



United States
Department of
Agriculture

National Institute
of Food and
Agriculture

**National Institute of Food and Agriculture (NIFA) Federal Assistance
Policy Guide:
Appendix I: Public Policy Requirements
pp. 176-191**

NIFA Office of Grants and Financial Management

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The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

APPENDIX I – PUBLIC POLICY REQUIREMENTS ALL AWARDS

The below are significant public policy requirements attached to NIFA awards. This list is not all inclusive and additional requirements may be included in the award terms and conditions.

Policy Area	Requirement Summary	Required by:
Acknowledgement of Federal Funding	NIFA grantees must acknowledge Federal support when issuing statements, press releases, RFPs, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal money. Grantees must include the statement required by NIFA, as required by the NIFA terms and conditions.	2 CFR 415.2

Policy Area	Requirement Summary	Required by:
Animal Welfare	<p>If animals are involved in the grant, an Institutional Animal Care and Use Committee (IACUC) appointed by the Chief Executive Officer or designee, is Federally-mandated to oversee the institution's animal program, facilities, and procedures (9 CFR 2.31). Grantees must have an approved Animal Welfare Assurance be on file with the Office of Laboratory Animal Welfare (OLAW) at the National Institutes of Health NIH at the time of award for all grantee organizations receiving Federal support for research or related activities using live vertebrate animals. If an institution does not have an approved Animal Welfare Assurance on file with OLAW, it must contact NIFA to discuss alternatives. At USDA, the Animal and Plant Health Inspection Service (APHIS) will oversee the organization and operation of IACUCs (9 CFR 321). Additional requirements applicable to lab animals must also be followed.</p>	7 U.S.C. 2131, <i>et seq.</i> ; 9 CFR parts 1-4;
Architectural Barriers (Construction Only Requirement)	<p>Facilities must be accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with NIFA grant support must comply with these requirements.</p>	<p>The Architectural Barriers Act of 1968, 42 U.S.C. 4151 <i>et seq.</i>, as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR 1191, Appendices C and D)</p>

Civil Rights Protections	All funded activities must be conducted in compliance with the Civil Rights Act of 1964, Title VI, and the associated regulations. Exclusion on the basis of race, color, or national origin, is not permitted.	Title VI of the Civil Rights Act of 1964; 7 CFR part 15.
Clean Air Act and Clean Water	As applicable, NIFA award recipients are required to assure and certify compliance with the Clean Air Act of 1970 and the relevant State Implementation Plan.	42 U.S.C. 7401 <i>et seq.</i> ; 33 U.S.C. 1251 <i>et seq.</i> ; Executive Order 11738
Conflict of Interest	Participants in NIFA-funded research should avoid any action which might give the appearance of using one's position for private gain, using public funds to lobby for or against legislation or appropriations, giving preferential treatment to any individual or group, impeding governmental efficiency or economy, making a decision outside of official channels, effecting adversely the confidences of the public and the integrity of NIFA research.	18 U.S.C. 1913

Policy Area	Requirement Summary	Required by:
Confidentiality	Research institutions must foster an atmosphere conducive to research integrity. To the extent possible, knowledge about the identity of subjects and informants should be limited to those who need to know..	4 CFR 422.2
Digital Accountability and Transparency Act of 2014 (DATA Act)	The Digital Accountability and Transparency Act of 2014, also called the DATA Act, expands on Federal awards reporting reforms that began with the Federal Funding Accountability and Transparency Act of 2006 The DATA Act requires that this data be channeled to a central, public database so that it can be easily accessed and tracked throughout an award's full lifespan – from a vote in Congress to its final disbursement	P.L. 113-101
Debarment and Suspension; Nonprocurement debarment and suspension	NIFA will not enter into grants or agreements with suspended or debarred parties.	2 CFR Part 180 and Part 417
Discrimination on the Basis of Sex	NIFA grantees cannot exclude any person in the United States from participation in, or receipt of the benefits of, any educational program or activity receiving NIFA funds on the basis of sex.	20 U.S.C. 1681 <i>et seq.</i> ; 7 CFR 15a
Discrimination on the Basis of Age	Grantees cannot unreasonably discriminate on the basis of age in any program or activity receiving Federal financial assistance.	Age Discrimination Act of 1975; 7 CFR 15c
Discrimination Based on Handicap	Grantees cannot discriminate against an otherwise qualified handicapped individual under any program or activity receiving Federal financial assistance. NIFA award recipients are required to assure and certify compliance with Section 504 of the Rehabilitation Act of 1973.	Section 504 of the Rehabilitation Act of 1973; 7 CFR 15b

Policy Area	Requirement Summary	Required by:
Discrimination on the Basis of National Origin	The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, or national origin. Discrimination on the basis of one’s ability to read, speak, understand, or write in English is considered discrimination on the basis of national origin.	Civil Rights Act of 1964, Title VI; Executive Order 13166; 7 CFR 15d
Drug-Free Workplace	Organizations receiving NIFA grants must make a good faith effort to maintain a drug-free workplace	Drug-Free Workplace Act of 1988 (41 U.S.C. 8102 <i>et seq.</i>); 2 CFR 182; 2 CFR Part 421
Promoting Free Speech and Religious Liberty	USDA ensures that state and local recipients of USDA financial assistance do not discriminate against applicants for sub-grants on the basis of their religious character.	Executive Order 13798; 7 CFR Part 16.3
Environmental Justice	In working towards achieving environmental justice, all Federal agencies are required to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of programs, policies and activities on minority populations and low-income populations (hereinafter “environmental justice communities”). At USDA and NIFA, environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to participate in decision-making, share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment (USDA Departmental Regulation, 5600-002 (Dec. 15, 1997). In seeking to achieve environmental justice, NIFA will work to meet the needs of underserved communities by reducing the disparate environmental burdens, removing barriers to participation in decision-making, and	USDA Departmental Regulation 5600-002 (December 15, 1997); USDA Environmental Justice Strategic Plan: 2016-2020, available at 8162572_USDA_EJ_Strategy_Final.pdf

Policy Area	Requirement Summary	Required by:
	<p>increasing access to environmental benefits that help to make all communities safe, vibrant and healthy places to live and work. All agencies must work toward environmental justice, as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Feb. 11, 1994), as amended by Executive Order 12948 – Amendment to Executive Order 12898 (Jan. 30, 1995).</p>	
FFATA Reporting	<p>The Federal Funding Accountability and Transparency Act of 2006 (FFATA) is intended to increase the transparency of, and accountability for, the over \$1 trillion that Federal agencies award each year in contracts, loans, grants, and other awards.</p>	2 CFR Part 170; 2 CFR 200
Federal Information Security Management Act of 2014	<p>The Federal Information Security Management Act codified the Federal government’s responsibility to protect against threats to information and information systems.</p>	44 U.S.C. 3551 <i>et seq.</i>
Flood Insurance (Construction only requirement)	<p>No Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification</p>	National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 <i>et seq.</i> ;

Policy Area	Requirement Summary	Required by:
Fly America	Federally funded foreign air travel may only be conducted on U.S. flag air carriers. A “U.S. flag air carrier” is an air carrier that holds a certificate under 49 U.S.C. 41102 but does not include foreign air carriers operating under a permit.	49 U.S.C. 40118
IACUC Approval, Verification of	Verification of IACUC approval is needed for all research involving live vertebrate animals.	9 CFR 2.31
Industrial Hemp	If a grantee grows, cultivates, or markets industrial hemp under the project, the organization will comply with all terms and conditions set by the applicant’s state agency regarding industrial hemp growth, cultivation, and marketing. For this purpose, the term “industrial hemp” includes the plant <i>Cannabis sativa L.</i> and any part or derivative of such plant, including seeds of such plant, whether growing or not, that is used exclusively for industrial purposes (fiber and seed) with a tetrahydrocannabinols concentration of not more than 0.3 percent on a dry weight basis. The term “tetrahydrocannabinols” includes all isomers, acids, salts, and salts of isomers of tetrahydrocannabinols. If industrial hemp activities are conducted under the award, NIFA, in accordance with 2 CFR 200.337, has the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to verify compliance with the terms and conditions set by the applicant’s state agency. Visit the NIFA website for further information .	Section 7606 of the Agricultural Act of 2014; Federal Register Notice: August 12, 2016; 81 FR 53395; NIFA State of Principles: https://nifa.usda.gov/industrial-hemp

Policy Area	Requirement Summary	Required by:
Genetically Engineered Plants	NIFA grant recipients involved in the use of genetically engineered plant pests must comply with the APHIS regulations and obtain all necessary permits.	7 CFR 340 <i>et seq.</i> ; 7 U.S.C. 8301 <i>et seq.</i> ; 7 U.S.C. 7701 <i>et seq.</i>
Genetic Resources from Outside the United States	If genetic resources from outside the United States will be used, seek information regarding any required prior informed consent from and benefit-sharing with the appropriate host country authorities. Researchers must also obtain permits and follow APHIS importation regulations . Contact the ARS Plant Exchange Office , or the National Animal Germplasm Program , as appropriate for further guidance on archiving the collections.	
Health and Safety Regulations and Guidelines	Grantees are responsible for meeting applicable Federal, state, and local health and safety standards and for establishing and implementing necessary measures to minimize their employees' risk of injury or illness in activities related to NIFA grants.	2 CFR 200
Historic Preservation	NIFA award recipients must consult with the relevant State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that would potentially be subject to adverse effects based on the proposed activities. If any such properties are involved in NIFA-funded activities, recipients must notify NIFA.	The National Historic Preservation Act, 54 U.S.C. § 300101 <i>et seq.</i> ; and Preservation of Historical and Archeological Data, 54 U.S.C. 312501

Policy Area	Requirement Summary	Required by:
Human Research Protections	Grantees must protect the rights and welfare of any human subject involved in NIFA sponsored research and related activities. An Institutional Review Board must review all research proposals involving human subjects.	7 CFR Part 1c
Laboratory Security	NIFA encourages all awardees to adopt appropriate laboratory security policies and procedures for facilities that work with any level of biological or chemical materials.	USDA Departmental Manual 9610-1, " USDA Security Policies and Procedures for Biosafety Level-3 Facilities "; USDA Departmental Manual 9610-2, " USDA Security Policies and Procedures for Laboratories and Technical Facilities (Excluding Biosafety Level (BSL)-3 Facilities) ."
Life Sciences Dual Use Research of Concern (DURC)	For all NIFA-funded research that potentially falls within the scope of the U.S. Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern , as published in September 2014, grantees are responsible for monitoring the research progress and for implementation of all appropriate biosafety and biosecurity risk mitigation measures including compliance with all applicable laws and regulations related to that implementation, including the policy specified above (See Frequently Asked Questions , case studies , and other educational materials on DURC).	

Policy Area	Requirement Summary	Required by:
Lobbying Prohibition and Restrictions	Federal funds cannot be used for lobbying or paying any person to influence or attempt to influence any officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress with respect to an award, continuation, renewal, amendment, or modification of a grant, cooperative agreement, contract, or loan.	2 CFR Part 418, 2 CFR 200
Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education	Institutions receiving Federal funds cannot maintain an anti-Reserve Officer Training Corps policy or practice.	32 CFR 216.3(a)

Policy Area	Requirement Summary	Required by:
National Environmental Protection Act	NIFA must determine if grantees, as a result of their proposed activities, will be required to submit an Environmental Assessment or Environmental Impact Statement or whether the proposed activity will be exempt from environmental review under NEPA.	7 CFR Part 1b; 7 CFR 3407.1; 7 CFR 3407.5(a)-(c)
Non-Delinquency on a Federal Debt	An organization or individual indebted to the United States with a judgment lien filed against them, is not eligible to receive a Federal grant	28 U.S.C. 3201(e)
Prohibition Against Certain Internal Confidentiality Agreements	<p>Recipients may not require their employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.</p> <ol style="list-style-type: none"> 1. Recipients must notify their employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provision are no longer in effect. 2. The prohibition in paragraph (a) of this award provision does not contravenerequirements applicable to any other form issued by a Federal 	Sections 743 of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-93) and successor provisions; https://nifa.usda.gov/prohibition-confidentiality-agreements

Policy Area	Requirement Summary	Required by:
	<p>department or agency governing the nondisclosure of classified information.</p> <p>3. If NIFA determines that a recipient is not in compliance with this award provision, NIFA:</p> <p>a) Will prohibit the recipient's use of funds under the award, in accordance with sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law;</p> <p>b) May pursue other remedies available for material failure to comply with award terms and conditions.</p>	
Public Health Security and Bioterrorism Preparedness and Response Act	Domestic grantees conducting research involving select agents or toxins must maintain a registration with CDC or USDA, depending on the agent, before using NIFA funds.	42 CFR part 73, 9 CFR part 121 and 7 CFR part 331
Resource Conservation and Recovery Act	State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal awards or other Federal funds must give preference in their Federally-funded procurement programs to the purchase of recycled products pursuant to the EPA guidelines.	42 U.S.C. 6901 <i>et seq.</i> ; 40 CFR 247.2
Responsible and Ethical Conduct of Research	Institutions conducting extramural research funded by USDA must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct and maintain and effectively communicate and train their staff regarding policies and procedures.	Sections 2, 3, and 8 of 2 CFR Part 422

Policy Area	Requirement Summary	Required by:
Research Misconduct	All institutions receiving funding from NIFA must have policies and procedures in place to respond to any allegations of research misconduct.	2 CFR Part 422
Safe Drinking Water Act	Underground sources of drinking water that have an aquifer, which is the sole source of drinking water, are protected under 42 U.S.C. 300f et seq. (Chapter 6a of the Public Health Service Act). NIFA will not enter into a grant to support a project that will contaminate such an aquifer, as determined by the EPA Administrator.	42 U.S.C. 300f <i>et seq.</i> (Chapter 6a of the Public Health Service Act)
Standards of Conduct	NIFA requires grantees to establish policies and procedures that prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.	2 CFR 200
Tax Liability and Felony Convictions (Corporations only): Prohibition Against Grants to Individuals with Federal Tax Liability	NIFA cannot enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation with unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting tax liability, or to any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation	Sections 744 and 755 of the Further Consolidated Appropriations Act, 2020 (Pub. L. 116-93) and successor provisions.

	and has made a determination that this further action is not necessary to protect the interests of the Government.	
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Policy Area	Requirement Summary	Required by:
Text Messaging while Driving	Federal agencies are required to encourage contractors, subcontractors, and grant and cooperative agreement recipients and sub-recipients to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles or Government owned vehicles, or while driving personally owned vehicles when on official government business or when performing any work for or on behalf of the Government.	Executive Order 13513
Trafficking in Persons	Federal agencies must include a condition in all grants and cooperative agreements authorizing termination of the award if the recipient or subrecipient engages in certain activities related to human trafficking.	22 U.S.C. 7104; 2 CFR 175
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards	General Program Administrative Regulations; General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments	2 CFR 200, 2 CFR Part 400, 2 CFR Part 415, 2 CFR Part 416
Universal Identifier and System of Award Management	2 CFR 25 requires NIFA to ensure that the notice of funding opportunity, regulation, or other issuance requires each entity that applies and does not have an exemption under §25.110 to:	2 CFR Part 25

Policy Area	Requirement Summary	Required by:
	<ul style="list-style-type: none"> • Be registered in the SAM prior to submitting an application or plan; • Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency; and <p>Provide its unique entity identifier in each application or plan it submits to the agency.</p>	
USA PATRIOT Act	The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) amends 18 U.S.C. 175-175c and provides criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.	18 U.S.C. 175-175c