

APPLICABLE EPA REGULATIONS AND OMB CIRCULARS

(Available through the Internet)

- [OMB Circulars](#)
- <http://www.gpoaccess.gov/cfr/index.html> for CFR Information, &
- <http://www.cFDA.gov> for CFDA Information

A. STATE, LOCAL & INDIAN TRIBAL GOVERNMENTS:

40 CFR PART 7	NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY – PREAWARD COMPLIANCE REVIEW
40 CFR PART 29	INTERGOVERNMENTAL REVIEW
40 CFR PART 31	UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS
2 CFR	TITLE 2 OF THE CODE OF FEDERAL REGULATIONS
2 CFR Part 1532	NONPROCUREMENT DEBARMENT AND SUSPENSION
40 CFR PART 34	NEW RESTRICTIONS ON LOBBYING
40 CFR PART 35	STATE AND LOCAL ASSISTANCE
OMB CIRCULAR A-87	COST PRINCIPLES
OMB CIRCULAR A-133	AUDIT REQUIREMENTS

APPLICABLE EPA REGULATIONS AND OMB CIRCULARS

(Continued)

B. FOR ALL OTHER TYPES OF APPLICANTS:

40 CFR PART 7	NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY - PREAWARD COMPLIANCE REVIEW
40 CFR PART 29	INTERGOVERNMENTAL REVIEW
40 CFR PART 30	GENERAL REGULATIONS FOR ASSISTANCE PROGRAMS
2 CFR	TITLE 2 OF THE CODE OF FEDERAL REGULATIONS
2 CFR Part 1532	NONPROCUREMENT DEBARMENT AND SUSPENSION
40 CFR PART 34	NEW RESTRICTIONS ON LOBBYING
OMB CIRCULAR A-21	COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS
OMB CIRCULAR A-122	COST PRINCIPLES FOR NON-PROFIT ORGANIZATIONS
OMB CIRCULAR A-133	AUDIT REQUIREMENTS

Description of EPA Regulations

40 CFR PART 7 - NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY - PREAWARD COMPLIANCE REVIEW

This part applies to all applicants for, and recipients of, EPA assistance in the operation of programs or activities receiving such assistance and implements Title VI of the Civil Rights Act of 1964, as amended.

40 CFR PART 29 - INTERGOVERNMENTAL REVIEW

The regulations contained in this part implement Executive Order 12372, "Intergovernmental Review of Federal Programs" and applicable provisions of Section 204 of the Demonstration Cities and Metropolitan Development Act. These regulations are intended to foster an intergovernmental partnership and a strengthened federalism by relying on State processes and on State, area wide, regional and local coordination for review of Federal financial assistance.

40 CFR PART 30- GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

This regulation applies to all EPA applicants except State, Local and Indian Tribal governments and contains the general requirements for management of the assistance award.

40 CFR PART 31 - UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE, LOCAL AND INDIAN TRIBAL GOVERNMENTS

This regulation applies to State, Local and Indian Tribal governments and contains the general requirements for management of the assistance award.

2 CFR PART 1532 - NONPROCUREMENT DEBARMENT AND SUSPENSION

This regulation implements Executive Order 12549, and provides that a person who is debarred or suspended shall be excluded from receiving Federal financial and non-financial assistance and benefits under Federal programs and activities. All applicants are required to submit a certification regarding Debarment and Suspension. In addition, if you receive Federal assistance you are required to obtain this Certification from sub-recipients receiving \$25,000 or more in assistance funds.

Description of EPA Regulations

(Continued)

By signing and/or submitting this application or the grant agreement, the grantee is providing the certification set forth in Appendix C to Subpart F, 40 CFR 32.600, ***Drug-Free Workplace Requirements (Grants)***. In general, a grantee, other than an individual, certifies that it will provide a drug-free workplace by implementing the steps set out under Alternate I of Appendix C to Subpart F, 40 CFR 32.600. An individual receiving a grant from EPA, certifies that he or she will not engage in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in conducting an activity with the grant (refer to Alternate II of Appendix C to Subpart F, 40 CFR 32.600).

40 CFR PART 34 - RESTRICTIONS ON LOBBYING

No Federal funds may be expended by the Recipient of Federal financial assistance to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions:

- a) The awarding of any Federal grant,
- b) The making of any Federal loan,
- c) The entering into of any cooperative agreement, and
- d) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

This regulation contains the requirements for filing the Certification of Compliance with the Anti-Lobbying Act of 1990; and the Disclosure of Lobbying Activities forms.

Additionally, an organization described in §501(c)4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, or loan.

40 CFR PART 35 - STATE AND LOCAL ASSISTANCE

The regulations contained in this part establish uniform administrative requirements and procedures for financial assistance to State, Interstate and Local agencies for continuing environmental programs; and, provides additional information on individual program requirements by cross-referencing substantive program regulations.

Description of EPA Regulations

(Continued)

OMB CIRCULAR A-21 - COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS

This circular establishes principles for determining costs applicable to grants, contracts, and other agreements with educational institutions. The principles deal with the subject of cost determination, and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular project. The principles are designed to provide that the Federal Government bear its fair share of total costs, determined in accordance with generally accepted accounting principles, except where restricted or prohibited by law.

OMB CIRCULAR A-87 - COST PRINCIPLES FOR STATES, LOCAL AND INDIAN TRIBAL GOVERNMENTS

This circular establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments and federally-recognized Indian tribal governments (governmental units). The principles are for determining allowable costs only. They are not intended to identify the circumstances or to dictate the extent of Federal and governmental unit participation in the financing of a particular Federal award.

OMB CIRCULAR A-122 - COST PRINCIPLES FOR NON-PROFIT ORGANIZATIONS

This circular establishes principles for determining costs of grants, contracts, and other agreements with non-profit organizations. The principles are designed to provide that the Federal Government bear its fair share of costs except where restricted or prohibited by law. The principles do not attempt to prescribe the extent of cost sharing or matching on grants, contracts, or other agreements. Provision for profit or other increment above cost is outside the scope of this Circular.

OMB CIRCULAR A-133 - AUDIT REQUIREMENTS OF STATES, LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS

This circular establishes uniform audit requirements for non-Federal entities that administer Federal awards and implements the Single Audit Act Amendments of 1996. One of the significant revisions is that the threshold for when an entity is required to have an audit is raised from \$25,000 to \$300,000.

**GRANTS MANAGEMENT FACT SHEETS FOR AGENCY RECIPIENTS:
AWARDING GRANTS TO ENTITIES WHICH SUE THE AGENCY**

CONCERN

A recent newspaper article focused on the Agency's grants to non-profits who lobby Congress and sue the Agency. Members of Congress also expressed concern that recipients may be using assistance funds to supplement litigation costs against the Federal Government.

IMPLICATIONS

- The use of assistance funds to supplement litigation costs against the Federal Government is unallowable for federal funding under Federal Cost Principles found in OMB Circulars A-122, A-87, and A-21.

WHAT RECIPIENTS SHOULD KNOW:

- In accordance with OMB Circulars No. A-122, A-21, and A-87, recipients are not allowed to use grant assistance funds to support suits against the Federal Government.
- Recipients cannot use grant assistance funds to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings against the Federal Government.