

CHAPTER 4-220
AMENDMENTS AND POST-AWARD CHANGES FOR AN AML GRANT

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4-220-00 What does this chapter do?

This chapter explains policy and procedures used by us, the Office of Surface Mining Reclamation and Enforcement (OSMRE), for Abandoned Mine Land (AML) grant amendments. It explains which changes to grants require our prior approval, either in a formal grant amendment or in a letter. This information applies to all your AML grants and cooperative agreements if your state or tribe has not certified that you have completed coal reclamation. If your AML program has certified, see [Chapter 4-300](#) for guidance on amendments.

4-220-10 Where do these requirements come from?

Requirements for changing the terms of a grant come from the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, at [2 CFR 200, subpart D](#).

4-220-20 How can you request changes to a grant?

- A. If your change requires our prior written approval, you must apply for and receive our approval before you make the change or obligate any funds. If you incur any costs before we approve the change, the costs may not be allowed.
- B. We will not approve any request for a change to an agreement (including a time extension, funding increase, or changes in the subaccounts) which we receive after the scheduled end of the performance period. We will only make an exception if there are unforeseen circumstances not under your direct control, and if you justify these extenuating circumstances to the satisfaction of the authorized official in our awarding office.
- C. We should receive requests to extend the performance period of your grant at least 30 days before the date it is scheduled to end. Normally we will approve only one extension of the performance period and we will not extend the time for more than one year. We will only make an exception if you justify the special or unusual circumstances to our satisfaction.

4-220-30 What changes require a formal grant amendment?

We must approve the following changes to your AML grant in a formal amendment document:

- A. Extend the performance period.
- B. Add more funds to the grant.
- C. Deobligate unneeded funds.
- D. Add a new subaccount to the grant.
- E. Transfer funds from one subaccount to another.

4-220-40 What is the process for a grant amendment?

- A. Either you or we may initiate a grant amendment. However, we must both agree on the amendment terms.
- B. You should make multiple changes by a single amendment whenever possible.
- C. You must submit an amendment application using by e-mail or by regular mail. The amendment application must include the following.
 - 1. Signed or approved Form [SF 424](#), identifying the type of change you are requesting in item 8.
 - 2. A narrative explanation and justification for the requested change. You may use the optional [OSMRE 51](#) form, or your transmittal letter or any other format.
 - 3. If your request will change the budget or the subaccounts, provide revised budget information. You may use the optional [OSMRE 49](#) form or any alternative format showing the proposed subaccounts and amounts.
- D. We will process AML amendments, except emergency funding, using the same steps as new grants that are outlined in [Chapter 4-210](#). However, we will approve or disapprove your complete amendment request within 30 days of receiving it. We will only notify the Office of Communications for Congressional and public announcement if the amendment increases the grant funding by more than \$100,000.
- E. We will process amendments for additional emergency funding as quickly as possible using accelerated review and approval procedures. We recognize that it is important not to delay abatement of an emergency hazard.

- F. The amendment takes effect when the authorized official in our awarding office approves it in our electronic grant system. The amendment applies to the entire grant performance period unless otherwise stated. The approved amendment becomes part of the original agreement.
- G. Amendments closing out the administrative subaccount of your AML grant also require submittal of all required closeout reports, including financial and performance reports and property inventories. See [Chapter 4-230](#) for information on financial and performance reports, and [Chapter 4-240](#) for information on closing out an AML subaccount.
- H. We will notify you when we have approved the amendment action and we will send you the appropriate documentation.

4-220-50 What changes must we approve in a letter?

You are required you to get our prior written approval for some changes which do not require formal grant amendments. You must request these changes, and we will approve them, in writing with a letter or e-mail. The following changes require our written approval.

- A. OMB Cost principles found in [2 CFR Part 200 Subpart E](#), state that some cost items are allowable only if you have our prior approval.
- B. Significant changes in the scope of your program may require our written approval. For example, subgranting major activities of your program to another entity would require our approval. However, changes such as reorganizations or new administrative systems would not require our approval.

4-220-60 How do you make all other changes?

- A. You may make all other changes without our approval. However, you must notify us in writing of the change.
- B. You do not need our approval for changes to a specific AML construction project which fits the broad scope or objectives of an AML project costs subaccount unless you need additional funding for the subaccount. However, you may need to revise and resubmit the environmental compliance (NEPA) and Authorization to Proceed (ATP) documents for the project. See [Chapter 4-170](#) for the ATP process and OSMRE REG-1, *Handbook on Procedures for Implementing the National Environmental Policy Act (NEPA Handbook)* (Revised 2019) for more information on the NEPA process.