



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

Orphaned Wells Program Office
Revised State Matching Grants 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 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's 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.

On May 14, 2024, OWPO issued guidance for types of Performance grants that are described in 42 U.S.C. § 15907(c)(5)(F) as "Matching grants." This Revised State Matching Grants Guidance replaces the May 14, 2024, State Matching Grant Guidance in its entirety. This guidance sets forth revised pre- and post-award requirements for Matching grants.

II. DEFINITIONS

This section contains a list of definitions relevant to Matching 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 from an orphaned well.

“Award Date” means the date a financial assistance officer issues a Matching grant 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 Matching grant is the date of receipt of the funds.

“Certified Amount” is the total amount of the State’s non-federally originated money that the State certifies it will expend in a particular State fiscal year to: 1) plug, remediate, and reclaim orphaned wells; 2) remediate or reclaim land adjacent to an orphaned well; and 3) decommission or remove pipelines, facilities, and infrastructure associated with an orphaned well.

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

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

"Fiscal year" means the State fiscal year of the State applying for the Matching grant, unless otherwise specified (*e.g.*, from July 1 of a calendar year to June 30 of the following year).

"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.

Both "low-income communities" and "economically distressed areas," which are terms used in 42 U.S.C. § 15907(c)(2)(A)(viii) and (5)(B)(iii), respectively, are 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 State.

"Obligated amount" means any Matching 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 Matching 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 Matching 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 Matching 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 MATCHING GRANT FUNDS AND RELATED ELEMENTS

Under 42 U.S.C. § 15907(c)(5)(F)(i), a State may apply for and receive a Matching grant equal to “the amount that the State certifies to the Secretary the State will expend, during the fiscal year in which the State will receive the grant” (Certified Amount) *less* “the average annual amount expended by the State during the period of fiscal years 2010 through 2019” (Average 2010-2019 Amount). Under 42 U.S.C. § 15907(c)(2)(A), a State may use awarded Matching 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; and
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.*

Matching grants are available for such activities where the surface or subsurface estate 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 Matching grant funds are used in the split estate context, the State must coordinate in advance with the OWPO and the appropriate federal agency, and/or Indian Tribe, as applicable.

Only States that receive initial grants, under 42 U.S.C. § 15907(c)(3), are eligible to receive Matching grants. Each eligible State may be awarded multiple Matching grants—one grant per State fiscal year. While there is no maximum amount for a particular fiscal year’s Matching grant, a State may not be awarded, obligate, and spend more than a total of \$30 million in Matching grant funds. Matching grants may not be awarded after September 30, 2030.

A State has no more than 5 years from the effective date of a Matching grant to obligate the awarded federal funds. Matching grant funds that are not timely obligated must be returned to DOI. Unobligated and unspent funds returned to DOI do not count against the State’s \$30 million Matching grant limit stated in 42 U.S.C. § 15907(c)(5)(F)(ii)(II).

In applying for Matching grants, and obligating and spending awarded Matching 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. MATCHING GRANT APPLICATIONS

A State’s Matching grant application and revisions must be timely submitted and contain sufficient information for DOI to determine whether: 1) the proposed grant amount is consistent with the 42 U.S.C. § 15907; and 2) the State’s proposed activities can realistically be achieved

and are consistent with 42 U.S.C. § 15907, other federal law and authorities, and the grant's anticipated terms and conditions.

A. Timely submitting a Matching grant application

For a State fiscal year in which a State applies for a Matching grant, the State must submit its application, in GrantSolutions.gov, by the last day of the first quarter of that State's fiscal year.

For example, if a State fiscal year begins on July 1, 2025, that State may apply for a Matching grant for that State fiscal year up to and including September 30, 2025, based on the amount of non-federally originated funds that the State has spent or will spend on its orphaned well program or on orphaned well activities (*i.e.*, Certified Amount) from July 1, 2025, through June 30, 2026. In this example, some of the State's Certified Amount may be the actual amount the State spent on its orphaned well program or on orphaned well activities in the relevant State fiscal year (*i.e.*, from July 1, 2025, through September 30, 2025). And the rest of the Certified Amount would be the estimated expenses for the remaining portion of the State's fiscal year (*i.e.*, October 1, 2025, through June 30, 2026).

Only for the State fiscal year that the Matching grant application window first opens, a State may apply for a grant for that State fiscal year after the last day of the first quarter of that State fiscal year. Under 42 U.S.C. § 15907(c)(5)(F)(i), however, a Matching grant may not be awarded for a State fiscal year (*i.e.*, the State fiscal year that is the subject of the Certified Amount) after that State fiscal year has ended. So, if a State's application is not submitted early enough to afford DOI sufficient time to review the State's application and determine whether it is complete, and a grant is not awarded before the end of that State fiscal year, then DOI cannot award a Matching grant pursuant to that State's application (*e.g.*, if a State fiscal year began on October 1, 2023, that State may apply for a Matching grant for that State fiscal year *after* December 31, 2023. However, DOI may not award a grant for that State fiscal year after September 30, 2024).

A State may apply for a Matching grant for a particular State fiscal year before that fiscal year begins. A State, however, may only be awarded the Matching grant it applies for during the State fiscal that is the subject of the Certified Amount (*e.g.*, for the State in the above example, the State may submit a Matching grant application for State fiscal year 2025 *before* October 1, 2024. However, a Matching grant may not be awarded to that State for State fiscal year 2025 until October 1, 2024).

Pursuant to this Revised State Matching Grant Guidance, States that timely submitted a Matching grant application prior to the issuance of this Revised State Matching Grant Guidance are authorized to revise their applications, including their Detailed Budget Proposal/Justification and Work Plan/Proposal. States that were previously awarded a Matching grant may submit an amendment, if necessary, pursuant to this Revised State Matching Grants Guidance.

B. Calculating the Average 2010-2019 and Certified Amounts

1. A State's Average 2010-2019 Amount

The Average 2010-2019 Amount is calculated by dividing by 10 the total amount spent by the State during State fiscal years 2010 through 2019 to: 1) plug, remediate, and reclaim orphaned wells; and 2) decommission or remove pipelines, facilities, and infrastructure associated with an orphaned well.

In its Average 2010-2019 Amount, a State must include all applicable direct orphaned well-related expenditures that the State spent. This includes money spent on plugging, reclamation, and restoration, from the first day of State fiscal year 2010 up to and through the last day of State fiscal year 2019. A State may also include its indirect expenditures if it chooses to do so. A State must explain its accounting basis. *See, e.g.*, State Technical and Financial Reporting Requirements Section below.

A State must maintain all records to support the Average 2010-2019 Amount stated in the State's grant application. The Average 2010-2019 Amount in a State's application is subject to DOI review, verification, and/or audit, and a State may be required to submit all records to support its Average 2010-2019 Amount.

2. A Matching Grant Application's Certified Amount

The Certified Amount is the total amount of the State's non-federally originated money that the State certifies it *will expend* in a particular State fiscal year to: 1) plug, remediate, and reclaim orphaned wells; 2) remediate or reclaim land adjacent to an orphaned well; and 3) decommission or remove pipelines, facilities, and infrastructure associated with an orphaned well.

A State's Certified Amount in its Matching grant application must be calculated using the same accounting basis that the State used to calculate its Average 2010-2019 Amount. A State may only include indirect costs in its Certified Amount if it included the costs in its Average 2010-2019 Amount.

A State must maintain all records to support the Certified Amount stated in its grant application. The Certified Amount in a State's application is subject to DOI review, verification, and/or audit, and a State may be required to submit all records to support its Certified Amount.

If the total actual State expenditures in the State fiscal year that is the subject of a Certified Amount (CA Year) is less than the Certified Amount in a State's Matching grant application, the State is required to inform DOI and pay back the associated funds within 90 days of end of the CA Year. However, for grants less than \$1,000,000, a State is not required to pay back the funds if the difference is less than \$100,000. And, for grants greater than or equal to \$1,000,000, a State is not required to pay back the funds if the difference is less than 10 percent of the

Certified Amount. Funds returned to DOI do not count against the State's \$30 million Matching grant limit.

3. *Costs that may be included in its two amounts.*

As stated above, a State must utilize the same basis (cash or accrual) to calculate both its Average 2010-2019 Amount and its Certified Amount. A State will provide its accounting basis to DOI in the SF-425s that it submits in its reporting.

Consistent with 2 C.F.R. § 200.1, a State that utilizes a cash basis may include in its Average 2010-2019 Amount and Certified Amount:

- Cash disbursements for direct charges for property and services;
- The amount of indirect expense charged;
- The value of third-party in-kind contributions applied; and
- The amount of cash advance payments and payments made to subrecipients.

A State that utilizes an accrual basis may include the following:

- Cash disbursements for direct charges for property and services;
- The amount of indirect expense incurred;
- The value of third-party in-kind contributions applied; and
- The net increase or decrease in the amounts owed by the non-federal entity for: Goods and other property received; services performed by employees, contractors, subrecipients, and other payees; and programs for which no current services or performance are required such as annuities, insurance claims, or other benefit payments.

C. A Matching grant application must show and support a State's Average 2010-2019 and Certified Amounts and contain the amount and proposed use for the federal Matching grant funds that the State is applying for.

A Matching grant application must include all of the items described below.¹

1. **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 OWPO and IBC may require additional items.

2. **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.
3. **Key Contacts Form.** This includes the applying States's point of contact (POC), for the purposes of its application. The POC is the individual DOI will contact to resolve any questions or concerns that it may have.
4. **The Matching Grant Amount (Form SF-424A).** This contains the total amount of federal Matching grant funds the State is applying for. This amount will be supported by the documents listed in No. 5, immediately below, and is subject to DOI review, verification, and/or audit. DOI anticipates a SF-424A form will be provided in GrantSolutions.gov.
5. **Documents that support a State's SF-424A.**
 - a. **Budget Detail for State's Average 2010-2019 Amount.** This template contains all the costs the applicant State includes in its Average 2010-2019 Amount. This amount is subject to DOI review, verification, and/or audit. States are encouraged to use a DOI-approved template, which DOI anticipates will be provided in GrantSolutions.gov.
 - b. **Budget Detail for State's Certified Amount.** This template contains all the costs the applicant State includes in its Certified Amount. This amount is subject to DOI review, verification, and/or audit. States are encouraged to use a DOI-approved template, which DOI anticipates will be provided in GrantSolutions.gov.
 - c. **Budget Detail for federal Matching grant Funds.** This template itemizes and describes how the State proposes to use the Matching grant funds it applies for. The costs in this budget detail must be consistent with the amount listed in the State's SF-424A. A State must use the same basis in this budget detail as it uses for its Average 2010-2019 and Certified Amounts. States are encouraged to use a DOI-approved template, which DOI anticipates will be provided in GrantSolutions.gov.
 - d. **Work Plan/Proposal for federal Matching grant Funds (Work Plan).** A Work Plan: 1) explains the applicant State's Matching grant-funded activities in detail, including outcomes and data collection methods; 2) provides a basis for the State's technical approach; 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 Matching 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 42 U.S.C. § 15907(c)(5)(B):

- i. 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.
- ii. 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.
 - iii. A certification that any financial assurance instruments available to cover plugging, remediation, or reclamation costs will be used by the State. 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.
 - iv. 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.
 - v. Activities carried out by the State to address orphaned wells located in the State, including—
 - aa. Increasing State spending on well plugging, remediation, and reclamation; or
 - bb. Improving regulation of oil and gas wells.
 - vi. The means by which the State will use funds provided under a grant—
 - aa. To lower unemployment in the State; and
 - bb. To improve economic conditions in economically distressed areas of the State.
 - vii. Along with the statutory requirements stated above, a Work Plan must 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 schedule of milestones for completing the activities outlined in the statutory application requirements and to achieve 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.
- 6. **Federal Approved Indirect Cost Rate Agreement.** A federally approved Indirect Cost Rate Agreement or similar statement that requires the United States to pay a de minimis rate to the State for indirect or incurred costs that are reasonable, allocable, and allowable.

7. **Certifications.** A State must submit the certification in Appendix A as part of its grant application.
8. **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 Matching grant application.
9. **Certification Regarding Lobbying.** *See* Appendix C, Certification Regarding Lobbying and Disclosure Requirements. A State may contact IBC if it has any questions as to how to complete this form.

V. 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 funds.

VI. STATE REPORTING REQUIREMENTS AND POST-AWARD OBLIGATIONS

A. State Technical and Financial Reporting Requirements

1. Periodic status reporting is a condition of a Matching grant award. **As such, periodic reporting to DOI will be required, the frequency of which will be based on DOI’s determination.** 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:
 - a. Contains the grant number, in accordance with 2 C.F.R. § 200.329, Monitoring and reporting program performance.
 - b. Covers the period of performance and the period the report covers.
 - c. Lists and describes progress towards achieving all performance goals and milestones included in the approved workplan, and in the notice of award.
 - d. Contains a comparison of actual accomplishments compared to the performance goals and milestones of the grant work plan, which includes the use of the federal Matching grant funds to lower unemployment and improve economic conditions in economically distressed areas in the State.

- e. States reasons performance goals and milestones were not achieved.
- f. 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 and State activities that support the Administration's efforts to unleash American energy and address our National Energy Emergency, if applicable.

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.

- 2. A State is required to annually submit a Tangible Personal Property Report, Form SF-428, if grant funds are used to purchase equipment.
- 3. Significant Developments, under 2 C.F.R. § 200.329(e): Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, a State must inform DOI as soon as the following become known:
 - a. Problems, delays, or adverse conditions that will materially impair the State's 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.
 - b. 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.
 - c. Under 2 C.F.R. § 200.308, any revisions of budget and program plans, changes in scope of effort, or work leaders or partners must receive the prior written approval of the appropriate DOI official.
- 4. Under 2 C.F.R. § 200.329(c)(1), a State must submit its final financial and performance reports within 120 calendar days of the period of performance or the deadline listed on the notice of award.
 - a. The narrative for final technical performance reports must provide a detailed summary of all goals and accomplishments for the grant's period of performance.
 - b. Requests for extensions to submit reports must be received in writing at least five business days prior to the deadline.

- c. Must contain a comparison of actual accomplishments compared to the performance goals of the award.
 - d. Must include additional relevant information regarding the activities funded by the grant, 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.
 - e. Instructions on submitting the final technical performance reports will be included in the notice of award.
5. Data Collection and Reporting - To standardize reporting requirements and ensure 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.
- States applying for a Matching grant should note that non-sensitive information regarding the activities performed under such a grant are required to be posted on a public website.
6. After providing the grantee an opportunity to redact personally identifiable or proprietary information, DOI may post awarded-grant applications on a publicly available website.
7. DOI may publish a summary of performance accomplishments on a publicly available web site.

B. Standards for inspection, plugging, remediation, and reclamation

- 1. Pre- and Post-Plugging Inspection
 - a. 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 VI.B.2.a. of this Revised State Matching 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.

- b. 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 measure methane emissions, a State may use grant funds to do so.
- c. Pre- and post-plugging values of gaseous emissions, 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.

2. Well Plugging and Site Remediation Standards

- a. 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 Onshore Oil and Gas Order No. 2, for onshore wells, or, 30 C.F.R. part 250, for offshore wells.
- b. States will meet or exceed any well plug witnessing and documentation requirements pursuant to State law and authorities.
- c. 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: <https://www.blm.gov/sites/blm.gov/files/Chapter%206%20-%20Reclamation%20and%20Abandonment.pdf>.

- d. Remediation and reclamation of contaminants in soil resulting from orphaned wells shall be conducted in accordance with applicable State or federal law and authorities.

C. Restrictions on the use of federal Matching grant funds

- 1. Grant funds are subject to the Build America, Buy America Act. Under Section 70914 of the Infrastructure Investment and Jobs Act, Matching 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.

D. Requirements with respect to equipment, intangible property, and supplies

- 1. Equipment. Equipment records shall be maintained accurately and shall include all the following information:
 - a. A description of the equipment.
 - b. Manufacturer's serial number, model number, or other identification number.
 - c. Source of the equipment including the award number.
 - d. Whether title vests in the recipient or the federal government.
 - e. Acquisition date (or date received, if the equipment was furnished by the federal government) and cost.
 - f. 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).
 - g. Location and condition of the equipment and the date the information was reported.
 - h. Unit acquisition cost.
 - i. Ultimate disposition data including date of disposal and sale price or, when a recipient compensates DOI awarding agency for its share, the method used to determine current fair market value.
- 2. Intangible Property. Title to intangible property, as defined in 2 C.F.R. § 200.1, 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 DOI awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with agency procedure.

3. Supplies. Under 2 C.F.R. § 200.314, title to tangible property, as defined in 2 C.F.R. § 200.1, 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 DOI awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with agency procedure.

E. State coordination with federal agencies and Indian tribes, when necessary

1. 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 Indian tribal or federal land management agencies using GrantSolutions.gov. A State may reach out to OWPO for a list of appropriate contacts for the relevant offices of Indian tribal and federal land management agencies.
2. When undertaking work on federal land under a cost sharing, good neighbor, or other arrangement with the federal government, a State 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 each State collects the proper data in a format most easily transferred to the federal government.
3. When undertaking work on private or State land adjoining Indian tribal or federal land, a State is encouraged to communicate with federal agencies and Indian 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.
4. Expenses associated with State, Indian tribal, and federal coordination, such as Indian tribal cultural monitoring, may be charged to administrative costs, or, when concerning particular activities, directly to those activities.

F. Work funded by Matching 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 Matching 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 Matching 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.

H. Terms and conditions of Matching grants

1. The most current version of the DOI Standard/General Award Terms and Conditions will be included in all awarded Matching grants. 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.
2. Under 2 C.F.R. § 200.329(f), the federal awarding agency may make site visits as warranted to ensure appropriate fiscal accountability, surveillance, and monitoring. A State shall provide the federal awarding

agency access to relevant documentation, facilities, and work sites in, to the extent allowable under State law and authorities.

3. DOI's 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, and detailed budget, consultant, and business assets information. 2 C.F.R. § 200.338 places limitations on public access to award-related documents.
4. Unmanned Aircraft Systems 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.
5. Any grant funding for the purchase or use of UAS 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, remotely controlled and subject to Federal Aviation Administration regulations. It covers activities conducted in furtherance of DOI's mission, using DOI funds, or for purposes identified in a cooperative agreement, contract, grant, or other agreement between the Department of Defense 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

The following certifications must be included, verbatim, in a State's Matching grant application.

As part of this Matching grant application, the State or Commonwealth of _____ (State) certifies:

1. 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.²
2. 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 thousand, 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.
3. On its own accord and without a request from the United States, the State shall pay back to the United States a positive dollar amount equal to the difference between: 1) The Matching grant amount the State was awarded, pursuant to this grant application, adjusted for true up; and 2) The amount the State did not timely obligate.

Generally, if the total actual State expenditures in the State fiscal year that is the subject of the Certified Amount (CA Year) is less than the Certified Amount in a State's Matching grant application, the State will inform DOI and pay back the associated Matching grant funds within 90 days of end of the CA Year. However, the State is not required to pay back funds if the difference is the less than the greater of either: 1) \$100,000; or 2) 10 percent of the application's Certified Amount.

If the United States determines a State obligated and spent awarded Matching grant funds in violation of the Infrastructure Investment and Jobs Act, other federal law and authorities, or the grant's terms and conditions, the State must pay back to the United States the corresponding amount.

The State acknowledges DOI, at its sole discretion, may use a federal or non-federal third party to audit, review, or investigate records associated with any Matching grant that the State is awarded.

4. It is the State's duty, not that of the United States, to substantiate all representations the State made in this grant application. This includes all expenditures included in the Work Plan/Proposal for Matching grant Funds, Average 2010-2019 Amount, and Certified Amount.

² Available financial assurance instruments are not required to be forfeit before the State performs the work, and financial assurance instruments collected by the State may be used to plug, remediate, or reclaim orphaned wells other than the wells for which the financial assurance instrument was originally intended.

The State shall establish and maintain records as may be required to demonstrate compliance with 42 U.S.C. § 15907, other federal law and authorities, and the terms and conditions of the grant. This includes but is not limited to obtaining and maintaining records originated by the State's subcontractors or grant award subrecipients.

Records related to or associated with the Matching grant a State applies for here shall be maintained in a manner consistent with federal authorities, such as 2 C.F.R. §§ 200.334-338.

At the request of any federal officer or employee, the State shall make available to DOI, or its agents, for inspection and duplication, all records associated with the Matching grant.

5. Nothing in this certification shall be construed to reduce a State's responsibilities, under the 2 C.F.R. part 200, as amended, other federal law and authorities and policies, and the terms and conditions of the grant.

Grant Applicant's Signature	Individual's Name and Title	Date
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United States's Signature	Individual's Name and Title	Date
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Appendix B

Buy America Preference for Department of the Interior Grants

I. Buy America Domestic Procurement Preference

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:

- (1) 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;
- (2) 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
- (3) 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.

- (1) Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- (2) 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.
- (3) Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- (4) 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.

- (5) Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- (6) Lumber. All manufacturing processes, from initial debarking through treatment and planning, occurred in the United States.
- (7) 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.
- (8) 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:

- (1) applying the Buy America Preference would be inconsistent with the public interest;
- (2) 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
- (3) 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.

- (1) The listed items are:
 - (i) Non-ferrous metals;
 - (ii) Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
 - (iii) Glass (including optic glass);
 - (iv) Fiber optic cable (including drop cable);
 - (v) Optical fiber;
 - (vi) Lumber;
 - (vii) Engineered wood; and
 - (viii) Drywall.
- (2) 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:

- (1) 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.
- (2) 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 C

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

1. Unique Entity Identifier and System for Award Management (SAM)
2. Conflict of Interest Disclosure
3. Single Audit Reporting Statement
4. Certification Regarding Lobbying and Disclosure Requirements
5. Data Availability
6. Agency Review Process
7. Additional Reporting Requirements
 - (a) Conflict of Interest Disclosures
 - (b) Other Mandatory Disclosures
 - (c) Reporting Matters Related to Recipient Integrity and Performance

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

Before submitting an application, 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.

2. 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.

(a) Applicability.

- (1) 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.
- (2) 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.

(b) Notification.

- (1) 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.
- (2) 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.
- (c) 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 CFR part 18 and 31 U.S.C. 1352.
- (d) 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.
- (e) 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).

3. Single Audit Reporting Statement

All non-Federal entities expending \$750,000 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.

4. Certification Regarding Lobbying and Disclosure Requirements

Applicants requesting more than \$100,000 in Federal funding must certify to the statements in 43 CFR 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 CFR 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 CFR, Subpart 18.100 for more information on when additional submission of this form is required.

5. Data Availability

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

- (a) 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.
- (b) The Federal Government has the right to:
 - (1) 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
 - (2) 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.

6. 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 \$250,000), the awarding agency is required to review and consider any information about or from the applicant found in the Federal Awardee Performance and Integrity Information System. 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.

7. Additional Reporting Requirements

- (a) **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.
- (b) **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.
 - **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 (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings in accordance with Appendix XII to 2 C.F.R. part 200.