/technical aspects of the programs and projects. Questions concerning interpretation of financial assistance policy or the applicability of certain policies to specific programs should be directed to the cognizant DOC Grants Officer.

E. DOC-wide responsibility for developing and implementing financial assistance administrative and operational policies rests with the Financial Assistance Policy and Oversight Division (FAPOD), within the Office of Acquisition Management (OAM) under the DOC's Chief Financial Officer and Assistant Secretary for Administration (CFO/ASA).

F. This Federal Financial Assistance Manual (Manual) is intended to provide a framework for the administration of DOC Federal financial assistance awards within which DOC staff and responsible recipient officials must operate.

G. Questions concerning this Manual should be directed to the cognizant Grants Officer or the Director, Financial Assistance Policy and Oversight Division, Office of Acquisition Management, U.S. Department of Commerce, Room 1854, Washington, D.C. 20230, telephone number: (202) 482-0602.