

The Provider agrees to comply with the Department of Commerce Financial Assistance Standard Terms and Conditions dated 1/05 attached and the terms and conditions listed below as part of this Rider D.

A. HOMELAND SECURITY PRESIDENTIAL DIRECTIVE - 12

If the performance of this contract requires the Provider to have physical access to a Federally controlled facility or access to a Federal information system for more than 180 days, then personal identity verification procedures must be implemented. Any items or services delivered under this contract award shall comply with the Department of Commerce personal identity verification procedures that implement Homeland Security Presidential Directive -12, FIPS PUB 201, and OMB Memorandum M-05-24.

B. COMPLIANCE WITH DEPARTMENT OF COMMERCE BUREAU OF INDUSTRY AND SECURITY EXPORT ADMINISTRATION REGULATIONS

- (a) This clause applies to the extent that this contract involves access to export-controlled information or technology.
- (b) In performing this contract, the Provider may gain access to export-controlled information or technology. The Provider is responsible for compliance with all applicable laws and regulations regarding export-controlled information and technology, including deemed exports. The Provider shall establish and maintain throughout performance of this contract effective export compliance procedures at non-NOAA facilities. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled information and technology.
- (c) Definitions
 - (1) Deemed export. The Export Administration Regulations (EAR) defined a deemed export as any release of technology or source code subject to the EAR to a foreign national, both in the United States and abroad. Such release is "deemed" to be an export to the home country of the foreign national. 15 C.F.R. & 724.2(b)(2)(ii).
 - (2) Export-controlled information and technology. Export-controlled information and technology is information and technology subject to the EAR (15 C.F.R. & 730 et seq.), implemented by the DOC Bureau of Industry and Security, or the International Traffic I Arms Regulations (ITAR) (22C.F.R. & 120-130), implemented by the Department of State, respectively. This includes, but is not limited to, dual-U.S. items, defense articles and any related assistance, services, software, or technical data as defined in the EAR and ITAR.
- (d) The Provider shall control access to all export-controlled information technology that it possesses or that comes into its possession in performance of this financial assistance award, to ensure that access is restricted, or licensed, as required by applicable Federal laws, Executive Orders, and/or regulations.
- (e) Nothing in the terms of this financial assistance award is intended to change, supersede, or waive any of the requirements of applicable Federal laws, Executive orders or regulations.

- (f) The Provider shall include this clause, including this paragraph (f) in all lower tier transactions under this financial assistance award that may involve access to export-controlled information technology.

C. PUBLICATIONS AND ACKNOWLEDGEMENT OF SPONSORSHIP

The cover of the title page of all reports, studies, or other documents supported in whole or in part by this award or any sub-award shall acknowledge the financial assistance provided by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

Publication of the results of the research project in the appropriate professional journals is encouraged as an important method of recording and reporting scientific information. The Provider is required to submit a copy to the funding agency and when releasing information related to a funded project include a statement that the project or effort undertaken was or is sponsored by NOAA/DOC. The Provider is also responsible for assuring that every publication of material (including Internet sites) based on or developed under an award, except scientific articles or papers appearing in scientific, technical, or professional journals, contain the following disclaimer:

“This [report/video] was prepared by [Provider name] under award [number] from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the National Oceanic and Atmospheric Administration or the Department of Commerce.”

This acknowledgment of sponsorship also applies to videos produced under DOC/NOAA financial assistance awards.

D. GEOSPATIAL DATA

For any CZM award that is providing federal funds for collection or production of geospatial data (e.g. GIS data layers), the Provider will comply to the maximum extent practicable with Executive Order 12906 “Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure” Federal Register Vol. 59, Number 71, pp. 17671 - 17674, the award Provider shall document all new geospatial data it collects or produces using the standard developed by the Federal Geographic Data Committee (FGDC), and make that standardized documentation electronically accessible to OCRM. The standard can be found at <http://www.fgdc.gov/metadata/csdgm>.

E. TRAVEL

The Provider is prohibited from expending Federal or non-Federal grant funds, or in-kind goods or services, for purposes of providing transportation, travel, and any other expenses for any Federal employee.

F. Lobbying Special Award Conditions

Pursuant to the terms and conditions of this award, no funds used for the payment of membership dues to any entity are to be used by that entity to engage in lobbying activities, as provided in OMB Circular No. A-87 and other relevant law and regulation.