

## The Appraisal Subcommittee (ASC)

### FY 2024 General Terms and Conditions for Federal Financial Assistance

The Fiscal Year (FY) 2024 ASC General Terms and Conditions apply to all new federal awards of federal financial assistance (federal awards) for which the federal award date occurs in FY2024 and flows down to subrecipients unless a term or condition specifically indicates otherwise. For federal awards that may involve continuation awards made in subsequent FYs, these FY2024 ASC General Terms and Conditions will apply to the continuation award unless otherwise specified in the terms and conditions of the continuation award.

All legislation and digital resources are referenced with no digital links. These FY2024 General Terms and Conditions are maintained on the ASC website at <https://www.asc.gov/grants>

**A. Recipients must follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at 2 C.F.R. Part 200 including revisions to the Uniform Guidance as published in the Federal Register on April 22, 2024. See**

**<https://www.federalregister.gov/documents/2024/04/22/2024-07496/guidance-for-federal-financial-assistance> and the ASC grant policies incorporated in the ASC Handbook Ver. 2 which can be found on the ASC website at <https://asc.gov/sites/default/files/2024-05/2024.01.17%20ASC%20Handbook%20Ver.2.pdf>**

- I. All recipients must acknowledge and agree to provide ASC access to records, accounts, documents, information, facilities, and staff pursuant to 2 C.F.R §200.337.
- II. Recipients must cooperate with any ASC compliance or monitoring review or investigation.
- III. Recipients must submit timely, complete, and accurate reports to the appropriate ASC officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements required by law, federal regulation, Notice of Funding Availability (NOFA), and federal award-specific terms and conditions.

**B. General Terms and Conditions**

**I. Notice of Funding Announcement (NOFA) Requirement**

All the instructions, guidance, limitations, scope of work, and other conditions set

forth in the Notice of Funding Availability (NOFA) for this federal award are incorporated by reference. All recipients must comply with any such requirements set forth in the NOFA. If a condition of the NOFA is inconsistent with these terms and conditions and any such terms of the Award, the condition in the NOFA shall be invalid to the extent of the inconsistency. The remainder of that condition and all other conditions set forth in the NOFA shall remain in effect.

II. Acknowledgement of Federal Funding from ASC

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects and or programs funded in whole or in part with federal award funds. To the extent practicable, the recipient agrees to make products produced under the award available at the cost of reproduction to others in the field. In addition, publications created with grant funds must acknowledge support by the ASC and include a disclaimer as follows:

*“This material is supported by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council under Grant No. \_\_\_\_\_. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of or a position that is endorsed by the Appraisal Subcommittee.”*

III. Universal Identifier and System of Award Management

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated reference.

IV. Conflict of Interest

Consistent with ASC Grants Handbook Ver. 2, section 3.5, recipients are asked consider conflict of interest in matters dealing with the grant award. Recipients should follow their policies and procedures to prevent employees, consultants, and others, (including family, business, or other ties) involved in grant-supported activities, from involvement in actual or perceived conflicts of interest.

V. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of any 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 the federal award, then the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters

located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated by reference.

VI. Reporting Subawards and Executive Compensation

For federal awards that equal or exceed \$30,000, recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation set forth at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated by reference.

VII. Copyright

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 to any work first produced under federal awards and also include an acknowledgement that the work was produced under a federal award (including the federal award number and federal awarding agency). As detailed in 2 C.F.R. § 200.315, a federal awarding agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes and to authorize others to do so.

VIII. Future Budget Periods

If the period of performance spans more than one budget period, subsequent budget periods are subject to the availability of funds, program authority, satisfactory performance, and compliance with the terms and conditions of the Federal award.

IX. Termination Provision

The federal award can be terminated for the reasons or scenarios per 2 C.F.R. §200.340. The ASC can also terminate the award for cause upon thirty (30) days' written notice.

X. National Policy Requirements

*General.* Please see <https://www.asc.gov/resources/governance> specifically and <https://www.asc.gov> generally concerning any ASC laws or Policy Statements that could apply to the specific subject matter of an ASC grant.

NP Article I. Nondiscrimination national policy requirements. (July 2024)

*Section A. Cross-cutting nondiscrimination requirements.*

By signing this award or accepting funds under this award, you assure that you will comply with applicable provisions of the national policies prohibiting discrimination:

1. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 ([42 U.S.C. 2000d et seq.](#)).

2. On the basis of gender, blindness, or visual impairment, in Title IX of the Education Amendments of 1972 ([20 U.S.C. 1681 et seq.](#)).
3. On the basis of age, in the Age Discrimination Act of 1975 ([42 U.S.C. 6101 et seq.](#)), as implemented by Department of Health and Human Services regulations at [45 CFR part 90](#).
4. On the basis of disability, in the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)), as implemented by Department of Justice regulations at [28 CFR part 41](#).
5. On the basis of disability in the Architectural Barriers Act of 1968 ([42 U.S.C. 4151 et seq.](#)) related to a physically handicapped person's ready access to, and use of, buildings and facilities for which Federal funds are used in design, construction, or alteration.
6. On the basis of disability, in Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

NP Article II. Environmental national policy requirements. (July 2024)

*Section A. Cross-cutting environmental requirements.*

You must:

1. You must comply with all applicable Federal environmental laws and regulations. The laws and regulations identified in this section are not intended to be a complete list.
2. Comply with applicable provisions of the Clean Air Act ([42 U.S.C. 7401, et seq.](#)) and Clean Water Act ([33 U.S.C. 1251, et seq.](#)).
3. Comply with applicable provisions of the Lead-Based Paint Poisoning Prevention Act ([42 U.S.C. 4821-4846](#)), as implemented by the Department of Housing and Urban Development at [24 CFR part 35](#). The requirements concern lead-based paint in buildings owned by the Federal Government or housing receiving Federal assistance.
4. Immediately identify to us, as the Federal awarding agency, any potential impact that you find this award may have on:
  - a. The quality of the “human environment”, as defined in [40 CFR 1508.14](#), including wetlands; and provide any help we may need to comply with the National Environmental Policy Act (NEPA, at [42 U.S.C. 4321 et seq.](#)), the regulations at [40 CFR 1500-1508](#), and [E.O. 12114](#), if applicable; and assist us to prepare Environmental Impact Statements or other environmental documentation. In such cases, you may take no action that will have an environmental impact ( *e.g.*, physical disturbance of a site such as breaking of ground) or limit the choice of reasonable alternatives to the proposed action until we provide written notification of Federal compliance with NEPA or [E.O. 12114](#).
  - b. Flood-prone areas and provide any help we may need to comply with the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973 ([42 U.S.C. 4001 et seq.](#)), which require flood insurance, when available, for federally assisted construction or acquisition in flood-prone areas.

- c. A land or water use or natural resource of a coastal zone that is part of a federally approved State coastal zone management plan and provide any help we may need to comply with the Coastal Zone Management Act of 1972 (16 U.S.C. 1451, *et seq.*) including preparation of a Federal agency Coastal Consistency Determination.
  - d. Coastal barriers along the Atlantic and Gulf coasts and Great Lakes' shores and provide help we may need to comply with the Coastal Barrier Resources Act (16 U.S.C. 3501 *et seq.*), concerning preservation of barrier resources.
  - e. Any existing or proposed component of the National Wild and Scenic Rivers system and provide any help we may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*).
  - f. Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source and in wellhead protection areas, and provide any help we may need to comply with the Safe Drinking Water Act (42 U.S.C. 300f *et seq.*).
5. You must comply fully with the Endangered Species Act of 1973, as amended (ESA, at 16 U.S.C. 1531 *et seq.*), and implementing regulations of the Departments of the Interior (50 CFR parts 10-24) and Commerce (50 CFR parts 217-227). You also must provide any help we may need in complying with the consultation requirements of ESA section 7 (16 U.S.C. 1536) applicable to Federal agencies or any regulatory authorization we may need based on the award of this grant. This is not in lieu of responsibilities you have to comply with provisions of the Act that apply directly to you as a U.S. entity, independent of receiving this award.
6. You must fully comply with the Marine Mammal Protection Act of 1972, as amended (MMPA, at 16 U.S.C. 1361 *et seq.*) and provide any assistance we may need in obtaining any required MMPA permit based on an award of this grant.

NP Article III. National policy concerning live organisms. (July 2024)

*Section A. Cross-cutting requirements concerning live organisms.*

*1. Human subjects.*

- a. You must protect the rights and welfare of individuals who participate as human subjects in research under this award and comply with applicable Food and Drug Administration (FDA) regulations.
- b. You must not begin performance of research involving human subjects, also known as human subjects research (HSR), until you receive a formal notification of approval from a Human Research Protection Official (HRPO). Approval to perform HSR under this award is received after the HRPO has performed a review of your documentation of planned HSR activities and has officially furnished a concurrence with your determination as presented in the documentation.
- c. In order for the HRPO to accomplish this concurrence review, you must provide sufficient documentation to enable his or her assessment as follows:
  - i. If the HSR meets an exemption criterion, the documentation must include a citation of the exemption category and a rationale statement.

- ii. If your activity is determined as “non-exempt research involving human subjects”, the documentation must include:
  - (A) Assurance of Compliance ( *i.e.*, Department of Health and Human Services Office for Human Research Protections (OHRP) Federal wide Assurance (FWA)) appropriate for the scope of work or program plan; and
  - (B) Institutional Review Board (IRB) approval, as well as all documentation reviewed by the IRB to make their determination.
- d. The HRPO retains final judgment on what activities constitute HSR, whether an exempt category applies, whether the risk determination is appropriate, and whether the planned HSR activities comply with the requirements in paragraph 1.a of this section.
- e. You must notify the HRPO immediately of any suspensions or terminations of the Assurance of Compliance.
- f. ASC staff, consultants, and advisory groups may independently review and inspect your research and research procedures involving human subjects and, based on such findings, ASC may prohibit research that presents unacceptable hazards or otherwise fails to comply with ASC requirements.

## 2. *Animals.*

- a. Prior to initiating any animal work under the award, you must:
  - i. Register your research, development, test, and evaluation or training facility with the Secretary of Agriculture in accordance with [7 U.S.C. 2136](#) and [9 CFR 2.30](#), unless otherwise exempt from this requirement by meeting the conditions in [7 U.S.C. 2136](#) and [9 CFR parts 1-4](#) for the duration of the activity.
  - ii. Furnish evidence of such registration and approval to the grants officer.
- b. You must make the animals on which the research is being conducted, and all premises, facilities, vehicles, equipment, and records that support animal care and use available during business hours and at other times mutually agreeable to you, the United States Department of Agriculture Office of Animal and Plant Health Inspection Service (USDA/APHIS) representative, personnel representing the ASC oversight offices, as well as the grants officer, to ascertain that you are compliant with [7 U.S.C. 2131 et seq.](#) and [9 CFR parts 1-4](#).
- c. Your care and use of animals must conform with the pertinent laws of the United States, regulations of the Department of Agriculture, and regulations, policies, and procedures of the ASC.

3. *Use of Remedies.* Failure to comply with the applicable requirements in paragraphs 1-2 of this section may result in the ASC's use of remedies, *e.g.*, wholly or partially terminating or suspending the award, temporarily withholding payment under the award pending correction of the deficiency, or disallowing all or part of the cost of the activity or action (including the federal share and any required cost sharing or matching) that is not in compliance.

## NP Article IV. Other National Policy Requirements. (July 2024)

### *Section A. Cross-cutting requirements.*

1. *Debarment and suspension.* You must comply with requirements regarding debarment and suspension implementing Executive Orders (E.O.) 12549 and 12689 set forth at in Subpart C of 2 CFR part 180, as adopted by ASC at [2 CFR](#)

[part 1125](#). This includes requirements concerning your principals under this award, as well as requirements concerning your procurement transactions and subawards that are implemented in PROC Articles I through III and SUB Article II. These regulations prohibit recipients from entering into covered transactions (such as subawards and contracts) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

2. *Drug-free workplace*. You must comply with drug-free workplace requirements in Subpart B of 2 CFR Part 182, which is the Government-wide implementation of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

3. *Lobbying*.

a. You must comply with the restrictions on lobbying in [31 U.S.C. 1352](#), and submit all disclosures required by that statute and regulation. None of the funds provided under a federal award may be expended by the recipient to pay any person to influence, or attempt 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 federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. See [Grants.gov concerning Disclosure of Lobbying Activities](#).

b. You must comply with the prohibition in [18 U.S.C. 1913](#) on the use of Federal funds, absent express Congressional authorization, to pay directly or indirectly for any service, advertisement or other written matter, telephone communication, or other device intended to influence at any time a Member of Congress or official of any government concerning any legislation, law, policy, appropriation, or ratification.

c. If you are a nonprofit organization described in section 501(c)(4) of title 26, United States Code (the Internal Revenue Code of 1968), you may not engage in lobbying activities as defined in the Lobbying Disclosure Act of 1995 (2 U.S.C., chapter 26). If we determine that you have engaged in lobbying activities, we will cease all payments to you under this and other awards and terminate the awards unilaterally for material failure to comply with the award terms and conditions.

4. *Officials not to benefit*. You must comply with the requirement that no member of Congress shall be admitted to any share or part of this award, or to any benefit arising from it, in accordance with [41 U.S.C. 6306](#).

5. *Hatch Act*. If applicable, you must comply with the provisions of the Hatch Act ([5 U.S.C. 1501-1508](#)) concerning political activities of certain State and local government employees, as implemented by the Office of Personnel Management at [5 CFR part 151](#), which limits political activity of employees or officers of State or local governments whose employment is connected to an activity financed in whole or part with Federal funds.

6. *Native American graves protection and repatriation*. If you control or possess Native American remains and associated funerary objects, you must comply with the requirements of [43 CFR part 10](#), the Department of the Interior implementation of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C., chapter 32).



7. *Fly America Act*. You must comply with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118), commonly referred to as the “Fly America Act,” and implementing regulations at 41 CFR 301-10.131 through 301-10.143. The law and regulations require that U.S. Government financed international air travel of passengers and transportation of personal effects or property must use a U.S. Flag air carrier or be performed under a cost sharing arrangement with a U.S. carrier, if such service is available.
8. *Use of United States-flag vessels*. You must comply with the following requirements of the Department of Transportation at 46 CFR 381.7, in regulations implementing the Cargo Preference Act of 1954:
- a. Pursuant to Public Law 83-664 (46 U.S.C. 55305), at least 50 percent of any equipment, materials or commodities procured, contracted for or otherwise obtained with funds under this award, and which may be transported by ocean vessel, must be transported on privately owned United States-flag commercial vessels, if available.
  - b. Within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, “on-board” commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph 8.a of this section must be furnished to both our award administrator (through you in the case of your contractor's bill-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.
9. *Research misconduct*. You must comply with requirements concerning research misconduct in the Governmentwide research misconduct policy that the Office of Science and Technology Policy published in the **Federal Register** (65 FR 76260, December 6, 2000, available through the U.S. Government Printing Office website: <https://www.federalregister.gov/documents/2000/12/06/00-30852/executive-office-of-the-president-federal-policy-on-research-misconduct-preamble-for-research>).
10. *Historic preservation*. You must identify to us any:
- a. Property listed or eligible for listing on the National Register of Historic Places that will be affected by this award, and provide any help we may need, with respect to this award, to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108), as implemented by the Advisory Council on Historic Preservation regulations at 36 CFR part 800 and Executive Order 11593, “Identification and Protection of Historic Properties,” [3 CFR, 1971-1975 Comp., p. 559]. Impacts to historical properties are included in the definition of “human environment” that require impact assessment under NEPA (See NP Article II, Section A).
  - b. Potential under this award for irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, and provide any help we may need, with respect to this award, to comply with the Archaeological and Historic Preservation Act of 1974 (54 U.S.C. chapter 3125).
11. *Relocation and real property acquisition*. You must comply with applicable provisions of 49 CFR part 24, which implements the Uniform Relocation



Assistance and Real Property Acquisition Policies Act of 1970 ([42 U.S.C. 4601, et seq.](#)) and provides for fair and equitable treatment of persons displaced by federally assisted programs or persons whose property is acquired as a result of such programs.

12. *Confidentiality of patient records.* You must keep confidential any records that you maintain of the identity, diagnosis, prognosis, or treatment of any patient in connection with any program or activity relating to substance abuse education, prevention, training, treatment, or rehabilitation that is assisted directly or indirectly under this award, in accordance with [42 U.S.C. 290dd-2](#).

13. *Pro-Children Act.* You must comply with applicable restrictions in the Pro-Children Act of 1994 (Title 20, Chapter 68, subchapter X, Part B of the U.S. Code) on smoking in any indoor facility:

a. Constructed, operated, or maintained under this award and used for routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18.

b. Owned, leased, or contracted for and used under this award for the routine provision of federally funded health care, day care, or early childhood development (Head Start) services to children under the age of 18.

14. *Constitution Day.* You must comply with [Public Law 108-447](#), Div. J, Title I, Sec. 111 ([36 U.S.C. 106 note](#)), which requires each educational institution receiving Federal funds in a Federal fiscal year to hold an educational program on the United States Constitution on September 17th during that year for the students served by the educational institution.

15. *Trafficking in persons.* Recipients must comply with the requirements of the government-wide financial assistance award term which implements Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, § 106 (codified as amended at 22 U.S.C. § 7104). The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated by reference.

16. *Whistleblower protections.* You must comply with 41 U.S.C. 4712, including the:

a. Prohibition on reprisals against employees disclosing certain types of information to specified persons or bodies; and

b. Requirement to notify your employees in writing, in the predominant native language of the workforce, of their rights and protections under that statute.

17. *Terrorist financing.* Recipients must comply with E.O. 13224 and applicable statutory prohibitions on transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible for ensuring compliance with the E.O. and laws.