

Department of the Interior
Financial Assistance Award General Terms and Conditions
Effective June 1, 2023

I. ADMINISTRATIVE REQUIREMENTS

A. Acceptance of Terms and Conditions of Award

1. Recipients and subrecipients of the Department of the Interior (DOI) financial assistance (i.e., grant and cooperative agreement) awards (awards) must comply with the applicable terms and conditions incorporated into their Notice of Funding Opportunity or Notice of Award. These terms and conditions are in addition to the assurances and certifications made as part of the award application process through submission of the Standard Forms SF-424B Assurances for Non-Construction Programs and SF-424D Assurances for Construction Programs (see <https://www.grants.gov/forms/sf-424-family.html>), or through acceptance of certifications and representations in the System for Award Management (SAM.gov).
2. Acceptance of a financial assistance award from the DOI carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Acceptance of a Federal financial assistance award from the DOI means starting work, drawing down or requesting funds, or accepting the award via electronic means. Upon accepting the award, the recipient must comply with all terms and conditions imposed upon the award by the DOI and the recipient understands that acceptance of funds from the DOI constitutes a consent to fulfill and comply with all terms and conditions.

B. Recipient Responsibilities Regarding Subrecipients and Subcontractors

Recipients passing Federal funds through to subrecipients and contractors are responsible for ensuring their subrecipients and contractors are aware of and comply with applicable award statutes, regulations, and agency requirements. Recipients must review their official award document for additional administrative and programmatic requirements. Recipient and subrecipient failure to comply with the general terms and conditions outlined below and those directly reflected on the official financial assistance award document can result in the DOI taking one or more of “Remedies for Noncompliance” described in [Title 2 Code of Federal Regulations \(CFR\) Section 200.339 through Section 200.343](#).

C. No-Cost Extension Requests

A no-cost extension request, if granted, allows a recipient additional time to complete the overall goals and performance objectives of the award.

If the recipient determines additional time is required to complete the project's original scope with the funds already made available, an authorized official of the recipient entity may submit a request in writing to the awarding officer to extend the award if the awarding agency has not waived the prior approval provision set forth in [§200.308 Revision of Budget and Program Plans, \(e\)\(2\)](#). Extension requests must be made at least ten (10) calendar days before the

original period of the performance end date explaining the reason for the request. Extensions are not automatic and must not be requested merely to use unobligated balances. The awarding official will inform the recipient in writing whether an extension request has been granted.

D. Payments

1. For domestic financial assistance awards. 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. Drawdowns to a recipient must be limited to the minimum amounts needed and will be timed to be in accordance with the actual, immediate cash requirements of the recipient 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 by the recipient for direct program or project costs and the proportionate share of any allowable indirect costs.
2. For foreign financial assistance awards. The preferred method of payment is with a United States based (US-based) financial institution. For foreign assistance awards where no such 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).

E. Department of the Interior Agency Regulations for Grants and Cooperative Agreements

Recipients are required to follow the applicable provisions of [Title 2 CFR, Subtitle B, Chapter XIV, Parts 1400-1499](#), the “Financial Assistance Interior Regulations.”

F. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Recipients are required to follow the applicable provisions of the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (‘Uniform Guidance’) located at [Title 2 CFR Part 200](#).

G. Institutions of Higher Education (IHE), State and Local Governments, Tribal Governments, and Non-Profit Organizations

In addition to Subparts A-F of the Uniform Guidance, IHEs, State and local government, tribal, and non-profit recipients are required to follow applicable Uniform Guidance (2 CFR Part 200) provisions, including:

[Special Consideration for States, Local Governments, and Indian Tribes](#)

§200.416, Cost allocation plans and indirect cost proposals

§200.417, Interagency service

[Special Consideration for Institutions of Higher Education](#)

§200.418, Costs incurred by states and local governments

§200.419, Cost accounting standards and disclosure statement

[2 CFR Subpart F, Audit Requirements](#)

[Appendix III](#) - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHE)

[Appendix IV](#) - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations

[Appendix V](#) - State/Local Government and Indian Tribe Wide Central Service Cost Allocation Plans

[Appendix VI](#) - Public Assistance Cost Allocation Plans

[Appendix VII](#) - States and Local Government and Indian Tribe Indirect Cost Proposals

[Appendix VIII](#) - Nonprofit Organizations Exempted from Subpart E of Part 200

H. [Foreign Entities](#)

1. [Foreign public entities](#) are also subject to the requirements specific to States, with the following exceptions in the Uniform Guidance:
 - a. The State payment procedures in Section 200.305(a) do not apply. Foreign public entities must follow the payment procedures in Section 200.305(b).
 - b. The requirements in Section 200.321, Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms, do not apply.
 - c. The requirements in Section 200.322, Procurement of recovered materials, do not apply.
2. [Foreign non-profit organizations](#) are subject to the requirements specific to non-profit organizations.
3. [Foreign Institutions of Higher Education \(IHE\)](#). Institutions located outside the United States that meet the definition in [20 United States Code \(U.S.C.\) Part 1001](#) are also subject to the requirements specific to IHEs.
4. [Foreign for-profit entities](#) are subject to the cost principles in [48 CFR 1, Subpart 31.2](#).

5. All other foreign entities are subject to the requirements applicable to non-Federal entities in [2 CFR Part 200, Subpart E](#).
6. For-Profit Entities, Individuals, and Others. For-profit entities, individual and other not covered by provisions set forth in previous sections must follow applicability standards set forth in Section [2 CFR 200.101\(b\) \(2\), Table 1](#).

I. Remedies for Non-Compliance

A recipient or subrecipient's failure to comply with the terms and conditions outlined herein and those reflected on the official financial assistance award document can result in the DOI taking one or more of the "Remedies for Noncompliance" described in the Uniform Guidance at [Sections 200.339 through 200.343](#).

II. NATIONAL POLICY REQUIREMENTS

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

A. [2 CFR Part 200, §200.112, Conflict of Interest](#)

The recipient must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with 2 CFR Part 1402, Financial Assistance Interior Regulation, [Section 1402.112 What are the conflict of interest policies?](#)

B. [43 U.S.C. Chapter 46, Geospatial Data, §2801–2811](#)

Recipient collection of geospatial data under a DOI-funded award requires a due diligence search at the [GeoPlatform.gov](#) list of datasets to discover whether the needed geospatial-related data, products, or services already exist. If the required data set already exists, the recipient must use it. If the required data is not already available, the recipient must produce the proposed geospatial data, products, or services in compliance with applicable proposed guidance and standards established by the Federal Geospatial Data Committee (FGDC) posted at [www.fgdc.gov](#). Recipients must submit a digital copy of all GIS data produced or collected as part of the award funds to the DOI bureau or office via email or data transfer. All GIS data files shall be in open format. All delineated GIS data (points, lines, or polygons) should be established in compliance with the approved open data standards with complete feature level metadata.

C. [2 CFR Section 1402.315, What are the requirements for availability of data?](#)

1. All data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, valuation products or other scientific assessments in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual, resulting from a financial assistance agreement is available for use by the Department of the

Interior, including being available in a manner that is sufficient for independent verification.

2. The Federal Government has the right to:

- a. Obtain, reproduce, publish, or otherwise use the data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, produced under a Federal award; and
- b. Authorize others to receive, reproduce, publish, or otherwise use such data, methodology, factual inputs, models, analyses, technical information, reports, conclusions, or other scientific assessments, for Federal purposes, including to allow for meaningful third-party evaluation.

D. 2 CFR Part 170, Reporting Subawards and Executive Compensation.

1. Reporting of First Tier Subawards.

- a. Applicability. Unless the recipient is exempt of this award term, the recipient must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
- b. Where and when to report.
 - i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
 - ii. For subaward information, reports should be submitted no later than the end of the second month after the initial award date.
- c. What to report. The recipient must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

2. Reporting total compensation of recipient executives for non-Federal entities.

- a. Applicability and what to report. The recipient must report total compensation for each of the recipient's five most highly compensated executives for the preceding completed fiscal year, if:
 - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in [2 CFR 170.320](#);

- ii. In the preceding fiscal year, the recipient received:
 - (a) 80 percent or more of the recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards);
 - (b) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards); and
 - (c) The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or [Section 6104 of the Internal Revenue Code of 1986](#). (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)
- b. Where and when to report. The recipient must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of the recipient's registration profile at [SAM.gov](#).
 - ii. No later than the end of the second month after the initial award data, and annually thereafter.
- 3. Reporting of Total Compensation of Subrecipient Executives.
 - a. Applicability and what to report. Unless the recipient is exempt as provided in paragraph 4. of this award term, for each first-tier non-Federal entity subrecipient under this award, the recipient shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if in the subrecipient's preceding fiscal year, the subrecipient received:
 - i. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards);
 - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or [Section 6104 of the Internal Revenue Code of 1986](#). (To determine if the public has access to the

compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)

- b. Where and when to report. The recipient must report subrecipient executive total compensation:
 - i. To the recipient.
 - ii. By the end of the month following the month during which the recipient makes the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), the recipient must report any required compensation information of the subrecipient by November 30 of that year.
4. Exemptions. If, in the previous tax year, the recipient had gross income, from all sources, under \$300,000, the recipient is exempt from the requirements to report:
 - a. Subawards, and
 - b. The total compensation of the five most highly compensated executives of any subrecipient.
5. Definitions. For the purposes of this award term:
 - a. “Federal Agency” means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).
 - b. “Non-Federal entity” means all the following, as defined in 2 C.F.R. Part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization; and
 - iv. A domestic or foreign for-profit organization
 - c. “Executive” means officers, managing partners, or any other employees in management positions.
 - d. “Subaward” means a legal instrument to provide support for the performance of any portion of the substantive project or program for which the recipient received this award and that the recipient awards to an eligible subrecipient.

- i. The term does not include the recipient's procurement of property and services needed to carry out the project or program (for further explanation, see 2 C.F.R. 200.331).
 - ii. A subaward may be provided through any legal agreement, including an agreement that the recipient or a subrecipient considers a contract.
 - e. "Subrecipient" means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from the recipient under this award; and
 - ii. Is accountable to the recipient for the use of the Federal funds provided by the subaward.
 - f. "Total compensation" means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. 229.402(c)(2)).
- E. [43 CFR Part 18, New Restrictions on Lobbying](#). The Authorized Representative's signature on the application submitted to a DOI Bureau or Office certifies to the statements in [43 CFR Part 18, Appendix A-Certification Regarding Lobbying](#). These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the Federal government in connection with an award and require disclosure of the use of non-Federal funds for lobbying. Any recipient that requests or receives more than \$100,000 in Federal funding and has made or agrees to make any payment using non-appropriated funds for lobbying in connection with a proposal or award shall submit a completed Form SF-LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying. Visit [43 CFR Part 18.110, Certification and Disclosure](#) requirements for more information. This provision does not apply to Tribes, tribal organizations, or Indian organization expenditures specifically permitted under other Federal laws.
- F. [5 U.S.C. Parts 1501-1508 and 7324-7328 \(i.e., Hatch Act\)](#). Recipient agrees 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.
- G. [41 U.S.C. Part 6306, Prohibition on Members of Congress Making Contracts with Federal Government](#). No member of or delegate to the United States Congress or Resident Commissioner shall be admitted to any share or part of this 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.
- H. [43 CFR Part 17 – Nondiscrimination in Federally Assisted Programs of the Department of the Interior](#) prohibit discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance.

- I. [42 U.S.C. Chapter 126 of The Americans with Disabilities Act of 1990, entitled “Equal Opportunity for Individuals with Disabilities”](#) prohibits discrimination based on disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation. 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.
- J. [28 CFR Section 35, Non-discrimination on the Basis of Disability in State and Local Government Services](#) implements Subtitle A of Title II of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12131-12134](#)), as amended by the ADA Amendments Act of 2008 ([Pub. L. 110-325](#), 122 Stat. 3553), which prohibits discrimination on the basis of disability by public entities.
- K. [Homeland Security Presidential Directive \(HSPD\) 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.
- L. [Executive Order No. 13043, Section 1\(c\) and \(d\) \(1997\), Increasing Seat Belt Use in the United States](#) 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.
- M. [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 Personal Owned Vehicle when on official Government business or when performing any work for or on behalf of the Government.
- N. [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 \$15.00. The Order applies to any contract or contract-like instrument, Contract-like instruments are defined in [29 CFR §23.20, Definitions](#).
- 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.

III. RECIPIENT INTEGRITY AND PERFORMANCE

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement. If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the recipient during that period of time must maintain the currency of information reported to SAM.gov, the designated integrity and performance system) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition.¹ This is a statutory requirement under Section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by [Section 3010 of Public Law 111-212](#), all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings About Which the Recipient Must Report. Submit the required information for each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
 - b. Reached its final disposition during the most recent five-year period; and
 - c. Is one of the following:
 - i. A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;
 - ii. A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - iii. An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and the recipient's payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - iv. Any other criminal, civil, or administrative proceeding if:
 - (a) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

¹ Please note that in FY 2023 the former Federal Awardee Performance and Integrity Information System (FAPIIS) is now integrated into the SAM.gov system.

- (b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the recipient's part; and
 - (c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.
- 3. Reporting Procedures. Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. The recipient does not need to submit the information a second time under assistance awards received if the recipient already provided the information through SAM because the recipient was required to do so under Federal procurement contracts that the recipient was awarded.
- 4. Reporting Frequency. During any period of time when the recipient is subject to the requirement in paragraph 1 of this award term and condition, the recipient must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that the recipient has not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.
- 5. Definitions. For purposes of this award term and condition:
 - a. "Administrative proceeding" means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
 - b. "Conviction" for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
 - c. "Total value of currently active grants, cooperative agreements, and procurement contracts" includes:
 - i. Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - ii. The value of all expected funding increments under a Federal award and options, even if not yet exercised.

IV. FUTURE BUDGET PERIODS

If it is anticipated that the period of performance will include multiple budget periods, funding for the subsequent budget periods that are subject to the availability of funds, program authority, satisfactory performance, and compliance with the terms and conditions of the initial Federal award.

V. TERMINATION PROVISIONS

- A. Per [§200.340 Termination](#), the Federal award may be terminated in whole or in part as follows:
1. By the Federal awarding agency or pass-through entity, if the recipient entity fails to comply with the terms and conditions of the award;
 2. By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
 3. By the Federal awarding agency or pass-through entity with the consent of the recipient entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
 4. By the recipient entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or passthrough entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or
 5. By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

VI. FEDERAL AWARDING AGENCY, PROGRAM SPECIFIC TERMS AND CONDITIONS

- A. The Federal awarding agency must include with each Federal award any terms and conditions necessary to communicate requirements that are in addition to the requirements outlined in these general terms and conditions.
- B. Refer to the terms and conditions of the award issued by the DOI sub-agency providing direct funding for the project for performance goals, indicators, targets, and baseline data. The DOI sub-agency awarding project specific funding will specify in terms and conditions additional to those set forth in this document on how performance will be assessed, including the timing and scope of expected performance ([2 C.F.R §200.202](#) and [§200.301](#)).