

Appendix D to Part 37-What Common National Policy Requirements May Apply and Need to Be Included in TIAs?

Whether your TIA is a cooperative agreement or another type of assistance transaction, as discussed in Appendix B to this part, the terms and conditions of the agreement must provide for recipients' compliance with applicable Federal statutes and regulations. This appendix lists some of the more common requirements to aid you in identifying ones that apply to your TIA. The list is not intended to be all-inclusive, however, and you may need to consult legal counsel to verify whether there are others that apply in your situation (e.g., due to a provision in the appropriations act for the specific funds that you are using or due to a statute or rule that applies to a particular program or type of activity).

A. Certifications

Three requirements that apply to all TIAs currently require you to obtain a certification at the time of proposal. They are:

1. Requirements concerning debarment and suspension in a Governmentwide common rule that the DoD has codified at subparts A through E of 32 CFR part 25. They apply to all nonprocurement transactions.
2. Requirements concerning drug-free workplace in a Governmentwide common rule that the DoD has codified at subpart F of 32 CFR part 25. They apply to all financial assistance.
3. Prohibitions concerning lobbying in a Governmentwide common rule that the DoD has codified at 32 CFR part 28. They apply to all financial assistance.

Appendix A to 32 CFR part 22 includes sample provisions that you may use, to have proposers incorporate the certifications by reference into their proposals. That appendix also has information on the sources of the requirements.

B. Assurances that Apply to all TIAs

DoD policy is to use certifications, as described in the preceding paragraphs, only for national policy requirements that specifically require them. The usual approach to communicating other national policy requirements to recipients is to incorporate them as award terms or conditions, or assurances.