

GOVERNMENTWIDE ADMINISTRATIVE STATUTORY AND NATIONAL POLICY REQUIREMENTS FOR U.S. DEPARTMENT OF EDUCATION AWARDS

OVERVIEW

This portion of the Grant Award Notification (GAN) Attachment describes Federal government-wide sources of laws and policies that apply to grantees and subgrantees of Federal awards issued by the U.S. Department of Education (Department).¹ The sources of Federal government-wide laws and policy include the U.S. Constitution, statutes, regulations, executive orders, and statements of policy.

This Attachment compiles many of the laws and policies that apply to awards; however, it is not intended to be an exhaustive list or to reproduce the full text. Some laws and policies are only applicable to awards with certain types of activities or to certain types of recipients. Additionally, Department award terms and conditions may incorporate statutes, regulations, or policies specific to an award.

Please note that some sources use different terms for grantee such as recipient. Per [34 CFR Part 77–Definitions that Apply to Department Regulations](#), the Department uses grantee to mean the legal entity to which a grant is awarded and is accountable to the Federal Government for the use of the funds provided. Subgrantee means the government or other legal entity to which a subgrant is awarded and that is accountable to the grantee for the use of the funds provided.

APPLICABILITY OF LAWS AND POLICIES

The legal order of precedence determines the order in which laws and policies may apply to Federal awards. The following list includes examples of the types of laws and policies, and is not an exhaustive list:

- U.S. Constitution
- Program-Specific Authorizations and Appropriations
- [Single Audit Amendments Act of 1996](#)
- [Federal Funding Accountability and Transparency Act of 2006 \(FFATA\)](#)
- [Digital Accountability and Transparency Act of 2014 \(DATA Act\)](#)
- [Grant Reporting Efficiency and Agreements Transparency Act of 2019 \(GREAT Act\)](#)
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements: [2 CFR Part 200](#) as adopted as regulations of the Department in [2 CFR 3474](#).
- Education Department General Administrative Regulations: 34 CFR Parts 75, 76, 77, 79, etc. (Department-specific)
 - [34 CFR Part 75–Direct Grant Programs](#)
 - [34 CFR Part 76–State-Administered Formula Grant Programs](#)
 - [34 CFR Part 77–Definitions that Apply to Department Regulations](#)

¹ The content in this portion of the GAN Attachment consolidates information previously included in GAN Attachments 8, 9, 11, 12, 14, 16, and Enclosure 4.

- [34 CFR Part 79–Intergovernmental Review of Department of Education Programs and Activities](#)
- Executive Orders
- Office of Management and Budget Memorandum (OMB Memos)
- Department and Program-specific guidance such as Notices Inviting Applications (NIAs), Frequently Asked Questions (FAQs), and other program announcements

FINANCIAL ASSISTANCE GENERAL CERTIFICATIONS AND REPRESENTATIONS

All applicants, grantees, and subgrantees of Federal financial assistance are required to register in the System for Award Management (SAM.gov) and obtain a Unique Entity Identifier (UEI) before receiving an award per [2 CFR Part 25, Unique Entity Identifier and System for Award Management](#).

Entities must be registered in SAM.gov before submitting applications, include their UEI in each application, maintain current and active registration in SAM.gov at all times during which it has an active Federal award, and review and update its information in annually as a recipient or an application under consideration by a Federal agency. The applicant or recipient must review and update its information in SAM.gov annually from the date of initial registration or subsequent updates to ensure it is current and accurate.

Grantee authorized organization representatives agree to the Financial Assistance General Certifications and Representations that are binding on every award as part of registration and annual certification in SAM.gov. However, grantees may be exempted by Federal statute or the exceptions listed in 2 CFR Part 25.110, Exemptions to this part.

When applicants register or annually recertify in SAM.gov, your authorized organization representative agreed to the Financial Assistance General Certifications and Representations (Certifications). These are binding on every award. Laws and policies identified in these Certifications are identified in this document with the statement, “See Certifications.” The Certifications in SAM.gov can be found in Appendix I of the SAM.gov [Entity Registration Checklist](#) and are incorporated by reference herein.

LAWS AND POLICIES

This section outlines various laws and policies that may apply to Department awards (including grantees and subgrantees). It is not intended to be an exhaustive list.

Requirement	Description	Source
Cash Management	Grantees are required to manage Federal grant funds in compliance with the requirements in the Payment Integrity Information Act of 2019 (PIIA), Cash Management Improvement Act of 1990 (CMIA), and as further clarified in Department and governmentwide regulations.	<ul style="list-style-type: none"> • Payment Integrity Information Act of 2019 (PIIA) • Cash Management Improvement Act of 1990 (CMIA)

Requirement	Description	Source
Conflict of Interest	Federal agencies must establish conflict of interest policies for Federal awards and grantees and subgrantees must disclose in writing any potential conflict of interest to the Federal agency or pass-through entity in accordance with established Federal agency policies.	<ul style="list-style-type: none"> • 2 CFR Part 200.112, Conflict of interest • See Certifications
Debt Collection	After providing reasonable notice, Federal agencies or pass-through entities may withhold payments to grantee or subgrantees for financial obligations incurred after a specific date until conditions are corrected or the debt is repaid to the Federal Government.	<ul style="list-style-type: none"> • OMB Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables • See Certifications
Drug-Free Workplace	Related to maintaining a drug-free workplace and notifying the awarding agency if an employee is convicted of violating a criminal drug law. Failure to follow these requirements may be cause for debarment.	<ul style="list-style-type: none"> • Drug-Free Workplace Act (41 USC 8101-8106) • 2 CFR Part 182, Government-Wide Requirements for Drug-Free Workplace (Financial Assistance) • See Certifications
Executive Compensation Reporting	Related to requirements to report certain information on compensation for executives.	<ul style="list-style-type: none"> • Federal Funding Accountability and Transparency Act of 2006 (FFATA) • 2 CFR Part 170, Reporting Subaward and Executive Compensation Information • See Certifications
Environmental Protections – Assess and Mitigate Environmental Impact	The National Environmental Protection Act (NEPA) includes policies to conduct reviews to assess and mitigate environmental impact. Applies to construction or major renovation activities. Does not apply to subcontractors.	<ul style="list-style-type: none"> • National Environmental Policy Act of 1969, as amended (42 USC 4321 <i>et seq</i>) • See Certifications
Fair Housing Practices	Related to protecting people from discrimination in housing under federally funded programs	<ul style="list-style-type: none"> • Title VIII of the Civil Rights Act of 1968 (42 USC 3601 <i>et seq</i>) • See Certifications
Faith-Based Organizations	Related to protections for faith-based organizations to apply and receive Federal funds without discrimination or interference with their mission. Describes limitations on the use of Federal funds.	<ul style="list-style-type: none"> • Religious Freedom Restoration Act of 1993 (42 USC 2000bb <i>et seq</i>) • Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations • Executive Order 13559, Fundamental Principles and Policymaking Criteria for

Requirement	Description	Source
		<ul style="list-style-type: none"> Partnerships with Faith-Based and Other Neighborhood Organizations Executive Order 13831, Establishment of a White House Faith and Opportunity Initiative 28 CFR Part 38, Partnerships with Faith-Based and Other Neighborhood Organizations
Lobbying Disclosures	Related to requirements to disclose lobbying activities.	<ul style="list-style-type: none"> Lobbying Disclosure Act of 1995 (2 USC 1601 <i>et seq.</i>, Disclosure of Lobbying Activity) See Certifications
Procurement – American-Manufactured Goods	Related to required preferences for certain products and materials made in the US. Waivers may be possible.	<ul style="list-style-type: none"> Buy American Act (41 USC 8301 <i>et seq.</i>) Build America, Buy America Act 2 CFR Part 200.322, Domestic preferences for procurements
Procurement – Fly America Act	Related to requirements for travelers to use certified U.S. airlines for award-funded air travel.	<ul style="list-style-type: none"> 49 USC 40118 41 CFR 301-10.131 - 143
Procurement – Prohibition on certain telecommunications and video surveillance services or equipment	Related to restrictions on using Federal funds for telecommunications equipment produced by certain companies.	<ul style="list-style-type: none"> 41 USC 3901 <i>et seq.</i> 2 CFR Part 200.216
Protections Against Discrimination	Related to protecting people from discrimination based on different criteria under Federal grants and programs.	<ul style="list-style-type: none"> Age Discrimination Act of 1975 (42 USC 6101 <i>et seq.</i>) Section 504 of the Rehabilitation Act (29 USC 794) Title VI of the Civil Rights Act (42 USC 2000d) Church Amendments (42 USC 300a-7) Coates-Snowe Amendment (42 USC 238n) Title IX of the Education Amendments of 1972, as amended (20 USC 1681 <i>et seq.</i>) See Certifications
Publications and Acknowledgement of Support	Describes requirement for grantees to publicly disclose when Federal funds from the Department are used in documents such as press releases, requests for proposals, and publications.	<ul style="list-style-type: none"> 34 CFR 75.620(b)

Requirement	Description	Source
Subaward Reporting	Related to requirements to report certain information on subawards.	<ul style="list-style-type: none"> • Federal Funding Accountability and Transparency Act of 2006 (FFATA) • 2 CFR Part 170, Reporting Subaward and Executive Compensation Information • See Certifications
Suspension and Debarment	Regulations restrict issuing Federal awards, subawards, and contracts to certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in Federal awards.	<ul style="list-style-type: none"> • 2 CFR Part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement) • 2 CFR Part 200.214, Suspension and debarment • Executive Orders 12549 and 12689, Debarment and suspension • See Certifications
Trafficking Victims Protection	Related to bans providing funds to organizations involved in human trafficking.	<ul style="list-style-type: none"> • Trafficking Victims Protection Act (TVPA) of 2000, as amended, (22 USC 7104(g)) • 2 CFR Part 175, Award Term for Trafficking in Persons • See Certifications
Violations of Federal Criminal Law and Civil Actions	Related to requirements to disclose certain violations of Federal criminal law.	<ul style="list-style-type: none"> • False Claims Act (31 USC 3729-3733, False claims and 31 USC 3730, Civil actions for false claims) • Program Fraud and Civil Remedies Act (31 USC 3801 et seq) • 2 CFR Part 200.113, Mandatory disclosures • See Certifications
Wage Protections – Copeland Anti-Kickback Act	Related to protections that require requiring contractors to follow construction, alteration, and renovation and weekly compliance statements on the wages paid to each employee in support of Federal awards.	<ul style="list-style-type: none"> • Copeland Anti-Kickback Act (18 USC 874 and 40 USC 3145) • 48 CFR 22.403, Copeland Act
Wage Protections – Davis-Bacon Act	Related to protections that require using contractors that pay prevailing wages and benefits under awards that fund construction, alterations, or repairs.	<ul style="list-style-type: none"> • The Davis-Bacon Act (40 USC 3141 et seq)
Whistleblower Protections	Related to protecting employees from reprisal for disclosing information about violations.	<ul style="list-style-type: none"> • Protection from Reprisal of Disclosure of Certain Information (41 USC 4712) • See Certifications