



United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

**Orphaned Wells Program Office
Phase 3 State Formula Grant Guidance**

I. INTRODUCTION

Orphaned wells can negatively impact current and future oil and gas development activities and pose significant risk to national energy security and public safety. Interior's orphaned wells program is an important component of President Trump's efforts to unleash American energy and address our National Energy Emergency.

The Infrastructure Investment and Jobs Act (IIJA) appropriated funding to establish state grant programs that address orphaned oil and gas wells. The relevant Section of the Act amended Section 349 of the Energy Policy Act of 2005, which is codified at 42 U.S.C. § 15907 - Orphaned well site plugging, remediation, and restoration. Title 42 U.S.C. § 15907(c) contains three types of orphaned well grant programs for States:

1. Initial grants (42 U.S.C. § 15907(c)(3))
2. Formula grants (42 U.S.C. § 15907(c)(4))
3. Performance grants (42 U.S.C. § 15907(c)(5))

The Department of the Interior remains committed to advancing the Trump Administration's priorities of fiscal responsibility, operational efficiency, and government accountability. The Orphaned Wells Program Office (OWPO) ensures the effective, accountable, and efficient implementation of the 42 U.S.C. § 15907 programs that address the challenges created by orphaned wells. Consistent with this vision and with an eye on fiscal responsibility—combatting waste, fraud, and abuse—the OWPO issues guidance, reviews applications, and administers grants to States.

The Formula grants program is being implemented in phases. The Phase 1 State Formula Grant Guidance was issued on July 7, 2023, and eligible States were permitted to apply for up to \$25 million or 25 percent of the State's total grant eligibility, whichever was greater. Phase 2 State Formula Grant Guidance was issued on August 14, 2024, and eligible States were permitted to apply for up to \$35 million or 50 percent of the State's total remaining eligible amount, whichever was greater. Revised State Formula Grant Guidance was published on July 17, 2025, and replaced both Phase 1 and Phase 2 State Formula Grant Guidance in their entirety.

The Phase 3 State Formula Grant Guidance replaces previous Formula Grant Guidance and opens a new application window that makes all remaining Formula grant funds available to States, currently \$798,198,793. The table in Appendix B provides details on the current remaining Formula grant eligibility for each State. Each State may apply for one or more Phase 3 Formula grant, provided that the State meets all eligibility criteria.

The OWPO is also using this guidance to promote awareness of improved oversight and accountability activities resulting from recent Office of the Inspector General reports and investigations. As part of OWPO's efforts, notices of award for all grants will include tangible

milestones so that the OWPO can monitor progress, ensure that recipients meet their performance goals, and decrease the risk of fraud, waste, and abuse. Prior to submitting a Phase 3 application, States must certify that they have met certain obligation and expenditure thresholds for previously awarded Formula grants. The Department is committed to improving oversight and accountability for all IJA-funded grants and providing all grant recipients with an adequate opportunity to demonstrate progress toward achieving their grant-specific performance goals.

II. DEFINITIONS

This section contains definitions relevant to State Formula grants. These definitions supplement 42 U.S.C. § 15907(a) and other federal law and authorities, *e.g.*, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200.

“Adjacent land” means land that adjoins a documented orphaned well and for which reclamation or remediation is necessary to address the negative impacts of the orphaned well.

“Administrative costs” identified in 42 U.S.C. § 15907(c)(2)(A)(ix) and (B), limited to not more than 10 percent of the funds received, are those costs that cannot be directly attributed to activities listed under 42 U.S.C. § 15907(c)(2)(A)(i)-(viii), but instead to general grants management or program administration. Administrative costs can be expended for personnel or non-personnel costs, and can be direct or indirect, but should represent the costs to the State for managing the overall grant-funded work rather than preparation for and execution of the plugging of an individual well or set of wells, or the associated remediation, reclamation, decommissioning, and removal activities.

The terms “associated pipelines,” “facilities,” and “infrastructure” collectively include structures, appurtenances, and improvements located on land associated with exploring, producing, transporting, or processing oil or gas from an orphaned well.

“Award Date” means the date a financial assistance officer issues an award. A grant’s award date may or may not be the same date as the grant’s effective date. The effective date of a grant is the date of receipt of the funds.

“Community” means a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals, where either type of group experiences common conditions.

“Date of receipt of the funds” means the effective date of a grant award and may or may not be the same date as the award date. A grant’s effective date is determined by a financial assistance officer, in consultation with the receiving State. The effective date is the date the grant’s period of performance begins.

The terms “decommission” and “remove” collectively include activities undertaken to permanently plug pipelines associated with a documented orphaned well, and other activities that remove pipelines, facilities, and infrastructure associated with a documented orphaned well, such that the same is permanently relocated or dismantled and the surrounding area returned to its natural condition, or a condition appropriate for its intended future land use.

“Documented well” means a well for which a State, including its agencies, or a non-State agency, has a drilling, completion, or inspection report, or any other record establishing the existence of the well, including its precise latitude and longitude in decimal degrees.

“Economic conditions” includes a state of macroeconomic variables and trends, in an area, at a point in time, such as per capita income and unemployment rate.

“Federal land” is defined in 42 U.S.C. § 15907(a)(1) as land administered by a land management agency within the Department of Agriculture or the Department of the Interior (DOI).

“Federal wells” - Orphaned wells and well sites on Federal land are considered “Federal wells” and are eligible for funding under the 42 U.S.C. § 15907(b) Federal Program. Orphaned wells—and well sites associated with such wells—that were drilled subject to a federal permit to drill may be considered Federal wells eligible for funding under the 42 U.S.C. § 15907(b) Federal Program, regardless of surface ownership. A State may use grant funds received under 42 U.S.C. § 15907 to plug and remediate Federal wells located on State or private land, with Federal subsurface, and may include those wells in its inventory of documented orphaned wells on State or private land. Any plugging and reclamation activities on such split-estate orphaned wells would be subject to the Federal government’s onshore plugging and reclamation standards and DOI approval prior to the start of operations.

“Indian Tribe” or “Tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“Low-income communities,” which is a term used in 42 U.S.C. § 15907(c)(2)(A)(viii), is either: 1) Those communities that in the last 12 months had a median household income less than twice the poverty level; or 2) Communities identified as such by the relevant State.

“Obligated amount” means any grant funds that are subject to a definite commitment that creates a legal liability for the State for an immediate or future payment for goods or services ordered or received, including by contract or subcontract award.

“Orphaned well” is an oil or gas well that has the meaning given the term by the applicable State; or if that State uses different terminology, has the meaning given another term used by the State to describe an oil or gas well eligible for plugging, remediation, and reclamation by the State. An “orphaned well” is or was associated with oil and/or gas production; including wells and associated features whose design or uses were not directly related to production, such as injection, monitoring, or disposal wells.

“Plugging” generally means the process of sealing off specific depths in a wellbore to seal off oil and gas producing zones, between underground formations that protect groundwater, and to otherwise prevent the migration of fluids. The process typically involves placing cement or other barriers at specific intervals to isolate oil or gas containing zones and potential migration pathways. For the purposes of these grants, the “plugging” process must include cutting and capping at or slightly below ground (or to a height consistent with relevant state standards) to

ensure that gas and/or fluids will not be released and placing a marker or monument (consistent with relevant State standards) to mark the location of the well.

“Pre-Award Costs” - DOI waives the prior written approval requirements for pre-award project costs that were incurred within 90 calendar days before the federal award effective date. All costs incurred prior to the effective date are at the recipient's risk of non-reimbursement if the costs are not determined to be allowable, allocable, and reasonable. (2 C.F.R. §§ 200.308, 407).

The terms “remediate” and “reclaim” collectively may include eliminating, limiting, correcting, counteracting, mitigating or removing any contaminant or the adverse effects on the environment or human health of any contaminant, including but not limited to: preliminary and detailed site investigations; analysis and interpretation, including tests, sampling, surveys, data evaluation, risk assessment, and environmental impact assessment; evaluation of alternative methods of remediation; preparation of a remediation plan, including a plan for any consequential or associated removal of soil or soil relocation from the site; implementation of a remediation plan; monitoring, verification and confirmation of compliance with the remediation plan and any applicable standards and requirements imposed; and other activities prescribed by applicable State or federal law and authorities. Each term may also have the respective meaning given to it under the applicable State’s law and authorities.

“Tribal land” means land or interest in land owned by an Indian Tribe, the title to which is held in trust by the United States or subject to a restriction against alienation under federal law.

“Undocumented well” means either: 1) A well that is entirely unknown to a State or other non-State regulatory agency; or 2) A well for which a State or non-State regulatory agency has some evidence, but the State or non-State regulatory agency requires verification, including the well’s precise latitude and longitude in decimal degrees.

“Unobligated amount” means the amount of awarded grant funds the State has not obligated. The amount is computed by subtracting the cumulative amount of the State’s unliquidated financial obligations and expenditures of funds under the grant award from the cumulative amount of the funds that the Federal awarding agency or pass-through entity authorized the State to obligate.

III. PERMISSIBLE USES OF AWARDED GRANT FUNDS AND RELATED ELEMENTS

Under 42 U.S.C. § 15907(c)(2)(A), a State may use awarded grant funds for any of the following purposes:

1. To plug, remediate, and reclaim orphaned wells located on State-owned or private land.
2. To identify and characterize undocumented orphaned wells on State and private land.
3. To rank orphaned wells based on factors including—public health and safety; potential environmental harm; increasing or making more economical or safer oil and gas operations and/or production; and other land use priorities, including those that increase domestic oil and gas production and development activities, support the Administration’s efforts to unleash American energy, and address our National Energy Emergency.

4. To make information regarding the use of grant funds received available on a public website.
5. To measure and track—emissions of methane and other gases associated with orphaned wells; and contamination of groundwater or surface water associated with orphaned wells.
6. To remediate soil and restore native species habitat that has been degraded due to the presence of orphaned wells and associated pipelines, facilities, and infrastructure.
7. To remediate land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure.
8. To identify and address any disproportionate burden of adverse human health or environmental effects of orphaned wells on disadvantaged communities, including but not limited to low-income communities, and Tribal or similar communities.
9. To administer a program to carry out any activities that fall under Numbers 1-8. These costs are referred to as administrative costs. *No more than 10 percent of a particular grant's funds may be used for administrative costs.*

Formula grants are available for such activities where the surface or subsurface estates is owned by the State or by a private party, including, potentially, individually owned Indian properties that are held in trust by the Secretary of the Interior but deemed by the State to be “orphaned wells” on “private land.” To the extent Formula grant funds are used in the split estate context, the State must coordinate with the OWPO and the appropriate Federal agency, and/or Indian Tribe, as applicable.

A State has no more than 5 years from the effective date of a Formula grant to obligate the awarded federal funds. Funds that are not timely obligated must be returned to DOI.

In applying for Formula grants, and obligating and spending awarded Formula grant funds, States must comply with all applicable Federal grant award statutes, regulations, and other requirements, including but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200. A State that accepts an award is also subject to and must comply with the terms and conditions of the grant it is awarded, and the certifications that the State submits as part of its grant application.

IV. FORMULA GRANT APPLICATIONS

A. Application Timing

1. Upon the issuance of this Phase 3 State Formula Grant Guidance, eligible States can apply for Phase 3 Formula Grants in any amount up to but not exceeding each State’s remaining Formula grant eligibility.

2. The application window is open until September 30, 2028. During the application window, States are permitted to submit more than one Phase 3 Formula grant application.
3. Applications must be submitted via GrantSolutions.gov at the following link: <https://home.grantsolutions.gov/home/>.
4. Each submitted application, will be promptly reviewed for completeness and a State will be notified of any deficiencies in their application, such as a failure to meet the requirements stated in 42 U.S.C. § 15907, applicable Federal authorities, and this guidance. Failure to appropriately resolve such deficiencies within a reasonable timeframe may result in a determination, at the Secretary's discretion, that the application is incomplete. The DOI will then cease processing the application and the State will be notified. In such a situation, the State may submit a new application if the application window is still open.

B. Eligibility

To be eligible for a Formula grant, a State must have submitted a Notice of Intent to Apply for Formula Grant Funding to DOI by December 31, 2021. The list of eligible States appears in Attachment B.

To be eligible to apply for a Phase 3 Formula Grant, a State must certify that it has: obligated 90 percent of the funds awarded for their first Formula grant (regardless of Phase); and expended (*i.e.*, drawn down) at least 50 percent of the funding for that same Formula grant. The Certification, found in Appendix A, must be completed and submitted with a Formula Phase 3 grant application. If a State has not received a Formula Grant, this eligibility prerequisite does not apply.

C. Required Elements

To be complete, the application must include sufficient details, as described below, to provide assurances regarding the ability of the State to properly carry out and oversee the activities to be funded. All required elements fall under OMB-approved information collections.

1. **Federal Forms:** The following forms with the latest versions are available in GrantSolutions. The forms must be submitted as part of an application. Digital signatures are acceptable:
 - a. **Application for Federal Assistance (Form SF-424).** A State should contact DOI's Interior Business Center (IBC) if it has any questions as to how to complete this form.¹

¹ Forms must be signed by the authorized official. Instructions on how to complete SF-424 can be found at GrantSolutions.gov.

- b. **Project Abstract Summary.** This includes: a high-level summary of the grant’s purpose for the general public; activities to be performed under the grant; expected deliverables or outcomes; intended beneficiaries; and any known subrecipient activities.
 - c. **Key Contacts Form.** This includes the applying State’s point of contact (POC), for the purposes of its application. The POC is the individual DOI will contact to revolve any questions or concerns that it may have.
 - d. **Budget Information (Form SF-424A).** An SF-424A is a standard form that provides an estimate of the work’s major budget categories (*e.g.*, personnel, fringe benefits, travel, equipment, supplies, contractual, constructions, other costs, direct, and indirect charges), where the total budget justification equals the overall grant request.
 - e. **Disclosure of Lobbying Activities (Form SF-LLL).** A State uses this form to disclose when: it uses non-federal funds to lobby in connection with the grant application; and the federal share of the grant exceeds \$100 thousand. If the two criteria are not met by the applicant State, it should mark “N/A” in the SF-LLL it submits as part of its grant application.
 - f. **Certification Regarding Lobbying.** *See* Appendix D, Certification Regarding Lobbying and Disclosure Requirements. A State may contact IBC if it has questions as to how to complete this form.
2. Detailed Budget Proposal/Justification: The budget must include a detailed narrative description and justification of the budget categories and a clear delineation between project costs and administrative costs. It must also provide a separate description and total estimated costs for both contractual and subaward costs. It must further describe any proposed items of cost, including those associated with the Recipient and any anticipated subawards, in sufficient detail to support a determination that the costs are necessary, reasonable, and allocable. This information supports and identifies the estimated costs provided in the SF-424A and includes an itemized budget breakdown with unit costs for the period of the grant funding and the costs of personnel salaries, fringe benefits, project staff travel, materials and supplies, equipment, and consultants and contracts, *e.g.*, for well plugging, site remediation, and site reclamation. The budget must include planned obligations and estimated costs per FY. States are encouraged to use a DOI-approved template, which DOI anticipates will be provided in GrantSolutions.gov. Please note the prohibitions on certain telecommunications and video surveillance services or equipment in [2 CFR 200.216](#). The Department’s [Unmanned](#)

[Aircraft web page](#) provides a list of approved unmanned aircraft and related equipment and software.

3. Federal Approved Indirect Cost Rate Agreement: A federally approved Indirect Cost Rate Agreement that requires the United States to pay an established rate to the State for indirect or incurred costs that are reasonable, allocable, and allowable.
4. Certification. A State must submit the certification in Appendix A as part of its grant application.
5. Work Plan/Proposal: A Work Plan: 1) explains the applicant State's grant-funded activities in detail, including outcomes and data collection methods; 2) provides a basis for the State's technical approach; and 3) details the State's goals and objectives; 4) describes the public benefit and statement of need; 5) describes how success will be measured or evaluated by the State; 6) may include maps of affected areas and a list of wells; 7) includes the timeline for completion and milestones; and 8) contains the State's monitoring plan for subrecipients or contractors. States are encouraged to use a DOI-approved template. *A State may request a grant amount less than it is entitled to. If a State elects to do so, a State must indicate as such in its Work Plan/Proposal for Formula Grant Funds.*

The costs contained in the activities included in a State's Work Plan, as well as any other uses of awarded federal funds, are subject to DOI review, verification, and/or audit, and the State must maintain all records to support the amounts stated in its application, including those generated by contractors.

A State's Work Plan must include the following, consistent with the application requirements outlined in A State's Work Plan must include the following, consistent with the application requirements outlined in 42 U.S.C. § 15907(c)(4)(B):

- a. A description of—
 - aa. The State's program for orphaned well plugging, remediation, and restoration, including:
 - I. Legal authorities, including the State's plugging standards and witnessing requirements;
 - II. Processes used to identify and prioritize orphaned wells, based on the factors in 42 U.S.C. § 15907(c)(2)(A)(iii), including land use priorities that increase domestic oil and gas production and development activities, support the Administration's

efforts to unleash American energy, and address our National Energy Emergency;

III. Procurement mechanisms; and

IV. Other program elements demonstrating the readiness of the State to carry out proposed activities using the grant.

bb. The activities to be carried out with the grant, including an identification of the estimated health, safety, habitat, and environmental benefits of plugging, remediating, or reclaiming orphaned wells. States are encouraged to carry out activities that increase domestic oil and gas production and development activities, support the Administration's efforts to unleash American energy, and address our National Energy Emergency.

cc. The means by which the information regarding the activities of the State under a grant will be made available on a public website.

b. An estimate of—

aa. The number of orphaned wells in the State that will be plugged, remediated, or reclaimed using grant funds.

bb. The projected cost, of—

I. Plugging, remediating, or reclaiming orphaned wells;

II. Remediating or reclaiming adjacent land; and

III. Decommissioning or removing associated pipelines, facilities, and infrastructure.

cc. The amount of projected cost that will be offset by the forfeiture of financial assurance instruments, the estimated salvage of well site equipment, or other proceeds from the orphaned wells and adjacent land.

dd. The number of jobs that will be created or saved through the activities to be funded under a grant.

ee. The amount of funds to be spent on administrative costs.

- c. A certification that any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State; and that the wells are “orphaned wells” under the IJJA. This includes a description of the process the State follows to identify and pursue all potentially responsible parties that may be legally liable for plugging, remediating, or restoring orphaned wells in the State.
- d. The definitions and processes used by the State to formally identify a well as—
 - aa. An orphaned well; or
 - bb. If the State uses different terminology, otherwise eligible for plugging, remediation, and reclamation by the State.
- e. Along with the statutory requirements stated above, a Work Plan must also include:
 - aa. The details of each activity to be carried out with the grant, including a preliminary work schedule covering the period of performance of the grant. Each activity must include a schedule, and resources needed for getting the work completed, which must cover the entire relevant period of performance.
 - bb. Proposed performance goals, including a work schedule, with tangible milestones, providing a description and date ranges for key activities in the accomplishment of proposed projects and the objectives of the workplan.
 - cc. If practical, the latitude/longitude, type of well, the well ID (API or US well number), surface ownership, and mineral ownership for those wells that are included in the work plan or likely to be plugged, remediated, or reclaimed with grant funds.

V. STANDARDS FOR INSPECTION, PLUGGING, AND RECLAMATION

A. Pre- and Post-Plugging Inspection

- 1. A State must inspect each orphaned well and well site being considered under the grant prior to commencement of plugging and abandonment. Pre-plugging inspections should evaluate the conditions at each orphaned well site and contribute to the accuracy of cost estimates and project plans by assessing technical well and wellbore conditions, site access, leak detection, and other safety and environmental factors. A State must conduct or supervise post-plugging inspections within 12 months of the

plugging activity and ensure that the well was properly plugged in accordance with the standards that are discussed in Section V.B. of this Phase 3 State Formula Grants Guidance.

A State-approved, qualified arms-length entity may also conduct post-plugging inspections. Post-plugging inspections must be documented to create a verifiable record. To the extent practical, each well should be physically or electronically tagged after it is plugged, with tags indicating the date the well was plugged and the State entity or contractors responsible for the plugging.

2. Unless required by relevant State law, a State is not required to measure methane emissions before or after plugging an orphaned well that was or will be plugged using grant funds. A State may use estimates in place of reporting actual measurements. Although not required, if a State elects to actually measure methane emissions, a State may use grant funds to do so.
3. Pre- and post-plugging values of gaseous emissions (particularly methane), water contamination, and acres restored may be included, per well, in the State's quarterly Data Reporting Template and in its periodic performance reports. A State may provide actual or estimated values in its Template as appropriate.

B. Well Plugging and Site Remediation Standards

1. A State with established and documented well plugging standards or authorities will require their contractors to meet those requirements. For a State that does not have established well plugging standards or authorities, the work must meet or exceed the plugging standards in either 43 C.F.R. § 3172.12, formerly a portion of Bureau of Land Management's Onshore Oil and Gas Order No. 2, for onshore wells; or, for offshore wells, 30 C.F.R. Part 250.
2. States will meet or exceed any well plugging witnessing and documentation requirements pursuant to State law and authorities.
3. For States with established well-abandonment standards (inclusive of those actions necessary to complete surface reclamation and revegetation), all well closures shall meet those requirements. If a State does not have well-abandonment standards, a well site must reflect, at minimum, the Bureau of Land Management's Reclamation and Abandonment Standards. For additional details, see: [*Chapter 6, Surface Operating Standards and Guidelines*](#).
4. Remediation and reclamation of contaminants in soil resulting from orphaned wells shall be conducted in accordance with applicable state or federal law and authorities.

VI. REQUIREMENTS WITH RESPECT TO EQUIPMENT, INTANGIBLE PROPERTY, AND SUPPLIES

- A. Equipment. Equipment records shall be maintained accurately and shall include all of the following information:
1. A description of the equipment;
 2. Manufacturer's serial number, model number, or other identification number;
 3. Source of the equipment including the award number;
 4. Whether title vests in the recipient or the federal government;
 5. Acquisition date (or date received, if the equipment was furnished by the federal government) and cost;
 6. Information from which one can calculate the percentage of DOI's share in the cost of the equipment (not applicable to equipment furnished by the federal government);
 7. Location and condition of the equipment and the date the information was reported;
 8. Unit acquisition cost; and
 9. Ultimate disposition data including date of disposal and sale price or, when a recipient compensates the DOI awarding agency for its share, the method used to determine current fair market value.
- B. Intangible Property. As specified in 2 C.F.R. § 200.315, Intangible Property, title to intangible property, as defined in 2 C.F.R. § 200.1 "Intangible property", purchased or otherwise acquired under an award or sub-award vests upon acquisition in the recipient. The recipient shall use that property for the originally authorized purpose, and the recipient shall not encumber the property without approval of the DOI awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with agency procedure.
- C. Supplies. In accordance with 2 C.F.R. § 200.314, Supplies, title to tangible property, as defined in 2 C.F.R. § 200.1 "Supplies", purchased, or otherwise acquired under an award or sub-award vests upon acquisition in the recipient. The recipient shall use that property for the originally authorized purpose, and the recipient shall not encumber the property without approval of the DOI awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with agency procedure.

VII. FEDERAL AND TRIBAL COORDINATION

- A. Efficiency and cost-effectiveness in well plugging and site remediation will be maximized by ensuring proper coordination in these activities among States, Tribes, and the Federal government. As early as practical—preferably before State grant applications are submitted—States should provide a primary contact for coordination with the relevant offices of Tribal or Federal land management agencies using GrantSolutions.gov. States may reach out to OWPO for a list of appropriate contacts for the relevant offices of Tribal and Federal land management agencies.
- B. When undertaking work on Federal land under a cost-sharing, Good Neighbor, or other arrangement with the Federal government, States must collect the data required to be reported for wells plugged and sites remediated on Federal land, unless all such data collection is otherwise captured in the terms of a lawful agreement between the State and the Federal land manager (*e.g.*, cooperative agreement). Early coordination with Federal agencies is encouraged to ensure that States are collecting the proper data in a format that can most easily be transferred to the Federal government.
- C. When undertaking work on private or State land adjacent to Tribal or Federal land, States are encouraged to communicate with Federal agencies and Tribal representatives to ensure appropriate and efficient collaboration on compliance issues (*e.g.*, cultural resources, endangered species, sacred sites) and to minimize disruption of planned events, operations, or land management activities.
- D. Expenses associated with State, Tribal, and Federal coordination, such as Tribal cultural monitoring, may be charged to a grant as administrative costs or, when concerning a particular project, as project direct costs.

VIII. DISTRIBUTION OF GRANT FUNDS FOR APPROVED APPLICATIONS

States are required to register in and receive payment through the Department of the Treasury’s Automated Standard Application for Payments (ASAP), unless approved for a waiver. A State will be notified of the ASAP enrollment process, or if already enrolled, the process to link its ASAP account to receive the grant funds.

IX. STATE REPORTING REQUIREMENTS AND POST-AWARD OBLIGATIONS

A. *State Technical and Financial Reporting Requirements*

Periodic status reporting is a condition of a Formula grant award. **As such, periodic reporting to DOI will be required, the frequency of which will be based on DOI’s risk determination and described in the applicable notice of award.** Financial Reporting requires the use of an Office of Management and Budget (OMB) approved SF-425. A State must also submit a Technical Performance Report within the same timeframe as its SF-425 that:

1. Contains the grant number, in accordance with 2 C.F.R. § 200.329, Monitoring and reporting program performance.
2. Covers the period of performance and the period the report covers.
3. Describes progress towards achieving all performance goals and milestones included in the approved workplan, and in the notice of award.
4. Contains a comparison of actual accomplishments with the established performance goals, including updates to the work schedule milestones and key accomplishments related to project activities and the objectives of the approved workplan.
5. Provides a description of reasons why established performance goals and milestones were not met, and a plan to successfully complete the missed milestones, if appropriate.
6. Presents a summary forecast of future activities and how the work schedule milestones and key accomplishments relate to project activities and the objectives of the approved workplan.
7. Includes additional relevant information regarding the work, as appropriate. States are specifically encouraged to provide information related to: how plugging orphaned oil and gas wells supports current and future oil and gas production; other State activities that support the Administration's efforts to unleash American energy and address our National Energy Emergency; and the total number of jobs created or saved through the funded activities.
8. Highlights any other pertinent information relevant to accountability for the project results.

Instructions on where and how to submit Technical Performance Reports will be included in the notice of award. The data described in Data Collection and Reporting must be submitted with these reports. The notice of award will describe all performance reporting requirements in further detail.

- B. *Personal Property Report*: States are required to submit an annual Tangible Personal Property Report (using form SF-428) if grant funds are used to purchase equipment.
- C. *Significant Developments* (2 C.F.R. § 200.329): Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, the State must inform DOI as soon as the following types of conditions become known:
 1. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the Federal award. This disclosure must

include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

2. Favorable developments that either: 1) Enable quicker achievement of milestones or objectives; or at less cost than anticipated; or 2) Producing more or different beneficial results than originally anticipated.
3. Consistent with 2 C.F.R. § 200.308 “Revisions of Budget and Program Plans”, changes in scope of effort, project leader, project partner must receive the prior written approval of the appropriate DOI official.

D. *Final Financial and Performance Reports:* Consistent with 2 C.F.R. § 200.329, States must submit final financial and performance reports to the DOI within 120 days of the period of performance end date.

1. For Final Technical Performance Reports: The narrative Final Performance Report must provide a detailed summary of all project goals and accomplishments for the entire period of performance of the grant.
2. Reports must be submitted by the deadline listed on the notice of award.
3. Requests for extensions to submit reports must be received in writing at least five business days prior to the deadline.
4. Must contain a comparison of actual accomplishments with the established performance goals and key accomplishments related to project activities and the objectives of the approved workplan. And a description of reasons why established performance goals and milestones were not met, if appropriate.
5. Must include additional relevant information regarding the project, as appropriate. States are encouraged to include relevant best practices and lessons learned over the course of the period of performance of the grant in each report.
6. Instructions on where to submit the Final Technical Performance Reports will be located in the Notice of Award.

E. *Data Collection and Reporting*

1. To standardize reporting requirements and ensure the Federal resources are used consistent with federal law and authorities, and the terms and conditions of the grant, each State must track and submit the applicable and required information to OWPO using the Data Reporting Template.

States must submit to DOI a Data Reporting Template, with their respective updated information, quarterly. States are required to use the

approved Data Reporting Template, consistent with OMB Control No: 1093-0012.

2. States that apply for a grant should note that non-sensitive information regarding the activities under such grants are required to be posted on a public website under 42 U.S.C. § 15907(c)(4)(B)(i)(III).
3. After providing the grant recipient an opportunity to redact personally identifiable or proprietary information, the DOI may post awarded grant applications on a publicly available website.
4. The DOI may publish a summary of performance accomplishments on a publicly available web site.

F. *Work funded by these grants may be subject to the Davis-Bacon Act*

1. Laborers and mechanics employed by the applicant State, subrecipients, contractors or subcontractors in the performance of construction, alteration, or repair work in excess of \$2 thousand funded directly by or assisted in whole or in part by funds made available under these grants shall be paid wages at rates not less than those prevailing on similar activities in the locality, as determined by the Secretary of Labor in accordance with 40 U.S.C. § 3141 *et seq.*, which is commonly referred to as the Davis-Bacon Act (DBA).
2. Each State shall provide written assurance acknowledging the DBA requirements and confirming that all laborers and mechanics performing construction, alteration, or repair work in excess of \$2 thousand funded directly by or assisted in whole or in part by and through funding under the award are paid or will be paid wages at rates not less than those prevailing on activities of a character similar in the locality as determined by the Secretary of Labor in accordance with the DBA. Such acknowledgment is included in the accompanying Grant Certification to serve as written assurance by the State applicant.
3. Recipients of grant funding are required to undergo DBA compliance training and to maintain competency in DBA compliance. The Department of Labor offers free Prevailing Wage Seminars several times a year that meet this requirement.

G. *State responsibilities regarding subrecipients and contractors*

State grant 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 2 C.F.R. §§ 200.339-343.

State grant recipients shall be legally accountable for performance of the program. Should a subrecipient perform unsatisfactorily, the recipient is responsible for remedying subrecipient issues. The recipient will be held solely responsible in the event of non-compliance by a subrecipient. The recipient will be held accountable for cost disallowances regarding subawarded funds. Subrecipient performance will also be considered during review of applications for non-competing continuations. If requirements of the program cannot be met due to subrecipient issues, the DOI may take one or more of the actions listed under 2 C.F.R. § 200.340 (Termination).

Among other things, DOI intends that: all subawards made to subrecipients by the recipient shall be subject to the review of the DOI and must be approved in writing, in advance by the DOI; the recipient must provide a list of selected subrecipients with the associated application documents to the DOI for advance approval prior to issuing any subawards; and all subawards will be approved by amendment to the notice of award.

H. *Grant funds are subject to Build America, Buy America Act*

Under Section 70914 of the Infrastructure Investment and Jobs Act, grant funds may not be obligated or spent by a State, or its subrecipients or contractors, unless all iron, steel, manufactured products, and construction materials used by the State, or its subrecipients or contractors, are produced in the United States, unless a State obtains a waiver from DOI. Questions regarding the Build America, Buy America Act, should be addressed to the financial assistance officer that is assigned to the relevant State, or his or her representative.

X. DOI STANDARD AWARD TERMS AND CONDITIONS

- A. The most current version of the DOI Standard/General Award Terms and Conditions will be included in all grants, at the time of award. These terms and conditions can be found at: [Standard/General Award Terms and Conditions](#). Each State’s grant, and the activities performed thereunder, are subject to DOI Standard/General Award Terms and Conditions.
- B. Under 2 C.F.R. § 200.329, the Federal awarding agency may make site visits as warranted to ensure appropriate fiscal accountability and oversight. States shall provide Federal awarding agency access to relevant documentation in State possession and facilitate, to the extent allowable under State law, Federal awarding agency access to project sites.
- C. The DOI Freedom of Information Act Office provides guidelines to requestors of grant applications around what information may be redacted from applications. This information includes patent rights, confidential financial information,

personally identifiable information (PII), and detailed budget, consultant, and business assets information. 2 C.F.R. § 200.338 places limitations on public access to award-related documents.

- D. Unmanned Aircraft Systems (UAS) Drones: Pursuant to the Secretary of the Interior Order No. 3379, only specific models of unmanned aircraft that have capabilities that are considered trusted and secure by the Department of Defense are authorized for use of federal funds under this award. A list of approved unmanned aircraft and technology packages may be found at <https://www.diu.mil/blue-uas>. Any equipment purchases related to unmanned aircraft or technology-related items to support the use of unmanned aircraft, such as software, must be approved in advance and comport with Order No. 3379. Further, employee or contractor time to fly unmanned aircraft that does not meet this requirement is not an allowable expense under this award.

Any grant funding for the purchase or use of Unmanned Aircraft Systems for operations must have in place policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties prior to expending such funds. The term "unmanned aircraft systems" encompasses unmanned aerial systems, drones, and similar technology, including component parts, that are remotely controlled and subject to Federal Aviation Administration regulations. It covers activities conducted in furtherance of the Department's mission, using Department funds, or for purposes identified in a cooperative agreement, contract, grant, or other agreement between the Department and another party. Designated components of UAS include and are not limited to hardware and software components necessary for collecting, storing, and transmitting data or similar information.

Appendix A

State Certification Orphaned Well Site Plugging, Remediation, And Restoration State Formula Grant

Consistent with 42 U.S.C. § 15907(c)(4)(A)(iii) and (B)(iii), the State or Commonwealth of

_____ (State) certifies that:

1. For the first Formula Grant that it was awarded, regardless of Phase, the State confirms that it has: a) obligated 90 percent of grant funding and b) expended (i.e. drawn down) at least 50 percent of that same grant funding. Note: If the State has not been awarded a Formula Grant, this requirement does not apply.
2. Any financial assurance or surety instruments available to the State to cover plugging, remediation, or reclamation costs will be used by the State for plugging, remediation, or reclamation of orphaned wells. Note: Available financial assurance instruments are not required to be forfeited before the State performs the work. Financial assurance instruments collected by the State may be used to plug, remediate, or reclaim orphaned wells other than the well(s) for which the financial assurance instrument was originally intended.
3. The grant funds the State applies for are subject to the Davis-Bacon Act, 40 U.S.C. § 3141 *et seq.* The State confirms all laborers and mechanics performing construction, alteration, or repair work in excess of \$2,000, funded directly by or assisted in whole or in part, by funding under the award, are paid or will be paid wages at rates not less than those prevailing on activities of a character similar in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.
4. Before any grant funding is obligated and spent, the State agrees to determine and document that: a) all wells plugged, remediated, or reclaimed using grant funds are located on State-owned or privately owned lands and b) meet the definition of “orphaned well,” which is found in 42 U.S.C. § 15907(a)(5)(B), and informed by applicable State law.
5. The State will maintain records supporting “orphaned well” determinations in accordance with 2 C.F.R. Part 200, Subpart D, § 200.334, and will make them available upon request by the U.S. Department of the Interior (DOI). The records the State collects and/or provides to the DOI are true, complete, and accurate, and grant expenditures are consistent with the terms and conditions of the grant.
6. Nothing in this certification shall be construed to reduce a State’s responsibilities, under 2 C.F.R. Part 200, as amended, other federal law and authorities and policies, and the terms and conditions of the grant.
7. The State is aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject the certifying official and/or State to criminal, civil, or administrative penalties.

The following Official certifies on behalf of the State or Commonwealth of:

_____ (State).

State Certifying Official's Name and Title

State Certifying Official's Signature

Date

The following Official has reviewed the State certification on behalf of the U.S. Department of the Interior (DOI):

DOI Reviewer's Name and Title

DOI Reviewer's Signature

Date

Appendix B**Total Eligibility, Awards and Remaining State Formula Grant Eligibility**

State	Total Eligibility	Phase 1 Awards	Phase 2 Awards	Remaining Eligibility
Alabama	\$1,681,430		\$1,681,430	\$0
Alaska	\$28,336,497	\$25,000,000	\$3,336,497	\$0
Arizona	\$4,871,791	\$4,871,791		\$0
Arkansas	\$5,589,721	\$5,589,721		\$0
California	\$140,870,510	\$35,217,628	\$52,826,441	\$52,826,441
Colorado	\$54,064,506	\$25,000,000	\$29,064,506	\$0
Illinois	\$36,875,485	\$25,000,000		\$11,875,485
Indiana	\$14,076,668	\$14,076,668		\$0
Kansas	\$33,666,697		\$33,600,000	\$66,697
Kentucky	\$78,980,737	\$25,000,000	\$35,000,000	\$18,980,737
Louisiana	\$86,449,520	\$25,000,000	\$35,000,000	\$26,449,520
Michigan	\$5,873,295	\$5,873,295		\$0
Mississippi	\$6,830,345	\$6,830,345		\$0
Missouri	\$26,925,384	\$5,123,494		\$21,801,890
Montana	\$5,139,423			\$5,139,423
Nebraska	\$4,151,076			\$4,151,076
New Mexico	\$72,260,163	\$25,000,000	\$35,000,000	\$12,260,163
New York	\$44,672,162	\$25,000,000	\$19,672,162	\$0
North Dakota	\$55,266,234	\$25,000,000		\$30,266,234
Ohio	\$231,028,206	\$57,757,052		\$173,271,154
Oklahoma	\$205,226,972		\$102,613,486	\$102,613,486
Pennsylvania	\$305,625,896	\$76,406,474	\$114,609,711	\$114,609,711
Texas	\$318,695,029	\$79,673,757	\$119,510,636	\$119,510,636
Utah	\$5,229,389			\$5,229,389
West Virginia	\$116,932,226	\$29,233,057	\$29,233,057	\$58,466,112
Wyoming	\$40,680,639			\$40,680,639
Total	\$1,930,000,001	\$520,653,282	\$611,147,926	\$798,198,793

Appendix C

Buy America Preference for Department of the Interior Grants

Under Section 70914 of the Infrastructure Investment and Jobs Act, none of the funds under a federal award that are part of federal financial assistance program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States, unless subject to an approved waiver. The requirements of this section must be included in all subawards, including all contracts and purchase orders for work or products under this program.

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project unless:

- A. All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- B. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
- C. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

Incorporation into an infrastructure project. The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America Preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Categorization of articles, materials, and supplies. An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) 15 Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this

paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

Application of the Buy America Preference by category. An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

Determining the cost of components for manufactured products. In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- A. For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- B. For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

Construction material standards. The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

- A. Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- B. Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- C. Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- D. Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.

- E. Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- F. Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.
- G. Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- H. Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

Waivers

When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements can be found at <https://www.doi.gov/grants/buyamerica>.

When DOI has determined that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which the agency determines that:

- A. Applying the Buy America Preference would be inconsistent with the public interest;
- B. The types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- C. The inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the Buy America Preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the OMB Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at the Approved DOI General Applicability Waivers website located at <https://www.doi.gov/grants/BuyAmerica/GeneralApplicabilityWaivers>.

Definitions

“Buy America Preference” means the “domestic content procurement preference” set forth in section 70914 of the Infrastructure Investment and Jobs Act, which requires the head of each

Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

“Construction materials” means articles, materials, or supplies that consist of only one of the items listed in paragraph (1) of this definition, except as provided in paragraph (2) of this definition. To the extent one of the items listed in paragraph (1) contains as inputs other items listed in paragraph (1), it is nonetheless a construction material.

- A. The listed items are:
 - 1. Non-ferrous metals;
 - 2. Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
 - 3. Glass (including optic glass);
 - 4. Fiber optic cable (including drop cable);
 - 5. Optical fiber;
 - 6. Lumber;
 - 7. Engineered wood; and
 - 8. Drywall.

- B. Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

“Infrastructure” means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

“Infrastructure project” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 C.F.R. § 184.4.

“Iron or steel products” means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

“Manufactured products” means:

- A. Articles, materials, or supplies that have been: (i) Processed into a specific form and shape; or (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

- B. If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 C.F.R. § 184.4(e) and the definitions set forth in 2 C.F.R. § 184.3, then it is not a manufactured product. However, an article,

material, or supply classified as a manufactured product under 2 C.F.R. § 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

“Predominantly of iron or steel or a combination of both” means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

“Section 70917(c) materials” means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. *See* Section 70917(c) of the Build America, Buy America Act.

Appendix D

This Appendix is intended to provide awareness of standard grants management requirements that are generally part of applying for a federal award.

- Unique Entity Identifier and System for Award Management (SAM)
- Conflict of Interest Disclosure
- Single Audit Reporting Statement
- Certification Regarding Lobbying and Disclosure Requirements
- Data Availability
- Agency Review Process
- Additional Reporting Requirements
 - Conflict of Interest Disclosures
 - Other Mandatory Disclosures
 - Reporting Matters Related to Recipient Integrity and Performance

A. Unique Entity Identifier and System for Award Management (SAM)

Before applying, applicants must be registered in SAM.gov and have a Unique Entity Identifier (UEI) which replaces the Data Universal Numbering System (DUNS) number from Dun & Bradstreet in April 2022. Registration is through the SAM.gov website, which has user guides and other information to assist you with registration under the “Help” tab if you are not already registered. The Grants.gov “Register with SAM” page also provides detailed instructions, and applicants can contact the supporting Federal Service Desk for help as needed. A Federal award may not be made to an applicant that has not completed the SAM.gov registration. Federal award recipients must renew and validate their SAM registration at least once every 12 months to maintain an active SAM.gov registration with current information through the life of their federal award(s).

Applicants that are registered with SAM just need to login to get their UEI, SAM generates it automatically.

B. Conflict of Interest Disclosure

Per the Financial Assistance Interior Regulation (FAIR), 2 C.F.R. §1402.112, applicants must state in their application if any actual or potential conflict-of-interest exists at the time of submission.

1. Applicability.

- a. This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

- b. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict-of-interest provisions in 2 C.F.R. § 200.318 apply.
 2. Notification.
 - a. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 C.F.R. § 200.112.
 - b. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by subrecipients.
 3. Restrictions on lobbying. Non-Federal entities are strictly prohibited from using funds under a grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 C.F.R. Part 18 and 31 U.S.C. 1352.
 4. Review procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.
 5. Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award. Failure to make required disclosures may result in any of the remedies described in 2 C.F.R. § 200.339, Remedies for Noncompliance, including suspension or debarment (see also 2 C.F.R. Part 180).

C. Single Audit Reporting Statement

All non-Federal entities expending \$1,000,000 USD or more in Federal award funds in the applicant's fiscal year must submit a Single Audit report for that year through the Federal Audit Clearinghouse's Internet Data Entry System. U.S. States must state if your organization was or was not required to submit a Single Audit report for the most recently closed fiscal year in your application. If your organization was required to submit a Single Audit report for the most recently closed fiscal year, provide the EIN (Tax ID) associated with that report and state if it is available through the Federal Audit Clearinghouse website.

D. Certification Regarding Lobbying and Disclosure Requirements

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in 43 C.F.R. Part 18, Appendix A-Certification Regarding Lobbying. If this application requests more than \$100,000 in Federal funds, the Authorized Official's signature on the appropriate SF-424, Application for Federal Assistance form also represents the entity's certification of the statements in 43 C.F.R. Part 18, Appendix A.

Applicants and recipients must not use any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the award. Applicants and recipients must complete and submit the SF-LLL, "Disclosure of Lobbying Activities" form if the Federal share of the proposal or award is more than \$100,000 and the applicant or recipient has made or has agreed to make any payment using non-appropriated funds for lobbying in connection with the application or award. The SF-LLL form is available with this Funding Opportunity on Grants.gov. See 43 C.F.R., Subpart 18.100 for more information on when additional submission of this form is required.

E. Data Availability

Per the Financial Assistance Interior Regulation (FAIR): 2 C.F.R. § 1402.315

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 DOI, 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.

F. Agency Review Process

The awarding agency conducts a review of the SAM.gov Exclusions database for all applicant entities and their key project personnel prior to award. The awarding agency

cannot award funds to entities or their key project personnel identified in the SAM.gov Exclusions database as ineligible, prohibited/restricted or otherwise excluded from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits, as their ineligibility condition applies to this Federal program.

Prior to award, the awarding agency will evaluate the risk posed by applicants as required in 2 C.F.R. § 200.206. Prior to approving awards for Federal funding in excess of the simplified acquisition threshold (currently \$350,000), the awarding agency is required to review and consider any information about or from the applicant found in the SAM.gov. The awarding agency will consider this information when completing the risk review. The awarding agency uses the results of the risk evaluation to establish monitoring plans, recipient reporting frequency requirements, and to determine if one or more of the specific award conditions in 2 C.F.R. § 200.208, which may include, but are not limited to, requiring pre-approval of reimbursement requests, periodic transaction testing, increased reporting frequency, requests for information, and other monitoring activities consistent with 2 C.F.R. §§ 200.329 and 339.

G. Additional Reporting Requirements

1. **Conflict-of-Interest Disclosures.** Recipients must notify the program immediately in writing of any conflict of interest that arises during the life of their federal award, including those reported to them by any subrecipient under the award. Recipients must notify the program in writing if any employees, including subrecipient and contractor personnel, are related to, married to, or have a close personal relationship with any Federal employee in the Federal funding program or who otherwise may have been involved in the review and selection of the award. The term employee means any individual engaged in the performance of work pursuant to the Federal award. Recipients may not have a former Federal employee as a key project official, or in any other substantial role related to their award, whose participation put them out of compliance with the legal authorities addressing post-Government employment restrictions. See the U.S. Office of Government Ethics website for more information on these restrictions. The awarding agency will examine each conflict-of-interest disclosure based on its particular facts and the nature of the project and will determine if a significant potential conflict exists. If it does, the awarding agency will work with the recipient to determine an appropriate resolution. Failure to disclose and resolve conflicts of interest in a manner that satisfies the awarding agency may result in any of the remedies described in 2 C.F.R. § 200.339 Remedies for Noncompliance, including termination of the award.
2. **Other Mandatory Disclosures.** Applicants must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities that receive a federal award including the terms and conditions outlined in 2 C.F.R. Part 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM.

Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. § 200.339 Remedies for Noncompliance, including suspension or debarment.

3. **Reporting Matters Related to Recipient Integrity and Performance.** If the total value of your 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 you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system about civil, criminal, or administrative proceedings in accordance with Appendix XII to 2 C.F.R. Part 200.