



DEPARTMENT OF THE INTERIOR

OFFICE OF  
GRANTS MANAGEMENT (PGM)

GENERAL AWARD  
TERMS AND CONDITIONS  
**UPDATE: OCTOBER 1, 2024**

# DEPARTMENT OF THE INTERIOR

## General Award Terms and Conditions

Effective: October 1, 2024

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Recipients of Department of the Interior grants or cooperative agreements must comply with all applicable laws and policies, as well as all terms and conditions outlined and incorporated by reference in the Notice of Funding Opportunity (NOFO) or Notice of Award (NOA). This includes all Federal statutes and regulations relevant to Federal financial assistance.

# DEPARTMENT OF THE INTERIOR

## Financial Assistance Award General Terms and Conditions Effective October 1, 2024

### Acceptance of Terms and Conditions of Award

1. Recipients and subrecipients must accept Department of the Interior (DOI) grants and cooperative agreement awards (referred to as "awards") in accordance with the terms and conditions outlined in their Notice of Award.
2. Starting work, requesting funds, or electronically accepting the award indicates the recipient's acceptance of the award term and conditions. Once accepted, recipients must make their subrecipients and contractors aware of applicable award terms and conditions and ensure they comply with them.
3. Failure by a recipient or subrecipient to comply with the outlined terms and conditions or those in the official award document may result in DOI taking one or more "Remedies for Noncompliance" as described in the Uniform Guidance under 2 CFR [§§ 200.339 through 200.343](#).

### Recipient Responsibilities Regarding Subrecipients and Contractors

Recipients who pass Federal funds to subrecipients and contractors must ensure that the entities understand and comply with the applicable award statutes, regulations, and agency requirements. Recipients should carefully review their official award documents for any additional administrative and programmatic requirements. See also, 2 CFR [§ 200.332](#) "[Requirements for pass-through entities.](#)"

### Payments

1. For domestic financial assistance. Payment will be made by electronic drawdown reimbursement through the [Department of the Treasury, Automated Standard Application for Payment \(ASAP\) System](#), unless there is an approved waiver in place. Recipient drawdowns must be limited to the minimum amounts needed and timed to be in accordance with the actual, immediate cash requirements in carrying out the purposes of the approved program or project. The timing and amount of cash advances must be as close as is administratively feasible to the actual disbursements for direct program or project costs and the proportionate share of any allowable indirect costs.
2. For foreign Federal financial assistance awards. For foreign assistance awards where no US-based banking relationship exists, payments may be made using the standard method established by the Department of the Treasury for International Treasury Services (ITS).

## I. ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS

These requirements are applicable to all awards except those to individuals (characterized by a person receiving an award separate from any business or organization they may own or operate). Foreign public entities and foreign organizations must comply with special considerations and requirements specific to their entity type, unless otherwise stated in this section. Foreign public entities must comply with those for states.

## **A. ADMINISTRATIVE REQUIREMENTS**

[2 CFR Part 200, Subparts A—D](#), as supplemented by [2 CFR Part 1402—Financial Assistance Interior Regulation](#) and includes the following provisions:

- [§ 1402.112 What are the conflict-of-interest policies?](#)
- [§ 1402.113 What are the mandatory disclosure requirements?](#)
- [§ 1402.315, What are the Requirements for Availability of Data?](#)

Foreign public entities must follow payment procedures in [2 CFR §200.305\(b\)](#). The requirements in 2 CFR §§200.321—323 do not apply to foreign public entities or foreign organizations.

## **B. COST PRINCIPLES**

[2 CFR Part 200, Subpart E—Cost Principles](#). These cost principles apply to all domestic and foreign non-Federal entities.

Exemptions. Some nonprofit organizations, because of their size and nature of operations, can be considered to be similar to for-profit organizations in terms of the applicability of cost principles. These nonprofit organizations must operate under Federal cost principles that apply to for-profit organizations located at [48 CFR 31.2](#).

Indirect Costs and Cost Allocation Plans:

- Institutions of Higher Education: [Appendix III to 2 CFR Part 200](#)
- Nonprofit organizations: [Appendix IV to 2 CFR Part 200](#)
- State/Local Governmentwide Central Service Cost Allocation Plans: [Appendix V to 2 CFR Part 200](#)
- Public Assistance Cost Allocation Plans: [Appendix VI to 2 CFR Part 200](#)
- States and Local Government and Indian Tribe Indirect Cost Proposals: [Appendix VII to 2 CFR Part 200](#)
- Nonprofit Organizations Exempted from Subpart E of 200: [Appendix VII to 2 CFR Part 200](#)
- [Special Consideration for States, Local Government, and Indian Tribes](#) set forth in § 200.416 through § 200.419

For-Profit Organizations, Individuals, and Others. For-profit organizations, individuals, and others not covered by provisions set forth in previous sections must follow [2 CFR 200.101 - Applicability](#)

## **C. AUDIT REQUIREMENTS**

[2 CFR Part 200, Subpart F—Audit Requirements](#). These audit requirements apply to U.S. states, local governments, Indian Tribes, institutions of higher education, and nonprofit organizations. They do not apply to foreign public entities, foreign organizations, or for-profit entities.

## II. NATIONAL POLICY REQUIREMENTS

The following statutory, regulatory, and national policy requirements apply to Federal agencies, for-profit organizations, foreign public entities, foreign organizations, nonprofits, and individuals receiving, or performing under Federal awards, unless otherwise described in this section.

- A. **[Appendix A to 2 CFR Part 25 - Unique Entity Identifier and System for Award Management](#)**. Does not apply to individuals or any entity with a qualifying condition and exempted by the awarding bureau or office prior to award per 2 CFR §25.110(a)(2) and bureau or office policy.
- B. **[Appendix A to 2 CFR Part 170 - Reporting Subaward and Executive Compensation Information](#)**. The Federal Funding Accountability and Transparency Act (FFATA) requires Federal award recipients to report information on subawards and executive total compensation. This applies to awards as defined in 2 CFR [§ 170.300](#). This applies to all recipients and subrecipients of Federal awards who meet the reporting requirements. It does not apply to individuals. See 2 CFR 170 for other exceptions.  
  
Recipient must report it by month-end after the award to the FFATA Subaward Reporting System (FSRS) at [www.fsr.gov](http://www.fsr.gov).
- C. **[2 CFR §175.15 - Award Term for Trafficking in Persons](#)**. Applies to awards to private entities as defined in 2 CFR §175.25(d), and to awards to states, local governments, Indian tribes, and foreign public entities if the recipient could provide funding under the award to a private entity subrecipient. Recipients receiving more than \$500,000 for activities outside the U.S. must comply with the plan and certification requirements in 2 CFR 175.105(b) before receiving an award and submit an annual certification each year the award is in effect.
- D. **[2 CFR Part 184 - Buy America Preferences for Infrastructure Projects](#)**. None of the funds under an award may be obligated for an infrastructure project unless all the iron, steel, manufactured products, and construction materials used in the project are produced in the U.S., unless subject to an approved waiver. This part applies to an entire infrastructure project even if funded by Federal and non-Federal funds under one or more awards. Recipients must include this preference in all subawards, contracts, and purchase orders related to infrastructure projects under Federal awards. DOI sub-agency awards subject to this preference will include the Buy America Provision for Infrastructure.
- E. **[2 CFR Part 1400 - Nonprocurement Debarment and Suspension](#)**. Recipients are responsible for ensuring they do not enter any covered transaction with an excluded or disqualified participant or principal. See also [2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension \(Nonprocurement\)](#).
- F. **[2 CFR Part 1401 - Requirements for Drug-Free Workplace \(Financial Assistance\)](#)**. Does not apply to foreign public entities or foreign organizations. See also [2 CFR Part 182 - Government-Wide Requirements for Drug-Free Workplace \(Financial Assistance\)](#).
- G. **[43 CFR Part 18 - New Restrictions on Lobbying](#)**. The Authorized Representative's signature on the Standard Form 424 Application for Federal Assistance for a DOI Bureau or Office confirms compliance with [43 CFR Part 18, Appendix A - Certification Regarding Lobbying](#). This means that Federal funds cannot be used for lobbying the government in

connection with an award, and any use of non-Federal funds for lobbying must be reported (see 2 CFR § 200.450 Lobbying).

If a recipient requests or receives over \$100,000 in Federal funding and makes or plans to make payments for lobbying with non-appropriated funds, they must submit Form SF-LLL (available at Grants.gov), known as “Disclosure of Lobbying Activities.” For further details, refer to [43 CFR Part 18.110](#), which outlines certification and disclosure requirements. This rule does not apply to Tribes, Tribal organizations, or Indian organizations if their spending is permitted by other Federal laws.

- H. [43 U.S.C. Chapter 46 - Geospatial Data, § 2801–2811](#).** The Geospatial Data Act of 2018 outlines specific requirements for Federal recipients when collecting or producing geospatial data using DOI financial assistance funds. Here is a summary of the key points.
- **Due Diligence Search:** Federal recipients must first check the [GeoPlatform.gov](#) list of datasets to see if the needed geospatial data, products, or services already exist.
  - **Use of Existing Data:** If the required data is already available, recipients must use it rather than producing new data.
  - **Production of New Data:** If the needed data is not available, recipients must produce new geospatial data, products, or services in accordance with guidance and standards established by the Federal Geospatial Data Committee (FGDC), which can be found at [www.fgdc.gov](#).
  - **Submission Requirements:** Recipients must submit a digital copy of all GIS data produced or collected under the award to the relevant bureau or office.
  - **Data Format:** All GIS data files must be in an open format.
  - **Metadata Requirements:** All delineated GIS data (such as points, lines, or polygons) should be compliant with approved open data standards and include complete feature-level metadata. These requirements ensure that geospatial data is managed efficiently, used appropriately, and made accessible in a standardized format for future use and sharing.
- I. [5 U.S.C. Parts 1501-1508 and 7324-7328 - Hatch Act](#).** Recipients agree to comply, as applicable, with requirements of the Hatch Act, which limits certain political activities of state or local government employees whose principal employment is in connection with an activity financed in whole or in part by Federal assistance.
- J. [41 U.S.C. Part 6306 - Prohibition on Members of Congress Making Contracts with Federal Government](#).** No member of or delegate to the U.S. Congress or Resident Commissioner shall be admitted to any share or part of the recipient’s award, or to any benefit that may arise therefrom; this provision shall not be construed to extend to an award made to a corporation for the public’s general benefit.
- K. [43 CFR Part 17 - Nondiscrimination in Federally Assisted Programs of the Department of the Interior](#).** Discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance is prohibited.
- L. [42 U.S.C. Chapter 126 - The Americans with Disabilities Act of 1990, entitled “Equal Opportunity for Individuals with Disabilities.”](#)** Discrimination based on disability under programs, activities, and services provided or made available by state and local
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governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation, is prohibited. Further, [42 U.S.C. Chapter 60, Subtitle C Part 60-1.4\(b\)](#) is applicable in full enforcement by reference in these terms and conditions, including the equal opportunity clause and requirements for clauses in contracts for all construction projects receiving Federal financial assistance funding.

- M. [28 CFR Section 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services.](#)** Discrimination on the basis of disability by public entities is prohibited, as implemented under Subtitle A of Title II of the Americans with Disabilities Act (ADA) of 1990 ([42 U.S.C. 12131-12134](#)), and amended by the ADA Amendments Act of 2008 ([Pub. L. 110-325, 122 Stat. 3553](#)).
- N. [Homeland Security Presidential Directive 12.](#)** The subrecipient or contractor must comply with personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential [Directive 12 \(HSPD-12\)](#), [Office of Management and Budget \(OMB\) Guidance M-05-24](#), as amended, and [Federal Information Processing Standards Publication \(FIPS PUB\) Number 201](#), as amended, for all employees under a subaward or contract who require routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.
- O. [35 U.S.C., Title 35, Part II, Chapter 18 - Patent Rights in Inventions Made with Federal Assistance.](#)** Formerly known as the Patent and Trademark Act Amendments, the Bayh-Dole Act is a federal law enacted in 1980 that enables universities, nonprofit research institutions, and small businesses to own, patent, and commercialize inventions developed under Federally-funded research programs within their organizations. The law creates a uniform patent policy among the Federal agencies that fund research. The standard patent rights clause is set forth at [37 C.F.R, Chapter IV, Part 401](#) and included as needed at the program and award level.
- P. [Executive Order No. 13043, Section 1\(c\) and \(d\) \(1997\) - Increasing Seat Belt Use in the United States.](#)** DOI encourages recipients, including Tribal governments, to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally-owned vehicles.
- Q. [Executive Order No. 13513, Section 4 \(2009\) - Federal Leadership on Reducing Text Messaging While Driving.](#)** DOI encourages recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles or a Government Owned Vehicle, or while driving a personally-owned vehicle when on official Government business or when performing any work for or on behalf of the Government.
- R. [Executive Order No. 14026 \(2021\) - Increasing the Minimum Wage for Federal Contractors.](#)** Establishes a minimum hourly wage paid by parties that contract with the Federal Government of \$17.75. (See [Final Rule: Increasing the Minimum Wage for Federal Contractors](#)). The Order applies to any contract or contract-like instrument. Contract-like instruments are defined in [29 CFR §23.20, Definitions](#).

### **III. RECIPIENT INTEGRITY AND PERFORMANCE**

[Award Term and Condition for Recipient Integrity and Performance Matters: Appendix XII to 2 CFR Part 200](#). Applies to awards with a total Federal share of more than \$500,000, except for awards to foreign public entities. See also [§ 200.113](#) Mandatory Disclosures.

### **IV. FUTURE BUDGET PERIODS**

When it is anticipated that the period of performance will include multiple budget periods, the bureau or office will state in the Notice of Award that subsequent budget periods are subject to the availability of funds, program authority, satisfactory performance, and compliance with the terms and conditions of the Federal award.

### **V. TERMINATION PROVISIONS**

Per [§ 200.340 Termination](#), the Federal award may be terminated in whole or in part as follows:

- By the DOI sub-agency or pass-through entity, if the recipient or subrecipient fails to comply with the terms and conditions of the award.
- By the DOI sub-agency or pass-through entity with the consent of the recipient or subrecipient, In this case, both parties must agree on the termination conditions, including the effective date and, for partial termination, specify which parts will be terminated.
- By the recipient or subrecipient by providing written notice to the DOI sub-agency or pass-through entity, stating the reasons for the termination, the effective date, and, for partial termination, the portion to be terminated. However, if the DOI sub-agency or pass-through entity determines that the remaining portion will not achieve the purpose of the award, they may terminate the entire Federal award.
- By the DOI sub-agency or pass-through entity in accordance with the terms of the Federal award, including, if authorized by law, if the award no longer meets program goals or DOI priorities.

### **VI. FEDERAL AWARD SPECIFIC TERMS AND CONDITIONS**

DOI sub-agency providing direct funding for the project will add specific terms and conditions based on [§ 200.208 Specific Conditions](#).

### **VII. FEDERAL AGENCY REQUIREMENTS**

DOI sub-agency providing direct funding for the project will incorporate other requirements.