Department of the Interior
Standard Award Terms and Conditions
Effective December 2, 2019

I. PREFACE

Recipients and subrecipients of the Department of the Interior (DOI) grant and cooperative agreement awards (hereafter referred to as 'awards') must comply with the applicable terms and conditions incorporated into their Notice of Award. These terms and conditions are in addition to the assurances and certifications made as part of the award and terms, conditions or restrictions reflected on the official financial assistance award document. Recipients indicate their acceptance of an award by drawing down funds or accepting the award through electronic means. Recipient acceptance of an award from the DOI carries with the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients 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 described in 2 Code of Federal Regulations (C.F.R.) parts 200.338 and 200.339.

The DOI will notify the recipient whenever terms and conditions are updated to accommodate instances in the passage of a regulation or statute that requires compliance. Also, the DOI will inform the recipient of revised terms and conditions in the action of an award modification of adding additional funds. The DOI bureaus and offices will make such changes by issuing a Notice of Award amendment that describes the change and provides the effective date. Revised terms and conditions do not apply to the recipient's expenditures of DOI funds or activities the recipient carries out before the effective date of the revised DOI terms and conditions.

II. PAYMENT SYSTEMS (and alternate payments)

For domestic financial assistance awards: All domestic financial assistance award payments/disbursements shall be made using a US-based financial institution. Payments shall be made using the Automated Standard Application for Payments (ASAP), a system administered by the Department of the Treasury.

For foreign financial assistance awards: The preferred method of payment is with a 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).

III. GENERAL PROVISIONS

The Recipient shall be subject to the following administrative, cost principles, and single audit requirements found in financial assistance regulations. Copies of these regulations can be obtained by visiting the Electronic C.F.R. website.

A. Institutions of Higher Education, State and Local Governments , Tribal Governments, and Non-Profit Organizations

- 2 C.F.R. part 200 *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards*
  - 2 C.F.R. subpart A, Acronyms and Definitions
  - 2 C.F.R. subpart B, General Provisions
  - 2 C.F.R. subpart C, Pre-Federal Award Requirements and Contents of Federal Awards
  - 2 C.F.R. subpart D, Post Federal Award Requirements
  - 2 C.F.R. subpart E, Cost Principles
  - 2 C.F.R. parts 200.416 and 200.417, Special Cost Considerations for State, Local Governments, and Indian Tribes
  - 2 C.F.R. parts 200.418 and 200.419, Special Cost Considerations for Institutions of Higher Education
  - 2 C.F.R. subpart F, Audit Requirements parts 200.501 to 200.512
- 2 C.F.R. parts 1402.103, 1402.112, 1402.113 and 1402.315 Financial Assistance Interior Regulation.
- Publications– Results of any project carried out under a financial assistance award are to be published in professional journals, trade magazines, or publications otherwise made by the DOI. Such manuscripts or publications submitted to journals or professional books for publication shall be accompanied by the following notation: Submission of this manuscript for publication with the understanding that the United States Government is authorized to reproduce and distribute reprints for Governmental purposes. Publishers are required to send copies, whether they be in print or electronic format (CD-ROM, DVD). Materials born digitally and not produced in print or a tangible electronic format like a CD-ROM or DVD must send a link to the digital document. The address of the library is: U.S. Department of the Interior, Natural Resources Library, Division of Information and Library Services, Gifts and Exchange Section, 18th and C Streets, NW. Washington, DC 20240. For additional information please visit the website for the Natural Resources Library.
- Indirect Costs Proposals
  - Appendix III to 2 C.F.R. part 200 – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)
  - Appendix IV to 2 C.F.R. part 200 – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for *Nonprofit Organizations*
  - Appendix V to 2 C.F.R. part 200 – *State/Local Government and Indian Tribe* Wide Central Service Cost Allocation Plans
  - Appendix VI to 2 C.F.R. part 200 – *Public Assistance* Cost Allocation Plans
  - Appendix VII to 2 C.F.R. part 200 – *States and Local Government and Indian Tribe* Indirect Cost Proposals

B. Foreign Entities

- Foreign entities are subject to the administrative requirements applicable to non-Federal entities in 2 C.F.R. part 200, subparts A through E and:
  - 2 C.F.R. subpart A, Acronyms and Definitions
  - 2 C.F.R. subpart B, General Provisions
  - 2 C.F.R. subpart C, Pre-Federal Award Requirements and Contents of Federal Awards
  - 2 C.F.R. subpart D, Post Federal Award Requirements
  - 2 C.F.R. subpart E, Cost Principles, parts 200.400 to 200.411
- 2 C.F.R. parts 1402.103, 1402.112, 1402.113, 1402.300 and 1402.315 Financial Assistance Interior Regulation (Please see exceptions in 2 C.F.R. part 1402.102)
- *Foreign public entities* are also subject to the requirements specific to States, with the following exceptions:
  - The State payment procedures in part 200.305(a) do not apply. Foreign public entities must follow the payment procedures in part 200.305(b).
  - The requirements in part 200.321 "Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms" do not apply.
  - The requirements in part 200.322 "Procurement of recovered materials" do not apply.
- *Foreign non-profit organizations* (see definition in 2 C.F.R. part 200.70) are also subject to the requirements specific to non-profit organizations.
- *Foreign Institutions of Higher Education* (IHEs) 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.
- Publications– Results of any project carried out under a financial assistance award are to be published in professional journals, trade magazines, or publications otherwise made by the DOI. Such manuscripts or publications submitted to journals or professional books for publication shall be accompanied by the following notation: Submission of this manuscript for publication with the understanding that the United States Government is authorized to reproduce and distribute reprints for Governmental purposes. Publishers are required to send copies, whether they be in print or electronic format (CD-ROM, DVD). Materials born digitally and not produced in print or a tangible electronic format like a CD-ROM or DVD must send a link to the digital document. The address of the library is: U.S. Department of the Interior, Natural Resources Library, Division of Information and Library Services, Gifts and Exchange Section, 18th and C Streets, NW. Washington, DC 20240. For additional information please visit the website for the Natural Resources Library.
- *Foreign for-profit entities* are subject to the cost principles in 48 C.F.R. 1, subpart 31.2
- *All other foreign entities* are subject to the requirements applicable to non-Federal entities in 2 C.F.R. part 200, Subpart E.
- *Foreign public entities* are also subject to the requirements specific to States.
- *Indirect Cost Foreign IHEs*: Appendix III to part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for IHEs. The U.S. Department of Health and Human Services (HHS) is the cognizant agency for indirect costs for foreign IHEs. Please visit HHS' Cost Allocation Services website for more information.
- *Indirect Cost Foreign non-profit organizations*: Appendix IV to part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations.
- *Indirect Cost Foreign public entities:* Appendix VII to part 200—States and Local Government and Indian Tribe Indirect Cost Proposals.

- *Indirect Cost Foreign for-profit entities:* Contact the National Interior Business Center (IBC), Indirect Cost Services by telephone at (916) 566-7111 or by e-mail at: ics@ibc.doi.gov. Visit the IBC's Indirect Cost Services website for more information.

C. For-Profit Entities, Individuals, and Others Not Covered Above

- 2 C.F.R. part 200, subparts A through D Administrative Requirements, *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards*
  - 2 C.F.R. subpart A, Acronyms and Definitions
  - 2 C.F.R. subpart B, General Provisions
  - 2 C.F.R. subpart C, Pre-Federal Award Requirements and Contents of Federal Awards
  - 2 C.F.R. subpart D, Post Federal Award Requirements
  - 2 C.F.R. subpart E, Cost Principles, parts 200.400 to 200.411
- 2 C.F.R. parts 1402.206, 1402.207(a) and (b), 1402.112, 1402.113, 1402.300 and 1402.315 Financial Assistance Interior Regulation
- Publications– Results of any project carried out under an assistance award are to be published in professional journals, trade magazines, or publications otherwise made by the DOI. Such manuscripts or publications submitted to journals or professional books for publication shall be accompanied by the following notation: Submission of this manuscript for publication with the understanding that the United States Government is authorized to reproduce and distribute reprints for Governmental purposes. Publishers are required to send copies, whether they be in print or electronic format (CD-ROM, DVD). Materials born digitally and not produced in print or a tangible electronic format like a CD-ROM or DVD must send a link to the digital document. The address of the library is: U.S. Department of the Interior, Natural Resources Library, Division of Information and Library Services, Gifts and Exchange Section, 18th and C Streets, NW. Washington, DC 20240. . For additional information please visit the website for the Natural Resources Library.
- 48 C.F.R. 1 subpart 31.2 *Contracts with Commercial Organizations* (not applicable to individuals or other entities not covered above).
- Indirect Cost Rate Negotiations – For information on indirect cost rate negotiations, contact the Interior Business Center (IBC) Indirect Cost Services Division by telephone at (916) 566-7111 or by e-mail at: ics@ibc.doi.gov. Please visit IBC's Indirect Cost Services Division website for more information.

IV. STATUTE AND REGULATION REQUIREMENTS

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

2 C.F.R. part 25 Unique Entity Identifier – Unless exempted from this requirement under 2 CFR 25.110, the recipient must maintain the currency of their information in the System for Award Management (SAM) until submission of their final financial report required under this award or receipt of final payment, whichever is later. The recipient must notify potential subrecipients of the requirement to provide its unique entity identifier. The requirements in this part do not apply to individuals or any entity with a qualifying condition and exempted by the awarding bureau or office before award per 2 CFR §25.110(d) and bureau or office policy.

2 C.F.R. part 170 Reporting Subawards and Executive Compensation – Unless the recipient is exempt from this award term, the recipient must report each action that obligates $25,000 or more in federal funds for a sub-award to an entity. The recipient must report each obligating action to the Federal Funding Accountability and Transparency Act Subaward Reporting System. No later than the end of the month following the month in which the obligation was made. Recipients must report executive total compensation described in paragraph (b)(1) of this award term as part of your SAM registration profile by the end of the month following the month in which this award is made, and annually thereafter. Recipients must include the award term at paragraph c. concerning reporting of subrecipient total executive compensation in subaward agreements. This rule applies to all other awards with a total Federal share of more than $500,000. It does not apply to individuals.

2 C.F.R. part 175 Award Term for Trafficking in Persons – Applies to private entities as defined in 2 CFR §175.25(d) and awards to States, local governments, Indian tribes or foreign public entities, if funding could be provided under the award to a private entity as a subrecipient.

2 C.F.R. part 183 Never Contract with the Enemy – Recipients of covered grants or cooperative agreements must fulfil the requirements outlined in the award term provided in Appendix A to part 183 - Clauses for Award Agreements . Non-Federal entities' must ensure no Federal award funds are provided directly or indirectly to the enemy, to terminate sub-awards in violation of Never Contract with the Enemy, and to allow the Federal Government access to records to ensure that no Federal award funds are provided to the enemy as specified in subtitle E, title VIII of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2015 (Pub. L. 113–291), as amended by Sec. 822 of the National Defense Authorization Act for the Fiscal Year 2020 (Pub. L. 116–92). This policy applies to covered contracts, grants and cooperative agreements expected to exceed $50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

2 C.F.R. part 200 Appendix XII Recipient Integrity and Performance Matters (FAPIIS) – Applies to awards with a total federal share of more than $500,000.

2 C.F.R. 200.216 Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment – Federal award recipients are prohibited from using government funds to enter contracts (or extend or renew contracts) with entities that use covered telecommunications equipment or services as described in section 889 of the 2019 National Defense Authorization Act . This prohibition applies even if the contract is not intended to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services.

2 C.F.R. part 1400 Nonprocurement Debarment and Suspension – A person or entity who is debarred or suspended is excluded from activities involving Federal financial and nonfinancial assistance and benefits. Recipients of DOI financial assistance (See exceptions in part 1400.215 to "primary covered transactions"), are required to determine whether it or any of its principals (as defined in 2 C.F.R. part 180.995) is excluded or disqualified from participating in a covered transaction (i.e., grant or cooperative agreement) prior to entering into the covered transaction, i.e., prior to the drawdown of funds which signals acceptance of the grant award. Individuals and entities excluded from receiving government financial assistance and contracts are can be found on the GSA's System for Award Management website.

2 C.F.R. part 1401 Requirements for Drug-Free Workplace – Under the Drug-Free Workplace Act of 1988, 41 U.S.C. parts 701-707 a drug-free workplace policy is required for any organizations receiving a federal financial assistance award of any size. At a minimum, such organizations must: (1) Prepare and distribute a formal drug-free workplace policy statement. (2) Establish a drug-free awareness program. (3) Ensure that all employees working on the federal contract understand their personal reporting obligations. (4) Take direct action against an employee convicted of a workplace drug violation. (5) Maintain an ongoing good faith effort to meet all the requirements of the Drug-free Workplace Act throughout the life of the award. This rule does not apply to foreign public entities or foreign organizations.

43 C.F.R. part 18 New Restrictions on Lobbying – The Authorized Representative's signature on the application submitted to the DOI bureau or offices certifies to the statements in 43 C.F.R. 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 (31 U.S.C. part 1352). Any recipient (See Definition in 43 C.F.R. part 18.105(o)) that requests or receives (31 U.S.C. part 1352(2)(b) 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. The Form SF-LLL shall be submitted at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. Recipient includes all contractors and subgrantees at any tier of the recipient of funds received in connection with a Federal grant, loan, or cooperative agreement. These restrictions do not apply to an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law. Please visit 43 C.F.R. part 18.110 Certification and Disclosure Requirements for more information.

V. OTHER STATUTE AND REGULATION REQUIREMENTS

Pub. L. 116-6 Representation and Certifications by Corporations Regarding Delinquent Tax Liability or a Felony Conviction – As required by the provisions contained in the Consolidated Appropriations Act, 2019 sections 744 and 745, regarding unpaid federal tax liabilities and federal felony convictions. The DOI will not enter into a contract, cooperative agreement, grant, loan, or memorandum of understanding with any corporation that – (1) has any unpaid Federal tax liability currently assessed, for which all judicial and administrative remedies have been exhausted or have lapsed. Also, the tax liability is not being paid promptly under an agreement with the authority responsible for collection. Whereby the DOI is aware of the unpaid tax liability unless an agency has considered suspension or debarment of the corporation and decided that suspension or debarment is not necessary to protect the interests of the DOI. Or (2) was convicted of a felony criminal violation under any federal law within the preceding twenty-four (24) months preceding the award, where the DOI is aware of the conviction unless the DOI has considered suspension or debarment of the for-profit or non-profit and decided that this action is not necessary to protect the interests of the DOI. To comply with these provisions, only applicants that are or propose to be a corporation will submit a response to the representation and certifications as part of their pre-application. Applicants who do not furnish such information as may be requested by the contracting or financial assistance awarding officer shall be allowed to remedy the deficiency. Failure to provide an acceptable response may render the applicant ineligible to receive an award under this

announcement or recover any funds the recipient has spent in violation of the above cited statutory provisions.

41 U.S.C. part 4712 Enhancement of Recipient and Subrecipient Employee Whistleblower Protection – Applies to all awards over the simplified acquisition threshold (currently $250,000).

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.

Section 743 of Division E Title VII of Pub. L. 113-235 Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements

42 U.S.C. part 2000(d) Title VI of the Civil Rights Act of 1964, and the DOI implementing regulations published at 43 C.F.R. part 17 and Special Regulations at 43 C.F.R. part 4.800 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance.

20 U.S.C. part 1681 Title IX of the Education Amendments of 1972, and DOI implementing regulations published at 43 C.F.R. part 41.100 prohibiting discrimination on the basis of sex in Federally assisted education programs or activities.

Sexual Harassment in Research Environment – The DOI will not tolerate sexual harassment or sexual assault at awardee organizations, field sites, or anywhere DOI-funded science and education is conducted. Awardee organizations must notify DOI of any findings/determinations of sexual harassment, forms of harassment, or sexual assault regarding a funded Principal Investigator (PI) co-PI, or other senior key personnel of the placement of the PI or co-PI, on administrative leave, or the imposition of any administrative action limiting access to the institution's facilities or resources, relating to harassment or sexual assault finding or investigation. Such notification must be submitted by the Authorized Organizational Representative (AOR) to the awarding office's equal opportunity and diversity office within ten business days from the date of the finding/determination, or the date of the placement of a PI or co-PI by the awardee on administrative leave or the imposition of an administrative action, whichever is sooner.

42 U.S.C. part 12101 The Americans with Disabilities Act of 1990 – Prohibits discrimination on the basis of 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.

Section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. part 794, and the DOI implementing regulations published at 43 C.F.R. part 17 subpart B prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal financial assistance.

41 C.F.R. parts 101-19.6 Accessibility Standards – For purposes of complying with the standards set forth in non-federal entities must adhere to the regulations, published by the U.S. Department

of Justice, implementing Title II of the Americans with Disabilities Act (ADA) 28 C.F.R. part 35; and Title III of the ADA 28 C.F.R. part 36. The revised regulations adopted new enforceable accessibility standards called the "2010 ADA Standards for Accessible Design," which replace and supersede the former Uniform Federal Accessibility Standards for new construction and alteration projects.

42 U.S.C part 6101 The Age Discrimination Act of 1975, and DOI implementing regulations published at 43 C.F.R. parts 17.300-17.339 unless an exception applies in 43 C.F.R. part 17.302, the rule prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

42 U.S.C. part 2000(e) Title VII of the Civil Rights Act of 1964 – Generally prohibits employers from discriminating against employees on the basis of religion. Title VII prohibits discriminatory treatment of employees on the basis of their religious beliefs and requires employers to make reasonable accommodations for employees' religious practices. Religious organizations, however, may be exempt from some of the prohibitions of Title VII.

49 U.S.C. part 40118 Fly American Act – Federal travelers are required to use U.S. air carrier service for all air travel and cargo transportation services funded by the U.S. government. One exception to this requirement is transportation provided under a bilateral or multilateral air transport agreement, to which the U.S. government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act. The U.S. government has entered into several air transport agreements that allow federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are currently bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) in effect:

- U.S. Government and the European Union (EU) effective April 30, 2007
- U.S. - EU Amendment effective June 24, 2010
- U.S. - EU Amendment effective June 21, 2011
- U.S. - Australia Open Skies Agreement effective October 1, 2008
- U.S. - Switzerland Transport Agreement effective October 1, 2008
- U. S. and Japan effective October 1, 2011

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 this subaward or contract who require routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system. The subrecipient or contractor must account for all forms of Government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor must return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined: (1) When no longer needed for subaward or contract performance; (2) Upon completion of the subrecipient or contractor employee's employment; (3) Upon subaward or contract completion or termination.

54 U.S. Code part 312502 The Historical and Archeological Data Preservation Act of 1974 – Requiring appropriate surveys and preservation efforts if a Federally-licensed project may cause

irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data.

Executive Order No. 11,988, 1977 Floodplain Management and Executive Order No. 11,990, 1977 Protection of Wetlands – Non-Federal entities must identify proposed actions in federally defined floodplains and wetlands to enable DOI to make a determination whether there is an alternative to minimize any potential harm.

Executive Order No. 11,246, 1965 Equal Employment Opportunity – Requires federally assisted construction contracts to include the nondiscrimination provisions of parts 202 and 203 of Executive Order No. 11,246 and Department of Labor regulations implementing at 41 C.F.R. part 60-1.4(b).

Executive Order No. 12,432. 1983 Minority Business Enterprise Development–Encourages recipients to utilize minority business enterprises in the performance of the award. When contracting for any supplies, services, research, or construction under the award, the recipients must make their best efforts to solicit bids, proposals, or quotations from minority business enterprises. A minority business enterprise is defined as a business that is at least 51 percent owned by one or more minority individuals, or in the case of any publicly owned business, at least 51 percent of the voting stock is owned by one or more minority individuals. The daily business operations are likewise managed by a minority owner. A minority individual is defined as a U.S. citizen who has been subjected to racial or ethnic prejudice or cultural bias because of his or her identity as a member of this group without regard to his or her individual qualities. Such groups include, but are not limited to: Black [African] Americans, Hispanic Americans, Native Americans, and Asian-Pacific Americans.

Executive Order No. 13,043, 1997 Increasing Seat Belt Use in the United States – Non-Federal entities are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees and contractors when operating company-owned, rented, or personally owned vehicles. Individuals are encouraged to use seat belts while driving in connection with award activities.

Executive Order No. 13,166, 2000 Improving Access to Services for Persons with Limited English Proficiency–Requires Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Title VI prohibition against national origin discrimination affecting LEP persons and to help ensure that non-Federal entities provide meaningful access to their LEP applicants and beneficiaries.

Executive Order No. 13,513, 2009 Federal Leadership on Reducing Text Messaging While Driving Non-Federal entities are encouraged to adopt and enforce policies that ban text messaging while driving company-owned, government-rented vehicles or while driving privately-owned vehicles in connection with award activities.

Executive Order No. 13,798, 2017 Promoting Free Speech and Religious Liberty – The order ensures that public grantees do not discriminate against applicants based on their religious character. A religious person and organization are entitled to compete on equal footing for a Federal financial assistance award. States or other public grantees may not condition sub-awards in a manner that would disadvantage applicants based on their religious character.

VI. REQUIREMENTS RELATED TO ENVIRONMENTAL PROJECTS

Recipients of financial assistance under this award must comply with the following: Pub. L. No. 89-544 Laboratory Animal Welfare Act of 1966; and 7 U.S.C. part 2131 as pertains to animal acquisition, transport, care, handling, and use in projects, and the implementing regulations. 9 C.F.R. parts 1-3; 16 U.S.C. part 1531 The Endangered Species Act; 16 U.S.C. part 1361 The Marine Mammal Protection Act prohibits "taking possession of, transport, purchase, sale, export or import of wildlife and plants." 16 U.S.C. part 4701 The Non-indigenous Aquatic Nuisance Prevention and Control Act, which "ensure[s] preventive measures are taken or that probable harm of using species is minimal if there is an escape or release;" and all other applicable statutes pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by Federal financial assistance.

42 U.S.C. part 4321 The National Environmental Policy Act – NEPA establishes protection of the environment as a national priority and mandates that environmental impacts must be considered before any federal action likely to significantly affect the environment is undertaken.

42 U.S.C. part 7401 Clean Air Act, 33 U.S.C. part 1251 Clean Water Act, and Executive Order No. 11,738 Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts and financial assistance.

42 U.S.C. part 4002 The Flood Disaster Protection Act –Requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). This term does not apply to formula financial assistance to States.

16 U.S.C. part 1531 The Endangered Species Act –Ensures that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. Likewise, import, export, interstate, and foreign commerce of listed species are all generally prohibited.

16 U.S.C. part 1451 The Coastal Zone Management Act–Directs coastal states to develop and implement coastal zone management plans. If a state or territory chooses to develop a coastal zone management program and the program is approved, the state or territory (1) becomes eligible for several federal financial assistance and (2) can perform reviews of federal agency actions in coastal areas (known as federal consistency determination reviews).

16 U.S.C. part 3501 The Coastal Barriers Resources Act –Only in certain circumstances can Federal funding be provided for actions within a Coastal Barrier System.

16 U.S.C. part 1271 The Wild and Scenic Rivers Act–Applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.

42 U.S.C. part 300f The Safe Drinking Water Act of 1974–Precludes Federal assistance for any project that the United States Environmental Protection Agency (US EPA) determines may contaminate a sole source aquifer so as to threaten public health.

42 U.S.C. part 6901 The Resource Conservation and Recovery Act–Regulates the generation, transportation, treatment, and disposal of hazardous wastes, and also provides that non-Federal entities give preference in their procurement programs to the purchase of recycled products pursuant to US EPA guidelines at 40 C.F.R. part 247. For more information on this requirement please visit 2 C.F.R. part 200.322, Procurement of recovered materials.

42 U.S.C. part 9601 The Comprehensive Environmental Response, Compensation, and Liability Act–These requirements address responsibilities related to hazardous substance releases, threatened releases and environmental cleanup. There are also reporting and community involvement requirements designed to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.

Executive Order No. 13,658, 2014 Establishing a Minimum Wage for Contractors –Establishes a minimum wage requirement for Federal contractors and subcontractors. The Order provides agencies shall, to the extent permitted by law, ensure that new covered contracts, contract-like instruments, and solicitations include a clause, which the contractor and any subcontractors shall incorporate into lower-tier subcontracts, specifying, as a condition of payment, that the minimum wage to be paid to workers, including workers whose wages are calculated pursuant to special certificates issued under 29 U.S.C. part 214(c), in the performance of the contract or any subcontract.

VII. REQUIREMENTS RELATED TO CONSTRUCTION PROJECTS

40 U.S.C. parts 3141–3144, 3146, 3147; 42 U.S.C. part 3212 The Davis-Bacon Act – Requires that all contractors and subcontractors performing construction, alteration and repair (including painting and decorating) work under federal or District of Columbia contracts in excess of $2,000 pay their laborers and mechanics not less than the prevailing wage and fringe benefits for the geographic location. Construction or renovation projects funded by federal funds, in whole or in part, are subject in their entirety to the Davis-Bacon Act as amended 40 U.S.C. parts 276(a) through 276(a-5). Award recipients are required by law to furnish assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on DOI-supported construction projects shall be paid wages at rates that are not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor.

40 U.S.C. parts 3701-3708 The Contract Work Hours and Safety Standards Act
(1) Overtime requirements. No Contractor or subcontractor contracting for any part of the Contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any work week in which he or she is employed on such work to

work in excess of forty hours in such work week unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (b)(1) of this section the Contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages. The DOI or the Recipient or Subrecipient shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same prime Contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) Contracts and Subcontracts. The Recipient, Subrecipient, and Recipient's and Subrecipient's contractor or subcontractor shall insert in any Contracts, the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The Recipient shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

(5) The Contractor or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the Contract for all laborers and mechanics, including guards and watchmen, working on the Contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. The records to be maintained under this paragraph shall be made available by the Contractor or subcontractor for inspection, copying, or transcription by authorized representatives of the DOI and the Department of Labor, and the Contractor or subcontractor will permit such representatives to interview employees during working hours on the job.

54 U.S.C. part 300101 The National Historic Preservation Act of 1966, and the Advisory Council on Historic Preservation Guidelines - Projects involving construction, renovation, repair, rehabilitation, or ground or visual disturbances must comply with 36 C.F.R. part 800 that requires the DOI to consider the effects of projects offered or awarded funding on historic properties and, when applicable, to provide the Advisory Council on Historic Preservation an opportunity to comment on such projects.

42 U.S.C. part 4151 The Architectural Barriers Act of 1968 - Architectural Barriers Act Accessibility Standards (ABAAS): Effective May 8, 2006, GSA, as the lead access design standard setting agency for DOI and other agencies, approved the use of the Access Board's ABAAS for federal sites, facilities, buildings, and elements. This includes federal facilities where federal assistance was fully or partly used for construction of the specific facility. Since federal agencies are subject to ABAAS, notification of complaints alleging that a facility subject to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, is not readily accessible to and usable by persons with disabilities must be reported to the United States Access Board pursuant to the requirements of 43 C.F.R. part 17.570.

42 U.S.C. part 4601 The Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, and implementing regulations issued at 49 C.F.R. part 24 ("Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs"), which establish uniform policies for the fair and equitable treatment of persons, businesses, or farm operations affected by the acquisition, rehabilitation, or demolition of real property acquired for a project financed wholly or in part with Federal financial assistance.

42 U.S.C. part 6834 The Energy Conservation and Production Act - Established energy efficiency performance standards for the construction of new residential and commercial structures undertaken with Federal financial assistance.

Executive Order No. 13,858, 2017 Buy American and Hire American – Encourages recipients of new federal awards for construction or infrastructure projects to use iron, aluminum, steel, cement, plastics, PVC pipe, concrete, glass, optical fiber, and lumber manufactured in the United States. This order expands the types of projects previously covered. It defines infrastructure projects to include those involving aviation, ports, water resources projects, energy production, generation, and storage, electricity transmission, gas, oil, and propane storage and transmission, electric, oil, natural gas, and propane distribution systems, broadband internet, pipelines, storm water and sewer infrastructure, and cybersecurity.