

# Legal Aspects of OAH Grants Management

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# Background of the Office of the General Counsel (OGC)

- OGC has more than 400 attorneys nationwide
- Ten OGC Regional offices and Eight Divisions of OGC, as well as the Immediate Office of the General Counsel, located in Washington-Baltimore area
- The Secretary of HHS and agencies to which the Secretary has delegated her authority, including OAH, are the clients of OGC
- OGC attorneys are not authorized to provide legal advice to outside entities, including grantees and contractors

# Grantee Legal Issues

- Grantees that have legal issues related to private matters should contact private counsel
- Grantees that have questions related to whether their activities are within the scope of their grant requirements, or in compliance with an applicable Federal statute or regulation, should contact their OAH Project Officer
- When these questions have legal implications for OAH, OAH will consult with OGC for advice

# Grant Documents

- Grantees are required to comply with grant application Assurances and Certifications, as well as the terms and conditions included in the Notice of Grant Award (NGA)
- Application Assurance # 18 requires that OAH grantees comply with “all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.”
- Application Certification # 1 requires that OAH grantees comply with Federal law and HHS regulations related to lobbying restrictions
- Notice of Grant Award Special Term and Requirement # 4 requires compliance with HHS regulations and Federal law regarding lobbying

# Noncompliance with Grant Documents

- Violations of grant application assurances and certifications, as well as NGA terms and conditions, may result in a corrective action plan
- There are a variety of grant enforcement mechanisms available to OAH and OGM, including imposing special conditions, disallowance of funds, and termination of the award
- There may be other penalties for violation of Federal law or regulations
- Contact your OAH Project Officer or Grants Management Specialist if you have any questions!