

National Institute of Food and Agriculture

CAPACITY AWARD TERMS AND CONDITIONS

April 26, 2023

*Corrected September 2023*

Agency Home Page: <https://www.nifa.usda.gov/>

Capacity Programs Home Page: <https://nifa.usda.gov/program/capacity-grants>

## TABLE OF CONTENTS

|         |   |    |
|---------|---|----|
| I.      | Applicability, About the Document, Roles and Responsibilities, Definitions, and Contacts ...                                      | 5  |
| I.100   | Applicability .....   | 5  |
| I.200   | About the Document .....  | 6  |
| I.300   | Order of Precedence .....   | 6  |
| I.400   | Roles and Responsibilities.....   | 6  |
| I.500   | Definitions .....   | 8  |
| I.600   | Contact Information .....   | 9  |
| II.     | Applicable Regulations and National Policy Requirements.....  | 10 |
| II.100  | Table of General Regulations and Statutes .....   | 10 |
| II.200  | Responsible and Ethical Conduct of Research.....  | 13 |
| II.300  | Prohibition Against Certain Internal Confidentiality Agreements .....   | 13 |
| II.400  | Fraud, Waste, and Abuse .....   | 14 |
| II.500  | Industrial Hemp .....   | 15 |
| II.600  | Life Sciences Dual Use Research of Concern (DURC).....  | 16 |
| II.700  | Buy American Act.....   | 16 |
|         | Waivers.....  | 17 |
|         | Definitions .....   | 18 |
| II.800  | Prohibition on certain telecommunications and video surveillance services or equipment.....                                       | 19 |
| II.900  | Other federal laws, regulations, Executive Orders, and other applicable requirements are hereby incorporated into this award..... | 19 |
| III.    | Allowable and Unallowable Costs and Actions .....   | 19 |
| III.100 | Highlighted Allowable and Unallowable Actions and Direct Charges.....   | 19 |
|         | Salaries of Administrative and Clerical Staff .....   | 20 |
|         | Social Security (Old Age Survivors Insurance), and other Faculty and Staff Benefits .....   | 20 |
|         | Employer Contributions to Retirement Systems .....  | 20 |
| III.200 | Pre-award and Extension of Period of Performance .....  | 21 |

|   |    |
|---|----|
| Indirect Costs and Tuition Remission .....  | 21 |
| Cost-Sharing or Matching .....  | 21 |
| Personal Injuries .....   | 22 |
| Lobbying .....  | 22 |
| Meals .....   | 22 |
| Program Income .....  | 23 |
| III.300 Highlighted Allowable and Unallowable Actions and Direct Charges for Specific<br>Capacity Grant Programs..... | 23 |
| Extension Programs for 1890 Institutions (Section 1444 of NARETPA; 7 U.S.C. 3221) .....                               | 23 |
| Renewable Resources (RREA) (Pub. L. 95-306, 92 Stat. 349, 16 U.S.C. 1671 et seq.).....                                | 24 |
| Smith-Lever Section 3(b) and (c) (7 U.S.C. 343(b) and (c)) .....  | 24 |
| Smith-Lever Special Needs (Sections 3(b)(1) and 8 of the Smith-Lever Act; 7 U.S.C. 343 and<br>347a).....              | 25 |
| Expanded Food and Nutrition Education Program (EFNEP) (Section 1425 of NARETPA; 7<br>U.S.C. 3175) .....               | 26 |
| Animal Health (AHDR) (Section 1433(a) of NARETPA; 7 U.S.C. 3195(a)) .....   | 26 |
| Evans-Allen (Section 1445 of NARETPA; 7 U.S.C. 3222) .....  | 27 |
| Hatch Act-Regular and Multistate (7 U.S.C. 361a-361i) .....   | 27 |
| McIntire-Stennis (M-S) (76 Stat. 806, 16 U.S.C. 582a, et seq.) .....  | 28 |
| III.400 Acknowledgment of USDA NIFA Support and Disclaimer .....  | 28 |
| IV. Prior Approval Requirements .....   | 29 |
| IV.100 Program or Budget-Related Reasons.....   | 29 |
| IV.200 Items and Situations .....   | 30 |
| IV.300 Extension to Submit a Final Federal Financial Report, Form SF-425 .....  | 33 |
| Request Submitted PRIOR to the End of the 120-Day Period Following the Award Expiration<br>Date .....                 | 33 |
| Request Submitted FOLLOWING the End of the 120-Day Period Following the Award<br>Expiration Date .....                | 33 |
| IV.400 NIFA Approval Granted for Inclusion of Certain Costs .....   | 34 |

|  |    |
|--|----|
| 2 CFR 200.333 Fixed Amount Subawards.....  | 34 |
| 2 CFR 200.413 Direct Costs .....   | 34 |
| 2 CFR 200.447 Insurance and Indemnification.....   | 34 |
| V. Other Requirements (Not Specified Elsewhere).....   | 34 |
| V.100 Expiring Appropriations .....  | 34 |
| VI. Technical Reporting Responsibilities and Guidance .....  | 35 |
| VI.100 Capacity Grant Reporting in NRS .....   | 35 |
| Initial Documentation in NIFA Reporting System.....  | 36 |
| Annual and Final Results Reporting .....   | 36 |
| Final Results.....   | 37 |
| Use of Reported Information .....  | 37 |
| VI.200 Other Reporting Requirements .....  | 38 |
| EFNEP-Specific Reporting Requirements .....  | 38 |
| Patents and Inventions including Plant Variety Protection.....   | 39 |
| Invention Disclosure and Related Information Requirements .....  | 39 |
| Invention Reporting - Electronic Submission Via Interagency Edison Web Interface.....                          | 40 |
| Title Election and Patent or PVP Submission .....  | 42 |
| Release of Animal or Plant Genome Sequence Data and Distribution of Animal or Plant<br>Genomic Resources ..... | 42 |
| Release or Distribution of Animal Quantitative Trait Loci (QTL) .....  | 45 |
| Release or Distribution of Plant Germplasm.....  | 45 |
| Release or Distribution of Animal Germplasm.....   | 46 |
| Dissemination of Project Results .....   | 46 |
| VII. Financial Reporting .....   | 46 |
| VII.100 Federal Financial Report (SF-425) for Awards.....  | 46 |
| VII.200 Financial Report for Research and Extension Activities .....   | 48 |
| VIII. Plan of Work Requirement.....  | 48 |

# I. Applicability, About the Document, Roles and Responsibilities, Definitions, and Contacts

## I.100 Applicability

These terms and conditions apply to the capacity grant programs administered by the National Institute of Food and Agriculture (NIFA). Capacity funds are non-competitively awarded as:

- I. research funds provided to
  - a. 1862 Land-Grant Institutions and agricultural experiment stations under the Hatch Act of 1887 (7 U.S.C. 361a, et seq.);
  - b. 1862 Land-Grant Institutions, 1890 Land-Grant Institutions, 1994 schools with baccalaureate or associate degrees in forestry, and forestry schools under the McIntire-Stennis Cooperative Forestry Act (16 U.S.C. 582a, et seq.);
  - c. 1890 Land-Grant Institutions under sections 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (NARETPA) (7 U.S.C. 3222); and
  - d. Animal health and disease research funds provided to veterinary schools and agricultural experiment stations under section 1433(a) of NAREPTA (7 U.S.C. 3195(a)); and
- II. extension funds provided to
  - a. 1862 Land-Grant Institutions under sections 3(b) and 3(c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of the District of Columbia Public Postsecondary Education Reorganization Act, Public Law 93-471;
  - b. colleges and universities as defined in 16 U.S.C. 1672(b) under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671, et seq.);
  - c. 1890 Land-Grant Institutions under sections 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA) (7 U.S.C. 3221); and
  - d. expanded food and nutrition education program funds under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) and section 1425 of NAREPTA (7 U.S.C. 3175) to

the 1862 Land-Grant Institutions and the 1890 Land-Grant Institutions.

## I.200 About the Document

The document incorporates the

- I. The entire Uniform Guidance (UG), [2 CFR part 200](#) by reference.
- II. [NIFA Federal Assistance Policy Guide](#) (sections identified as applicable to all awards and capacity awards).

## I.300 Order of Precedence

In the event of inconsistencies between provisions of the award, the inconsistency will be resolved by giving precedence in the following order:

- I. Applicable laws and statutes of the United States, including any specific legislative provisions mandated in the statutory authority for the award
- II. Code of Federal Regulations (CFR)
- III. NIFA Capacity Award terms and conditions for grants and cooperative agreements
- IV. Agency policy
- V. Application documents

## I.400 Roles and Responsibilities

In addition to the roles and responsibilities in Part I. E. of the Policy Guide (e.g., Authorized Representative), the following apply as appropriate.

- I. Cooperative Extension Directors/Research Directors/Deans and Directors
  - a. Serves as the Chief Administrative Officer
  - b. Authorized to receive capacity funds
  - c. Responsible to the head of the institution/governing body within the State
  - d. Determines research to be conducted by institution/station using capacity funds

(subject to NIFA approval) and, if appropriate, matching State funds

- e. Ensures compliance with the rules and regulations applicable to the NIFA capacity program
- f. Must sign (or the designee) document presented to the Legal Custodian for payment using capacity funds
- g. Approves SF-425, Federal Financial Report (FFR), prior to submission to NIFA

II. Administrative-Technical Representative

- a. Within administrative framework that prevails at the institution, determines research to be conducted by institution/station using capacity funds (subject to NIFA approval) and, if appropriate, matching State funds
- b. Must sign (or the designee) document presented to the Custodian of funds for payment using capacity funds
- c. Approves SF-425, Federal Financial Report (FFR), prior to submission to NIFA
- d. Ensures compliance with the rules and regulations applicable to the NIFA capacity program

III. Custodian of Funds (Legal Custodian)

- a. Appointed by the governing board of the institution
- b. Receives and accounts for capacity funds allocated to the institution
- c. Reports receipts and disbursements to SF-425, Federal Financial Report (FFR)
- d. Under 2 CFR 200.303, internal controls and separation of duties are required elements in administration of grant awards. The legal custodian must be a different individual than the person who authorizes and/or approves expenditures.

IV. 1890 Extension Administrator/1890 Agricultural Research Director

- a. Responsible for:
  - i. extension or research activities
  - ii. funds at the 1890 land-grant college or institution; and
  - iii. compliance with the applicable rules and regulation.

- b. Assumes obligations imposed by NIFA capacity award.
  - c. Should be a direct report to the institution's governing board (President, Provost, etc.).
  - d. Authorizes distribution and expenditure of award funds.
  - e. Ensures expenditures are consistent with the approved plan of work.
  - f. Designated by the governing body of the institution to serve as the Authorized Representative.
- V. EFNEP Coordinator
- a. Provides leadership and oversight for that institution's EFNEP program.
  - b. Responsibilities include hiring, training, monitoring, and developing staff; ensuring adherence to EFNEP program policies; responding to messages/requests from NIFA; completing reporting requirements; providing oversight over data management; and keeping the institution's administration and stakeholders informed about the program and its impacts.
  - c. Provides overall direction of programming and work with other state/territory, regional, and/or local personnel to provide training, supervision, and evaluation of paraprofessional staff.

## I.500 Definitions

Applicable definitions are included in [Subpart A of 2 CFR part 200](#) and the [NIFA Federal Assistance Policy Guide](#). The definition of *Authorized Departmental Officer* or *ADO* is included in Appendix II of the NIFA Policy Guide. The following are additional definitions:

- I. Funding Period - The funding period is the fiscal year the funds are made available for obligation (i.e., the fiscal year the funds are made available via the appropriation and an award is issued).
- II. Period of Performance (defined in 2 CFR 200.1) – Additionally, the period of performance is cited in the award instrument (see Block 3. of the Notice of Award). The period of performance will span over two or five years as applicable to the given program.



- III. Carryover of Funds - The carryover of funds from the initial funding period to a subsequent year within the period of performance is addressed, where appropriate, in Section III, Allowable and Unallowable Costs of Action.

For a further understanding of the above terms, see illustration below for a 2-year award.

Period of Performance

|                |                    |
|----------------|--------------------|
| Year 1         | Year 2             |
| Funding Period |                    |
| →              | Carryover of Funds |

**I.600 Contact Information**

The contact information for the ADO is as follows:

**ATTENTION:** Capacity Awards Management

**U.S. Postal Mailing Address:**

National Institute of Food and Agriculture  
 U.S. Department of Agriculture  
 P.O. Box 419205, MS 10000  
 Kansas City, MO 64141-6205

**Courier/Package Delivery Address:**

National Institute of Food and Agriculture  
 U.S. Department of Agriculture  
 2312 East Bannister Road, MS 10000  
 Kansas City, MO 64141-3061

Equipment Prior Approval: [CapacityEquipment@usda.gov](mailto:CapacityEquipment@usda.gov) or [1890@usda.gov](tel:1890)

Policy Questions Email: [CapacityGrantQuestions@usda.gov](mailto:CapacityGrantQuestions@usda.gov) or [1890@usda.gov](tel:1890)

Other contacts are as follows:

For questions relating to NIFA Reporting System (NRS) including Plan of Work, Annual Report of Accomplishments, and Results, contact the Planning, Accountability, and Reporting Staff; email [nrs@usda.gov](mailto:nrs@usda.gov).

For questions relating to payments, please contact the Financial Management Division (FMD) staff, located within the Office of Grants and Financial Management (OGFM) email [ASAPCustomerService@usda.gov](mailto:ASAPCustomerService@usda.gov).

## II. Applicable Regulations and National Policy Requirements

As a condition of this grant award, you agree to comply with the applicable statutory and national policy requirements, including those specified in [2 CFR 200.300](#) and [Appendix II of 2 CFR 200](#), which hereby are incorporated in this grant award by reference, and such other provisions, including Executive Orders and Public Laws, as applicable. The full text of Code of Federal Regulations (CFR) references may be found at: [eCFR — Code of Federal Regulations](#). Also see <http://nifa.usda.gov/regulations-and-guidelines>. Should a national requirement be missing, you are nevertheless responsible for compliance with the applicable national policy requirements.

### II.100 Table of General Regulations and Statutes

| Regulation/Statute               | Title   |
|----------------------------------|---|
| <a href="#">2 CFR Part 25</a>    | Universal Identifier and System for Award Management  |
| <a href="#">2 CFR Part 170</a>   | Reporting Subaward and Executive Compensation Information                                       |
| <a href="#">2 CFR Part 175</a>   | Award Term for Trafficking in Persons   |
| <a href="#">2 CFR Part 180</a>   | OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)          |
| <a href="#">2 CFR Part 182</a>   | Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)                      |
| <a href="#">2 CFR Part 183</a>   | Never Contract with the Enemy   |
| <a href="#">2 CFR Part 200</a>   | Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards |
| <a href="#">2 CFR Part 400</a>   | Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards |
| <a href="#">2 CFR Part 400.2</a> | Conflict of Interest  |
| <a href="#">2 CFR Part 415</a>   | General Program Administrative Regulations  |

|   |   |
|---|---|
| <a href="#">2 CFR Part 416</a>                                  | General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments   |
| <a href="#">2 CFR Part 418</a>                                  | New Restrictions on Lobbying  |
| <a href="#">2 CFR Part 421</a>                                  | Requirements for Drug-Free Workplace (Financial Assistance)   |
| <a href="#">2 CFR Part 422</a>                                  | <p>Research Institutions Conducting USDA Funded Extramural Research; Research Misconducts</p> <p>All research awards issued by NIFA are subject to 2 CFR 422; USDA’s implementation of the Federal Policy on Research Misconduct published at 65 FR 76260. In accordance with sections 2, 3, and 8 of 2 CFR Part 422, institutions that conduct extramural research funded by USDA must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct and are to maintain and effectively communicate and train their staff regarding policies and procedures. The AOR assures, through acceptance of the award that the institution will comply with the above requirements. Grant recipients must, upon request, make available to NIFA the policies and procedures as well as documentation to support the conduct of the training.</p> <p>To report allegations of research misconduct, see <a href="https://nifa.usda.gov/research-misconduct">https://nifa.usda.gov/research-misconduct</a></p> |
| <a href="#">7 CFR Part 1, Subpart A</a>                         | Official Records  |
| <a href="#">7 CFR Part 1b</a>                                   | National Environmental Policy Act   |
| <a href="#">7 CFR Part 3</a>                                    | Debt Management   |
| <a href="#">7 CFR Part 15, Subpart A</a>                        | Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture – Effectuation of Title VI of the Civil Rights Act of 1964  |
| <a href="#">7 CFR Part 3100</a>                                 | Cultural and Environmental Quality  |
| <a href="#">7 CFR Part 3430</a>                                 | Competitive and Noncompetitive Non-Formula Federal Assistance Programs – General Award Administrative Provisions  |
| <a href="#">8 U.S.C. 1324a</a>                                  | Unlawful employment of aliens   |
| <a href="#">29 U.S.C. 794</a>                                   | Nondiscrimination under Federal grants and programs   |
| <a href="#">41 U.S.C. 6306 (formerly cited as 41 U.S.C. 22)</a> | Interest of Member of Congress  |
| <a href="#">41 U.S.C. 4712</a>                                  | Enhancement of contractor protection from reprisal for disclosure of  |

|  |   |
|--|---|
|  | certain information   |
| <a href="#">45 CFR 75.521, Appendix IX to Part 75</a>  | Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals   |
| <a href="#">48 CFR Subpart 31.2</a>                    | Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of 2 CFR part 200   |
| <a href="#">Executive Order 13513</a>                  | Federal Leadership on Reducing Text Messaging While Driving”  |
| <a href="#">Executive Order 13798; 7 CFR Part 16.3</a> | Promoting Free Speech and Religious Liberty   |
| <a href="#">2 CFR 200.216</a>                          | Prohibition on certain telecommunications and video surveillance services or equipment  |
| <a href="#">2 CFR 200.340</a>                          | Termination   |
| <a href="#">P. L. 109-282</a>                          | Federal Financial Accountability and Transparency Act of 2006   |
| <a href="#">P. L. 113-101</a>                          | <a href="#">Digital Accountability and Transparency Act of 2014</a>   |
| Genetic Resources from Outside of U.S.                 | <p>If this project will use plant or animal genetic resources from outside the United States, the PD is advised to seek information regarding any prior informed consent and any terms and conditions regarding access and benefit-sharing required by the appropriate host country authorities. For further information, see the Access and Benefit-Sharing Clearing-House (<a href="https://absch.cbd.int/">https://absch.cbd.int/</a>) and the International Treaty on Plant Genetic Resources for Food and Agriculture (<a href="http://www.fao.org/plant-treaty/countries/en/">http://www.fao.org/plant-treaty/countries/en/</a>) websites. Researchers also should check for information directly from countries where they intend to obtain genetic resources. Researchers must also obtain permits and follow USDA/APHIS importation regulations (<a href="http://www.aphis.usda.gov/import_export/index.shtml">http://www.aphis.usda.gov/import_export/index.shtml</a>). Contact the Plant Exchange Office, USDA/ARS, (<a href="https://www.ars.usda.gov/research/project/?accnNo=434391">https://www.ars.usda.gov/research/project/?accnNo=434391</a>) or the USDA/ARS National Animal Germplasm Program (<a href="https://www.ars.usda.gov/research/project/?accnNo=433404">https://www.ars.usda.gov/research/project/?accnNo=433404</a>), as appropriate, for further guidance on archiving the collections in the USDA/ARS’s gene banks.</p> |

|  |  |
|--|--|
| <a href="#">USDA</a><br><a href="#">Departmental</a><br><a href="#">Regulation DR</a><br><a href="#">1020-006</a>                | Public Access to Scholarly Publications and Digital Scientific Research Data |
| <a href="#">Memorandum</a><br><a href="#">from Office of</a><br><a href="#">Science and</a><br><a href="#">Technology Policy</a> | Ensuring Free, Immediate, and Equitable Access to Federally Funded Research  |

## II.200 Responsible and Ethical Conduct of Research

The responsible and ethical conduct of research (RCR) is critical for excellence, as well as public trust, in science and engineering. Consequently, education in RCR is considered essential in the preparation of future scientists. By accepting a NIFA award the grantee assures that program directors, faculty, undergraduate students, graduate students, postdoctoral researchers, and any staff participating in the research project receive appropriate training and oversight in the responsible and ethical conduct of research and that documentation of such training will be maintained. Grantees are advised that the documentation of the training are subject to NIFA review upon request.

Note that the training referred to herein may be either on-campus or off-campus training. The general content of the ethics training, at a minimum, will emphasize three key areas of research ethics: authorship and plagiarism, data and research integration and reporting misconduct. Each institution will be responsible for developing its own training system, as schools will need flexibility to develop training tailored to their specific student needs. Grantees should consider the Collaborative Institutional Training Initiative (CITI) program for RCR (<https://www.citiprogram.org/rcrpage.asp>). Typically this RCR education addresses the topics of: Data Acquisition and Management - collection, accuracy, security, access; Authorship and Publication; Peer Review; Mentor/Trainee Responsibilities; Collaboration; Conflict of Interest; Research Misconduct; Human Subject Research; and Use of Animals in Research.

## II.300 Prohibition Against Certain Internal Confidentiality Agreements

You may not require your 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 (41 USC 4712).

- I. You must notify your employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with this award provision are no longer in effect.
- II. The prohibitions of this award do not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.
- III. If NIFA determines that you are not in compliance with this award provision, NIFA:
  - a. Will prohibit your use of funds under this 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;
  - b. May pursue other remedies available for your material failure to comply with award terms and conditions.

## II.400 Fraud, Waste, and Abuse

At a minimum, organizations must prepare and make available information about fraud, waste, and abuse to NIFA. Fraud includes any false representation about a material fact or any intentional deception designed to deprive the United States unlawfully of something of value or to secure from the United States a benefit, privilege, allowance, or consideration to which an individual or business is not entitled.

Waste includes extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property, that result from deficient practices, systems, controls, or decisions. Abuse includes any intentional or improper use of Government resources, such as misuse of rank, position, or authority or resources. The information should clearly inform individuals that they are to report any suspicions of fraud, waste, or abuse to the Office of Inspector General (OIG) pursuant to the provisions of the Whistleblower Protection Act of 1989 and the Inspector General Act of 1978. Contact information for the OIG is available on their website at <https://www.usda.gov/oig/hotline.htm>. The OIG may be contacted via the telephone at:

- I. Hotline: (800) 424-9121
- II. Hotline Local: (202) 690-1622
- III. Hotline TDD: (202) 690-1202

Examples of fraud, waste, and abuse include, but are not limited to:

- I. misrepresentations or material, factual omissions to obtain, or otherwise receive funding under the award;
- II. misrepresentations of the use of funds expended, work done, results achieved, or compliance with program requirements under the award;
- III. misuse or conversion of award funds, including any use of award funds while not in full compliance with Program requirements, or failure to pay taxes due on misused or converted award funds;
- IV. fabrication, falsification, or plagiarism in applying for, carrying out, or reporting results from an award;
- V. failure to comply with applicable federal costs principles governing an award;
- VI. extravagant, careless, or needless spending;
- VII. self-dealing, such as making a sub-award to an entity in which the PI has a financial interest;
- VIII. acceptance by agency personnel of bribes or gifts in exchange for grant or contract awards or other conflicts of interest preventing the Government from getting the best value; and
- IX. lack of monitoring, or follow-up if questions arise, by agency personnel to ensure that awardee meets all required eligibility requirements, provides all required certifications, performs in accordance with the terms and conditions of the award, and performs all work proposed in the application.

## II.500 Industrial Hemp

By accepting the award, the awardee agrees that if the project involves industrial hemp, the organization will comply with all terms and conditions set by the applicant's State agency regarding industrial hemp. For this purpose, the term "industrial hemp" includes the plant

Cannabis sativa L. 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. For further information see <https://nifa.usda.gov/industrial-hemp>.

## II.600 Life Sciences Dual Use Research of Concern (DURC)

For all research, funded by NIFA, potentially falling within the scope of the US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (<http://www.phe.gov/s3/dualuse/Pages/default.aspx>) 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 <https://www.phe.gov/s3/dualuse/Pages/companion-guide.aspx> for Frequently Asked Questions, case studies, and other educational materials on DURC.)

## II.700 Buy American Act

The awardee must comply with Sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301-8305, popularly known as the Buy American Act). Failure to comply with Buy American requirements constitutes a violation of the terms and conditions of this award. Under these circumstances, NIFA may take any of the range of permitted enforcement actions specified in the Uniform Guidance, as necessary and appropriate.

Strengthening Buy-American Preferences for Infrastructure Projects. Recipients of covered programs (as defined in this section) (i.e., infrastructure project) are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless:

- I. all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of



coatings, occurred in the United States;

- II. all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- III. all construction materials (excluding cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives) are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of the structure or permanently affixed to the infrastructure project.

## Waivers

When necessary, recipients may apply for, and NIFA may grant, a waiver from these requirements, if NIFA determines that one of the following exceptions applies:

- I. applying the domestic content procurement preference would be inconsistent with the public interest;
- II. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- III. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the domestic content procurement preference must be in writing, is subject to public comment periods of no less than 15 days and must be reviewed by both NIFA, USDA and the Made in America Office. For additional information about requesting a waiver, please email [CapacityGrantQuestions@usda.gov](mailto:CapacityGrantQuestions@usda.gov).

## Definitions

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:

- I. non-ferrous metals;
- II. plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
- III. glass (including optic glass);
- IV. lumber; or
- V. drywall.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States.

“Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

## II.800 Prohibition on certain telecommunications and video surveillance services or equipment

The grantee (including subrecipients) is responsible for compliance with the prohibition on certain telecommunications and video surveillance services or equipment identified in [2 CFR 200.216](#). See [Public Law 115-232](#), Section 889 for additional information.

In accordance with [2 CFR 200.216](#), the grantee (including subrecipients) is prohibited from obligating or expending loan or grant funds for covered telecommunications equipment or services to:

- I. procure or obtain, extend or renew a contract to procure or obtain;
- II. enter into a contract (or extend or renew a contract) to procure; or
- III. obtain the equipment, services, or systems.

## II.900 Other federal laws, regulations, Executive Orders, and other applicable requirements are hereby incorporated into this award.

# III. Allowable and Unallowable Costs and Actions

Allowable costs are determined in accordance with the cost-principles as outlined in 2 CFR 200.400 through 200.476, program regulation as applicable, and these award terms and conditions.

## III.100 Highlighted Allowable and Unallowable Actions and Direct Charges

The following are to highlight some allowable and unallowable actions and direct charges and is not meant to be all inclusive. Note that any limitations or prohibitions applicable to the recipient also apply to subrecipients made under the award as well as to matching funds. Also see Section IV.

## Salaries of Administrative and Clerical Staff

Direct charging the salaries is allowable if all conditions in [2 CFR 200.413](#) are met.

## Social Security (Old Age Survivors Insurance), and other Faculty and Staff Benefits

Funds under this award may be used to pay employer contributions toward old age and survivors insurance on that portion of the salary paid under this award to any employee subject to the Federal Insurance Contributions Act (FICA). These employer contributions may be in addition to the 5 percent limitation for employer contributions to retirement systems pursuant to 7 U.S.C. 331 (if applicable). Award funds for the employer contributions for other faculty and staff benefits are authorized in accordance with [2 CFR 200.431](#).

## Employer Contributions to Retirement Systems

Employer contributions to land-grant college retirement systems for the programs noted below are capped at 5 percent of the portion of the salaries paid, to employees who participate in the system (7 U.S.C. 331), and are subject to the other conditions in 7 U.S.C. 331. Contributions of funds under the covered programs may not exceed the contributions from non-Federal sources made by or on behalf of the individual concerned.

Note also that the provisions of 7 U.S.C. 331 do not apply to employees who are paid in whole or in part from Federal funds and who are subject to the Civil Service Retirement System (CSRS) provisions of subchapter III of chapter 83 of title 5, United States Code.

The above provisions and cap apply to the following programs:

- I. 1862 Land-Grant Institutions and agricultural experiment stations under the Hatch Act of 1887 (7 U.S.C. 361a, et seq.);
- II. 1862 Land-Grant Institutions under sections 3(b) and 3(c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of the District of Columbia Public Postsecondary Education Reorganization Act, Public Law 93-471;
- III. agricultural extension and research funds provided to 1890 Land-Grant Institutions

under sections 1444 and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA) (7 U.S.C. 3221 and 3222); and

- IV. animal health and disease research funds provided to veterinary schools and agricultural experiment stations under section 1433 of NARETPA (7 U.S.C. 3195).

To the extent land-grant institutions in American Samoa, Guam, Northern Marianas Islands, Puerto Rico, the Virgin Islands, or the Federal States of Micronesia are eligible to receive funds under these programs, they are subject to the provisions and the retirement cap.

### III.200 Pre-award and Extension of Period of Performance

No pre-award costs are allowable (awardee may not incur pre-award costs and apply such costs to this award). The period of performance may be extended with approval of NIFA for instances that could not have been prevented by the exercise of foresight, caution, and/or planning.

#### Indirect Costs and Tuition Remission

Indirect costs and tuition remission are NOT allowable under this award (7 U.S.C. 3319).

#### Cost-Sharing or Matching

If the award has specific cost-sharing or matching requirements, the amount will be identified as non-Federal funding in Block 14. of the Notice of Award. Cost-sharing/matching contributions must meet all of the following criteria (as outlined in [2 CFR 200.306](#)):

- I. Are verifiable from non-federal entity records;
- II. Are not included as contributions for any other Federal award;
- III. Are necessary and reasonable for accomplishment of project or program objectives;
- IV. Are allowable costs under 2 CFR Subpart E; and
- V. Are not paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made

available for such program can be applied to matching or cost sharing requirements of other Federal programs.

As noted in Section IV, changes in the amount of NIFA-approved required cost-sharing or matching must have prior approval. If you anticipate any changes, including shortfalls, you are to contact the ADO (see Section I.600 Contact Information) for further information.

If you are unable to meet a cost-sharing or matching requirement under this award, NIFA will withhold from funding (or if NIFA has issued the funding then you will be required to return) an amount equal to the unmet required cost-sharing or matching.

### Personal Injuries

Award funds cannot be used for compensation for injuries to persons or loss, theft, or damage to property during project activities.

### Lobbying

No award funds may be used directly or indirectly for lobbying activities (18 U.S.C. 1913). Awardees also are subject to [2 CFR Part 418](#), New Restrictions on Lobbying.

### Meals

Business meals may not be charged as project costs when individuals decide to go to breakfast, lunch, or dinner together when no need exists for continuity of a meeting. Such activity is considered to be an entertainment cost. In contrast, meals that are part of the costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable, as are costs of transportation, rental of facilities, speakers' fees, and other items incidental to such meetings or conferences; however, it is NIFA policy that the meeting/conference be a formal group meeting conducted in a business atmosphere where the provided meal maintains the continuity of the meeting and to do otherwise will impose arduous conditions on the meeting participants. Note: Meals consumed while in official travel status do not fall in this category (see 2 CFR 200.432). They are considered to be per diem expenses and should be reimbursed in accordance with the organization's established travel policies. See the NIFA Federal Assistance Policy Guide for more information.

## Program Income

Program income earned under capacity awards must follow the provisions in 2 CFR 200.307. Grantees must use the addition method for program income. Program income earned after the end of the period of performance must continue to be expended on allowable activities in the program under which it was earned.

### III.300 Highlighted Allowable and Unallowable Actions and Direct Charges for Specific Capacity Grant Programs

#### Extension Programs for 1890 Institutions (Section 1444 of NARETPA; 7 U.S.C. 3221)

- I. Use of Funds Limitation  
Funds cannot be used, directly or indirectly, for the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in section 1444 of NARETPA. Funds cannot be used for indirect costs or tuition remission.
- II. NIFA Approved Projects and Programs  
Section 1444 Program funding may only be used to support extension programs that align with the Critical Issues in the approved 5-Year Plan of Work.
- III. Carryover of Funds  
Funds may be carried over for up to four additional years. If a carryover balance remains at the end of the fifth fiscal year, the amount of the unexpended balance may be deducted from the allocation to the institution in the following year. There is no limitation on the amount of Federal funds that may be carried over for four additional fiscal years. No prior approval from NIFA is required. Any unused funds at the end of the period of performance must be returned to the US Treasury.

**Renewable Resources (RREA) (Pub. L. 95-306, 92 Stat. 349, 16 U.S.C. 1671 et seq.)**

- I. NIFA Approved Projects  
RREA federal funding must be used on the strategic issues from the RREA Strategic Plan identified in the institution's approved 5-Year Plan of Work.
- II. Carryover of Funds  
RREA funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to one year after the end of the fiscal year for which they were appropriated. No prior approval is required to carry over funds for one additional year if the carryover is less than 50 percent. Carryover greater than 50 percent must be approved by NIFA Program Staff. Requests must be submitted to the National Program Leader at NIFA who will provide the required format for requesting carryover of excess (>50%) funds. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

**Smith-Lever Section 3(b) and (c) (7 U.S.C. 343(b) and (c))**

- I. Use of Funds Limitations  
Funds cannot be used, directly or indirectly, for the purchase, construction, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in the Smith-Lever Act. Funds cannot be used for indirect costs or tuition remission.
- II. NIFA Approved Projects  
Smith-Lever Act sections 3(b) and 3(c) federal funding may only be used for extension programs that align with the Critical Issues in the approved 5-Year Plan of Work.
- III. Carryover of Funds  
Any unobligated balance of funds which remains at the end of any funding period, except the final funding period of the project, will be carried over to the next funding period, and may be used to defray costs of any funding period of the project. Since the carryover of unobligated balances is automatic, no separate or specific awarding agency prior approval is required to authorize use of the funds. Any unused funds at the end of the period of performance must be returned to the US Treasury.
- IV. Multistate and Integrated Activities



- a. NIFA will only consider a waiver of the minimum required to be expended for multistate and integrated activities, in cases of hardship, infeasibility or other similar circumstances, beyond the institution's control. To request a waiver, the following must be submitted to the ADO along with the OGFMS Supplemental every year of shortfall (see Section I.600 Contact Information).
- b. Letter of justification including the reason for the shortfall
- c. Amount of the shortfall
- d. Explanation of steps that will be taken to avoid a future shortfall

**Smith-Lever Special Needs (Sections 3(b)(1) and 8 of the Smith-Lever Act; 7 U.S.C. 343 and 347a)**

- I. Use of Funds Limitation  
No portion of federal funds allotted under a Special Needs grant may be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in the Smith-Lever Act. Funds cannot be used for indirect costs or tuition remission.
- II. NIFA Approved Projects  
Special Needs federal funding may only be used on extension programs that align with the Critical Issues in the approved 5-Year Plan of Work.
- III. Carryover of Funds  
Any unobligated balance of funds which remains at the end of any funding period, except the final funding period of the project, will be carried over to the next funding period, and may be used to defray costs of any funding period of the project. Since the carryover of unobligated balances is automatic, no separate or specific awarding agency prior approval is required to authorize use of the funds. Any unused funds at the end of the period of performance must be returned to the US Treasury.

**Expanded Food and Nutrition Education Program (EFNEP) (Section 1425 of NARETPA; 7 U.S.C. 3175)**

**I. Use of Funds Limitation**

No portion of federal funds allotted under an EFNEP grant may be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in program legislation.

The majority (51) percent or more of the total annual Federal appropriation to each university is to be used for paraprofessional personnel and their support costs.

**II. NIFA Approved Projects**

EFNEP federal funding must be used on NIFA-approved EFNEP projects.

**III. Carryover of Funds**

Any unobligated balance of funds which remains at the end of any funding period, except the final year of the period of performance, will be carried over to the next funding period, and may be used to defray costs of any funding period of the grant. Funds will be carried over up to 4 years after the end of the fiscal year of appropriation. Since the carryover of unobligated balances is automatic, no separate or specific awarding agency prior approval is required to authorize use of the funds. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

**Animal Health (AHDR) (Section 1433(a) of NARETPA; 7 U.S.C. 3195(a))**

**I. Use of Funds Limitation**

AHDR grant funds cannot be spent on indirect costs or tuition remission. With NIFA approval, institutions may use funds for remodeling facilities or to increase staffing to increase the institution's research capacity.

**II. NIFA Approved Projects**

AHDR federal funding may only be used on AHDR approved projects.

**III. Carryover of Funds**

AHDR funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to one additional year. Note: there is no limitation on the amount of federal funds that may be carried over for this one

additional fiscal year. No prior approval from NIFA is required. Any unused funds at the end of the period of performance must be returned to the US Treasury.

### **Evans-Allen (Section 1445 of NARETPA; 7 U.S.C. 3222)**

- I. **Use of Funds Limitation**  
Funds cannot be spent on indirect costs and tuition remission.
- II. **NIFA Approved Projects**  
Evans-Allen Research Program funds may only be used on approved Evans-Allen projects that align with the Critical Issues in the approved 5-Year Plan of Work and have been approved by NIFA.
- III. **Carryover of Funds**  
Funds may be carried over for up to one additional year. There is no limitation on the amount of federal funds that may be carried over for one additional fiscal year. No prior approval from NIFA is required. Any unused funds at the end of the period of performance must be returned to the US Treasury.

### **Hatch Act-Regular and Multistate (7 U.S.C. 361a-361i)**

- I. **Use of Funds Limitation**  
Funds cannot be spent on indirect costs and tuition remission.
- II. **NIFA Approved Projects**  
Hatch federal funding must be used on approved Hatch projects including Hatch Multistate Research Funds (HMRF) that align with the Critical Issues in the approved 5-Year Plan of Work and have been approved by NIFA.
- III. **Carryover of Funds**  
Hatch funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to one additional year. No prior approval from NIFA is required. Any unused funds at the end of the period of performance must be returned to the US Treasury.

## McIntire-Stennis (M-S) (76 Stat. 806, 16 U.S.C. 582a, et seq.)

- I. Use of Funds Limitation  
Funds cannot be spent on indirect costs and tuition remission.
- II. NIFA Approved Projects  
M-S federal funding must be used on approved M-S projects.
- III. Carryover of Funds  
McIntire-Stennis funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to one year after the end of the fiscal year for which they were appropriated. No prior approval is required to carry over funds for one additional year if the carryover is less than 50 percent. Carryover greater than 50 percent must be approved by NIFA Program Staff. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

### III.400 Acknowledgment of USDA NIFA Support and Disclaimer

As outlined in [2 CFR 415.2](#), the grantee must have an acknowledgement of USDA awarding agency support placed on:

- I. any publications written or published with grant support and, if feasible, on any publication reporting the results of, or describing, a grant-supported activity, and
- II. any audiovisual which is produced with grant support and which has a direct production cost to the recipient of over \$5,000.

Grantees must acknowledge USDA support in accordance with 2 CFR Part 415 for all projects or initiatives. Proper acknowledgement of public funding in published scientific articles, manuscripts, presentations, and press releases is required.<sup>1</sup> Please use the following language to acknowledge NIFA support in such publications and associated presentations, as appropriate:

*" This work is supported by the [Capacity Program Name] [Award #/Accession #] from the U.S. Department of Agriculture National Institute of Food and Agriculture."*

---

<sup>1</sup>A scientific product is defined as the results of scientific activities, including analysis, synthesis, compilation, or translation of scientific, statistical, economic, and technological information and data into formats for the use of USDA or the nation.

We also expect that you will use NIFA's official identifier in all of your publication, posters, websites and presentations resulting from your award. This identifier can be found at <https://nifa.usda.gov/resource/official-nifa-identifier>.

You must also include a disclaimer in all publications and presentations stating the following:

*“Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture.”*

Presentations should include this disclaimer on the title slide in similar font and size to the name and title of the presenter.

## IV. Prior Approval Requirements

This section identifies prior approvals as outlined in [2 CFR 200.308](#) and other sections of part 200 of 2 CFR, followed by NIFA-specific items and situations in which NIFA is waiving the prior approval requirement.

### IV.100 Program or Budget-Related Reasons

As outlined in [2 CFR 200.308](#), the recipient must request written prior approval from the USDA awarding agency for one or more of the following program or budget-related reasons:

- I. Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).
- II. Change in a key person specified in the application or the award.
- III. If the approved project director severs his or her connection with the recipient or otherwise relinquishes active direction of the project (either permanently or for a continuous period of more than 3 months or a 25 percent reduction in time devoted to the project), then the recipient must get prior approval for a reduction in time or a replacement project director.
- IV. Changes in the amount of NIFA-approved cost-sharing or matching.

- V. Transfer of funds budgeted for participant support costs to other categories of expense.

## IV.200 Items and Situations

Prior approval also is required but not limited to the following:

- [2 CFR 200.311](#) Real property  
Disposition. Prior approval is required for non-Federal entity to transfer title to the Federal awarding agency or to a third party designated/approved by the Federal awarding agency.
- [2 CFR 200.313](#) Equipment and [2 CFR 200.439](#) Equipment and Other Capital Expenditures  
Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval from NIFA, or pass-through entity. Further, prior approval is waived for a direct charge purchase of General Purpose Equipment costing up to \$10,000 and having an anticipated useful life of more than one year. For General Purpose Equipment as a direct charge costing more than \$10,000 and having an anticipated useful life of more than one year prior written approval is required. The direct charge for the purchase of Special Purpose equipment does not require prior approval UNLESS it costs \$250,000 or more. Equipment prior approval requests may be submitted: 1) as an attachment to your application via grants.gov; or 2) in an email request to [CapacityEquipment@usda.gov](mailto:CapacityEquipment@usda.gov) or [1890@usda.gov](mailto:1890@usda.gov). See <https://nifa.usda.gov/program/capacity-grantee-resources> for further information about prior approvals including frequently asked questions.
- [2 CFR 200.430](#) Compensation—Personal Services  
Unless there is prior approval by the Federal awarding agency, charges of a faculty member's salary to a Federal award must not exceed the proportionate share of the institutional base salary for the period during which the faculty member worked on the award.  
NIFA-specific item - NIFA policy restricts the amount of direct salary that may be paid to an individual under a NIFA grant award to a rate no greater than Executive Level IV of the Federal Executive Pay Scale. Salary exceeding a rate greater than Executive Level IV of the Federal Executive Pay Scale (see Executive Schedule link at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/executive-senior-level/>) requires prior NIFA approval. This rate does not include any fringe benefits,

general and administrative (G&A), overhead, or other expenses. To request ADO approval, provide the salary rate of pay and a justification for the rate in a request submitted as a pdf attachment to an email sent to [CapacityGrantQuestions@usda.gov](mailto:CapacityGrantQuestions@usda.gov) or you may include within your grant application.

- [2 CFR 200.431](#) Compensation—Fringe Benefits  
(l)(2)(ii) Measurement of costs of abnormal or mass severance pay by means of an accrual will not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Federal Government recognizes its responsibility to participate, to the extent of its fair share, in any specific payment.  
(i)(4) Severance payments to foreign nationals employed by the non-Federal entity outside the United States, to the extent that the amount exceeds the customary or prevailing practices for the non-Federal entity in the United States, are unallowable, unless they are necessary for the performance of Federal programs and approved by NIFA.  
(i)(5) Severance payments to foreign nationals employed by the non-Federal entity outside the United States due to the termination of the foreign national as a result of the closing of, or curtailment of activities by, the non-Federal entity in that country, are unallowable, unless they are necessary for the performance of Federal programs and approved by NIFA.
- [2 CFR 200.438](#) Entertainment Costs  
Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and have prior written approval from NIFA.
- [2 CFR 200.440](#) Exchange Rates  
Prior approval of exchange rate fluctuations is required when the change results in the need for additional Federal funding, or the increased costs result in the need to significantly reduce the scope of the project.
- [2 CFR 200.441](#) Fines, Penalties, Damages and Other Settlements  
Costs resulting from non-Federal entity violations of, alleged violations of, or failure to comply with, Federal, state, tribal, local or foreign laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the Federal award, or with prior written approval from NIFA.
- [2 CFR 200.442](#) Fund Raising and Investment Management Costs  
Costs of organized fund raising, including financial campaigns, endowment drives,

solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are unallowable. Fund raising costs for the purposes of meeting the Federal program objectives are allowable with prior written approval from NIFA.

- [2 CFR 200.445](#) Goods or Services for Personal Use  
Costs of housing (e.g., depreciation, maintenance, utilities, furnishings, rent), housing allowances and personal living expenses are only allowable as direct costs regardless of whether reported as taxable income to the employees. In addition, to be allowable direct costs must be approved in advance from NIFA.
- [2 CFR 200.447](#) Insurance and Indemnification  
Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that NIFA has specifically required or approved such costs.
- [2 CFR 200.454](#) Memberships, Subscriptions, and Professional Activity Costs  
Costs of membership in any civic or community organization are allowable with prior approval from NIFA or pass-through entity.
- [2 CFR 200.455](#) Organization Costs  
Costs such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselor, whether or not employees of the non-Federal entity in connection with establishment or reorganization of an organization, are unallowable except with prior approval from NIFA.
- [2 CFR 200.462](#) Rearrangement and Reconversion Costs  
Special arrangements and alterations costs of facilities incurred specifically for a Federal award may be considered as a direct cost subject to programmatic allowability and with prior approval from NIFA or a pass-through entity.
- [2 CFR 200.467](#) Selling and Marketing Costs  
Costs of selling and marketing any products or services of the non-Federal entity (unless allowed under §200.421) are unallowable, except as direct costs, with prior approval from NIFA when necessary for the performance of the Federal award.
- [2 CFR 200.470](#) Taxes (Including Value Added Tax)  
For many countries an exemption of this tax for research exists. Consequently, requesting this cost is unallowable for research grants involving such countries as a performance site.



- [2 CFR 200.475](#) Travel Costs  
Notwithstanding the provisions of 2 CFR 200.444 General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award. (c)(2) Travel costs for dependents are unallowable, except for travel of duration of six months or more with prior approval of the Federal awarding agency. All foreign travel (i.e., any travel outside of North America and/or U.S. Territories) performed under McIntire-Stennis, RREA, EFNEP, and AHDR capacity grants must be approved in writing by the ADO prior to departure. For Hatch and Evans-Allen Research programs, prior approval is delegated to the Experiment Station Director or Section 1445 Director. For extension programs (Smith-Lever and Section 1444), prior approval of foreign travel is delegated to the Extension Director or Section 1444 Administrator.

#### IV.300 Extension to Submit a Final Federal Financial Report, Form SF-425

To request ADO approval, requests must be submitted as a pdf attachment to an email sent to [CapacityGrantQuestions@usda.gov](mailto:CapacityGrantQuestions@usda.gov) or [1890@usda.gov](mailto:1890@usda.gov) following the guidance below:

##### **Request Submitted PRIOR to the End of the 120-Day Period Following the Award Expiration Date**

The request should include a provisional report (showing unliquidated obligations), justification for not submitting a final by the initial due date, and the anticipated date for submission of a final report. Note that any extension of time is subject to expiring appropriations (see Section V) or other statutory or agency policy limitations. Funds will remain available for drawdown during an approved extension of time.

##### **Request Submitted FOLLOWING the End of the 120-Day Period Following the Award Expiration Date**

Such requests will only be considered, on a case-by-case basis, in extenuating circumstances. This request should include a provisional report (showing unliquidated obligations) as well as an anticipated submission date for the final report, a justification for the late submission, and a justification for the extenuating circumstances. Note that any extension of time is subject to

expiring appropriations (see Section V) or other statutory or agency policy limitations.

#### IV.400 NIFA Approval Granted for Inclusion of Certain Costs

NIFA approves the inclusion of certain costs and waives the prior approval requirement in [2 CFR 200.407 for the following](#) (unless otherwise stated):

##### [2 CFR 200.333](#) Fixed Amount Subawards

Unless otherwise specified, you (pass-through) may provide subawards based on fixed amounts, provided that the subawards meet the requirements for fixed amount awards in [2 CFR 200.201](#) Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts.

##### [2 CFR 200.413](#) Direct Costs

Direct charge the salaries of administrative and clerical staff if all conditions in 2 CFR 200.413 are met.

##### [2 CFR 200.447](#) Insurance and Indemnification

Costs of insurance required or approved and maintained, pursuant to the Federal award, are allowable.

## V. Other Requirements (Not Specified Elsewhere)

#### V.100 Expiring Appropriations

Generally, the appropriated funds supporting awards expire the 5th fiscal year after the period

of availability and the account is closed (31 U.S.C. 1552). This means any award funds that have not been drawn down by the awardee, by January 28th of the following year after period of performance expiration are subject to be returned to the Department of the Treasury. To determine the appropriation year of award funds, see block 15 of the Notification of Award, Method of Payment – ASAP. This block contains a two-digit fiscal year followed by other information including the financial data code (FDC). In the following example, “19EFNEPXXXG073050201,” the first two numbers “19” represent the fiscal year “2019.” In this example it means the funds must be drawn down by January 28 of the year 2024.

## VI. Technical Reporting Responsibilities and Guidance

As outlined in 2 CFR 200.329, you are responsible for oversight of the operations of the award support activities. You must monitor the activities to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring must cover each program, function, or activity.

### VI.100 Capacity Grant Reporting in NRS

These capacity grant programs will complete reporting in the NIFA Reporting System (NRS): Extension Programs for 1890 Institutions, RREA, Smith-Lever 3(b) and (c), AHDR, Evans-Allen, Hatch Act (Regular and Multistate), and McIntire-Stennis. Research project and extension program initiations, annual progress and final reports, annual report of accomplishments and Plan of Work are to be submitted in the NRS. NRS may be accessed at <https://nrs.nifa.usda.gov/portal>. Users of the NRS must be registered in eAuthentication and assigned a role by their institution in the NRS. Instructions on how to register are available at <https://www.nifa.usda.gov/data/nifa-reporting-system> under Quick Resources.

[2 CFR 200.301](#) addresses performance measurement. NIFA complies with the Research Performance Progress Report (RPPR), which is a standard information collection method for measuring the performance of federally funded scientific research. The RPPR satisfies 2 CFR 200.301.

## Initial Documentation in NIFA Reporting System

Please note that funds released under this grant may not be expended on individual research project or extension program activities until the required project initiation(s) has been submitted electronically to NIFA through NRS AND approved by a NIFA national program leader.

Technical questions regarding the online completion of the reports should be directed to NIFA at via email at [nrs@usda.gov](mailto:nrs@usda.gov).

Questions regarding report content should be directed to the programmatic contact person (see Block 12 of the Notice of Award).

## Annual and Final Results Reporting

For all active research projects funded by McIntire-Stennis, RREA, and Animal Health and Disease Research, annual results (previously referred to as the progress report) and final results (previously referred to as the final report) are due March 1 annually.

For all active research projects or extension programs funded by Hatch (including Hatch Multistate), Evans-Allen, Smith-Lever, and 1890 Extension, Annual and Final Results (previously progress reports) are due March 1 annually in advance of the Annual Report of Accomplishments.

*Failure to submit an acceptable Final Report by March 1 will result in funds being withheld for other active NIFA grants for which the Project Director(s) under the research project or Program Initiator under the extension program are also named, as well as prevent the award of future NIFA grants until the required report has been received in the NRS system and approved by NIFA.*

The following information should be included in the annual and final report:

- I. In 2-3 sentences, briefly describe the issue or problem that your extension program or research project addresses.
- II. Briefly describe in non-technical terms how your major activities helped you achieve, or make significant progress toward, the goals and objectives described in your non-technical summary.

- III. Briefly describe how your target audience benefited from your research project or extension program activities.
- IV. Briefly describe how the broader public benefited from your research project or extension program activities.
- V. Comments (optional): Describe and explain any major changes or problems encountered in approach. Additionally, note opportunities for training and professional development provided, how results have been disseminated to communities of interest (publications and outreach), and any new details regarding what the research project or extension program plans to do during the next reporting period to accomplish the goals.

Effective October 1, 2022, NIFA will begin asking awardees to include the following information in their results:

- I. Digital objective identifiers (DOI) for peer-reviewed journal articles resulting from NIFA-funded activities. In the case of publications that are not assigned a DOI, NIFA will continue to accept full-text citations in the comment section of the Results form.
- II. Open Researcher and Contributor ID (ORCID). ORCIDs are free, unique, persistent identifiers to which researchers may affiliate their scholarly outputs. The collection of this information will assist NIFA with assessing the impact of NIFA-funded projects and programs.

## Final Results

Final Results are due by March 1 annually for all research projects and extension programs which expired in the previous fiscal year (e.g., a project that expired on June 1 will have a final report due the following March 1). The final submission should summarize the results achieved over the course of the award and explain the significance of those results. In addition to supplying the information required under Annual and Final Results Reporting of Section VI.100, the final report must include the following when applicable:

Identify equipment purchased with any Federal funds under the award and indicate subsequent use of such equipment.

## Use of Reported Information

Project and program reports are used by NIFA to describe the work of our grantees, plan and justify annual budget requests, and communicate results. Because reports are used by a variety of persons and are made available to the public, it is vital that reports are of a high quality and that authors use lay terms. Reports will be made publicly available. For EFNEP results, see the REEIS website (<http://www.reeis.us>).

## VI.200 Other Reporting Requirements

### EFNEP-Specific Reporting Requirements

- I. Universities must provide four program documents using the Web-based Nutrition Education Evaluation and Reporting System (WebNEERS). The deadlines for these reports are stipulated in the annual request for applications (RFA). All reporting requirements must be received and approved by NIFA program staff before quarterly funds will be released:
  - a. EFNEP Annual Update.
  - b. EFNEP Preliminary Budget Costs with Justification.
  - c. EFNEP Final Budget Costs with Justification based on the final allocation amounts for FY – due 45 days after the final allocations are published. The majority (51) percent or more of the total annual Federal appropriation to each university is to be used for paraprofessional personnel and their support costs. The actual due date will be announced over the EFNEP listservs.
  - d. WebNEERS Report.  
Instructions for submitting reporting requirements through WebNEERS are available on the EFNEP Reporting Requirements Webpage – <http://nifa.usda.gov/efnep-reporting-requirements>.
- II. Information must be provided to NIFA in support of an annual report to Congress that includes an evaluation of the level of coordination between EFNEP, SNAP-Ed, and other USDA nutrition education programs. Information submitted through WebNEERS in response to A.1. above will be used in the required annual report to Congress.

## Patents and Inventions including Plant Variety Protection

The central point of contact within NIFA for questions and issues pertaining to patents and inventions including plant variety protections (PVP) (this does not include questions and issues regarding Interagency Edison) is:

**ATTENTION:** Planning, Accountability, and Reporting Staff

**U.S. Postal Mailing Address:**

National Institute of Food and Agriculture  
U.S. Department of Agriculture  
P.O. Box 419205, MS 10000  
Kansas City, MO 64141-6205

**Courier/Package Delivery Address:**

National Institute of Food and Agriculture  
USDA U.S. Department of Agriculture  
2312 East Bannister Road, MS 10000  
Kansas City, MO 64141-3061

Email: [electronic@usda.gov](mailto:electronic@usda.gov)

## Invention Disclosure and Related Information Requirements

[37 CFR 401.14\(c\)\(1\)](#) requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for such matters. Under 35 U.S.C. 201(d), an invention means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the US Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), pursuant to [37 CFR 401.2\(c\)](#). Invention disclosure statements pursuant to [37 CFR 401.14\(c\)](#) must be made by creating an invention record using Interagency Edison. If possible, all supporting documentation must also be submitted electronically using Interagency Edison. Any required paper correspondence must be sent to the NIFA central point of contact as above.

## Invention Reporting - Electronic Submission Via Interagency Edison Web Interface

Interagency Edison (iEdison) can be accessed at <http://www.iEdison.gov>. An overview of the iEdison invention reporting process, an iEdison tutorial, and extensive help text can be found as links on the iEdison home page. Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Division of Extramural Inventions & Technology Resources (DEITR)  
National Institutes of Health (NIH)  
6705 Rockledge Drive, Suite 310, MSC 7980  
Bethesda, Maryland 20892-7980  
Telephone: (301) 435-1986  
Fax: (301) 480-0272

Email: [iEdison@nist.gov](mailto:iEdison@nist.gov)

The report of the invention and a copy of the signed invention disclosure must be reported electronically through the Interagency Edison Web interface. To submit the signed disclosure electronically requires that it be rendered as a PDF or TIFF file. The signed disclosure should contain a brief description of the original invention including the Title, Inventor(s) Name(s), and source of Federal support used (e.g., Agency Award Number). After the report and disclosure are received in the iEdison system, NIFA will have access to a copy of the disclosure document.

The Interagency Edison is to be used to exact any changes to the disposition of the invention, including title election or non-election, assignment of rights to third parties, patent application(s) or PVP(s), and patents or PVP(s) received.

As with the invention disclosure, iEdison also supports electronic submission of documents required for several other aspects of the Bayh-Dole reporting process, as detailed below.

Once a patent or PVP is applied for and an application serial number is available, an executed confirmatory license to the Government must be submitted. Such a license must also be submitted in instances where the invention has been licensed but not patented (as is the case of biological materials). For this purpose, iEdison provides a confirmatory license template (<https://s-edison.info.nih.gov/iEdison/license.jsp>) that can be submitted via facsimile.

- I. Commensurate with patent or PVP application or issued patent or PVP certificate, the awardee organization must submit a copy of the portion of the patent or PVP



application that contains the “Government Support Clause,” offering proof of formal acknowledgment of Government support of the underlying invention. For PVP applications, the government support clause must be inserted in Exhibit E, block 11 of the application.

- II. Requests for assignment of rights to third parties (e.g., the inventor) must include certification by the inventor. The certification process is defined and can be carried out as described under the USDA/NIFA link on the iEdison home page (<http://www.iEdison.gov>). The signed certification must be submitted to the NIFA at:

**ATTENTION:** Planning, Accountability, and Reporting Staff

**U.S. Postal Mailing Address:**

National Institute of Food and Agriculture  
U.S. Department of Agriculture  
P.O. Box 419205, MS 10000  
Kansas City, MO 64141-6205

**Courier/Package Delivery Address:**

National Institute of Food and Agriculture  
USDA U.S. Department of Agriculture  
2312 East Bannister Road, MS 10000  
Kansas City, MO 64141-3061

Email: [electronic@usda.gov](mailto:electronic@usda.gov)

- III. Requests for waiver of the domestic manufacturing requirement must be submitted to the NIFA office listed above via email (preferable) or U.S. Mail, including a detailed justification.

**ATTENTION:** Planning, Accountability, and Reporting Staff

**U.S. Postal Mailing Address:**

National Institute of Food and Agriculture  
U.S. Department of Agriculture  
P.O. Box 419205, MS 10000  
Kansas City, MO 64141-6205

**Courier/Package Delivery Address:**

National Institute of Food and Agriculture  
U.S. Department of Agriculture

2312 East Bannister Road, MS 10000  
Kansas City, MO 64141-3061

Email: [electronic@usda.gov](mailto:electronic@usda.gov)

### Title Election and Patent or PVP Submission

Within two years of an invention disclosure, a recipient must resolve the title to the invention, that is, either elect to retain invention rights or waive rights. Should the recipient decide to elect title, recipient must file a non-provisional patent or PVP application, or notify this agency of its intentions pursuant to [37 CFR 401.14\(c\)\(2\) and \(3\)](#). If the recipient fails to either 1) notify the Government of its intentions or 2) exercise its option to file for a patent within the specified time periods, then the Government may exercise its right of ownership pursuant to [37 CFR 401.14\(d\)\(1\) and \(2\)](#).

The Government is not entitled to publicly disclose or publish research resulting in a subject invention except according to the regulations, which includes but is not limited to the following circumstances:

- I. The award recipient publicly discloses or gives permission for publication<sup>2</sup>; or
- II. The award recipient does not elect to file for a U.S. patent or PVP on such results, pursuant to [37 CFR 401.14\(c\)\(2\) and \(3\)](#); or
- III. After the award recipient files for a U.S. patent or PVP pursuant to [37 CFR 401.14\(c\)\(3\)](#).

### Release of Animal or Plant Genome Sequence Data and Distribution of Animal or Plant Genomic Resources

All investigators funded by NIFA must submit animal or plant genome and protein sequence data and distribute animal or plant genomic resources generated by NIFA funding as described below. Genome sequences, protein sequences, and genomic resources must be available to all for use without restriction. Pre-publication release of genome sequence data has been of

---

<sup>2</sup> "Publications" include publicly accessible databases such as GenBank; and subject invention include genome maps and sequences.

tremendous benefit to the scientific research community and NIFA strives to ensure that such rapid release of sequence data continues. NIFA strongly encourages the entire scientific community to recognize that the continued success of the system of pre-publication data release requires active community-wide support. There should be no restrictions on the use of the genomic sequence data, but the best interests of the community are served when all act responsibly to promote the highest standards of respect for the scientific contributions of others. Investigators are also encouraged to collaborate and make information available via the relevant worldwide web sites.

- I. NIFA supports the currently accepted community standards (Bermuda and Ft. Lauderdale agreements; <http://www.genome.gov/Pages/Research/WellcomeReport0303.pdf>) for rapid release of genome sequences following the current guidelines for quality assessment as described by the National Institutes of Health (NIH) National Human Genome Research Institute (NHGRI) at: [www.genome.gov/10000923](http://www.genome.gov/10000923) and [www.genome.gov/10001812](http://www.genome.gov/10001812)). Recipients of NIFA funding who submit genome sequencing data to public nucleotide sequence databases must report this fact as part of the final reporting requirements.
  - a. Large-insert clone-based projects: DNA sequence assemblies of 2kb or greater are to be deposited in a pre-existing public nucleotide sequence database (such as GenBank: [www.ncbi.nlm.nih.gov](http://www.ncbi.nlm.nih.gov)) within 24 hours of generation. Sequence traces from these projects are to be deposited in a trace archive (such as the National Center for Biotechnology Information (NCBI) Trace Repository) within one week of production.
  - b. Whole genome shotgun projects: Sequence traces from whole genome shotgun projects are to be deposited in a trace archive (NCBI Trace Repository or Ensemble Trace Server) within one week of production. Whole genome assemblies are to be deposited in a public nucleotide sequence database as soon as possible after the assembled sequence has met a set of quality evaluation criteria.
  - c. Expressed sequence tags (EST), full-length cDNA sequences, plasmid sequences, etc.: Other nucleotide sequences such as ESTs, full-length cDNA sequences, etc. must be submitted to a pre-existing public nucleotide sequence database (such as GenBank: [www.ncbi.nlm.nih.gov](http://www.ncbi.nlm.nih.gov)) according to the currently accepted community standards (Bermuda and Ft. Lauderdale agreements) following the current guidelines for quality assessment. At a minimum, these sequences must be deposited within one month of production and quality assessment.

- II. Other Community Resource Projects: A community resource project is defined as a research project specifically devised and implemented to create a set of data (e.g., single nucleotide polymorphisms, SNP; haplotype maps), reagents, or other material(s) (e.g., plant genetic stocks) whose primary utility will be as a resource for the broad scientific community. NIFA requires that results of community resource projects be made immediately available for free and unrestricted use by the scientific community as soon as the quality of these resources is verified. At the same time, it is crucial that the scientific community recognizes and respects the important contribution made by the scientists who carry out community resource projects.
- III. Microarray Projects: NIFA requires that data collection and analysis for microarray projects comply with the Minimum Information about Microarray (MIAME; [www.mged.org](http://www.mged.org)) guidelines. Data from microarray projects funded by NIFA must be submitted to a pre-existing public repository for microarray data (such as Gene Expression Omnibus (GEO): [www.ncbi.nlm.nih.gov/geo](http://www.ncbi.nlm.nih.gov/geo)) as part of the process for publishing the experimental results in a peer-reviewed scientific journal. Data from plant microarrays must also be submitted to the PLEXdb ([www.plexdb.org/](http://www.plexdb.org/)) to enable comparative analysis with additional plant gene expression data sets. If the Project Director decides not to publish the microarray data generated with NIFA funding, NIFA requires the Project Director to submit the microarray data to a pre-existing public repository for microarray data within six months after performing quality control tests on the data or upon termination of the NIFA funding, whichever comes first.
- IV. Protein Sequence: Protein sequences generated with NIFA funding must be deposited in a pre-existing public database (such as the Universal Protein Resource (UniProt): [www.uniprot.org](http://www.uniprot.org)) as part of the process for publishing the experimental results in a peer-reviewed scientific journal. If the Project Director decides not to publish the protein sequence data generated with NIFA funding, NIFA requires the Project Director to submit the protein sequence data to a pre-existing public database within six months after performing quality control tests on the data or upon termination of the NIFA funding, whichever comes first.
- V. If NIFA funding produces additional genomic resources (libraries, biological reagents, software, plant genetic stocks, etc.) these should be made available to the public as soon as their quality is verified according to community standards. Budgeting and planning for short-term and long-term distribution of these resources and the timing of release to a clearly identified community of users as well as to the scientific community as a whole should be as described in the original application or in a revised plan of work prior to funding. The description should be specific and describe what, how, and when

the community would have public access to the information and deliverables from the project. Resources generated from NIFA funding must be available to all segments of the scientific community, including industry and the international community. A reasonable charge is permissible for distribution, but the fee structure must be outlined prior to funding. If accessibility differs between industry and the academic community, the differences must be clearly described in the original application or in a revised plan of work prior to funding.

- VI. When the project involves the use of proprietary data or materials from other sources, the data or materials resulting from research supported by this program must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements must be stated clearly in the application or revisions prior to funding.

### **Release or Distribution of Animal Quantitative Trait Loci (QTL)**

Information pertaining to animal QTL that were generated with NIFA funding must be deposited into a pre-existing, public database as part of the process for publishing the experimental results in a peer-reviewed scientific journal. If the Project Director decides not to publish the animal QTL data generated with NIFA funding, NIFA requires the Project Director to submit the animal QTL data to a pre-existing, public database within six months after performing quality control tests on the data or upon termination of NIFA funding, whichever comes first.

### **Release or Distribution of Plant Germplasm**

If plant germplasm (including mutant populations, mapping populations, diversity panels for association analysis, transgenics, near isogenic lines, etc.) is developed and/or evaluated as part of a NIFA-funded project, these resources and associated information is to be available to other researchers for validation of published results or additional research. Distribution of plant germplasm for commercial purposes may be limited by the producer of the germplasm. Whether these resources are created and/or evaluated inside or outside the United States, researchers are strongly encouraged to deposit germplasm, transgenic plants, mutants, plant populations, etc. into the USDA National Plant Germplasm System (NPGS) and associated

information into the NPGS's database GRIN-Global. Should the project generate germplasm that would be incorporated into the NPGS, NIFA encourages Project Directors to confer with the Crop Curators and Crop Germplasm Committees in the NPGS (<https://www.ars-grin.gov/npgs/index.html>) regarding the desirability of depositing released varieties, genetic stocks and experimental plant populations and associated descriptive information generated by NIFA funding in the NPGS genebanks through GRIN-Global.

### Release or Distribution of Animal Germplasm

If animal germplasm or tissue is developed and/or evaluated as part of a NIFA-funded project, these resources are to be available to other researchers and industry for validation of published results or additional research. Researchers are strongly encouraged to deposit germplasm and or tissue with the USDA-ARS National Animal Germplasm Program genebank, <https://www.ars.usda.gov/research/project/?accnNo=433404>

### Dissemination of Project Results

The recipient must notify the technical contact, via a listing clearly labeled with the award number, of any web-based materials resulting from the work.

## VII. Financial Reporting

There are two separate financial reporting requirements for NIFA capacity awards. At the award level, a SF-425, Federal Financial Report (FFR), is required at a minimum annually and after termination of the award. For individual projects under the award, a Project Financial Report is due annually and after termination of the project.

### VII.100 Federal Financial Report (SF-425) for Awards

All questions relating to Federal Financial Reports should be submitted to:

**ATTENTION:** Awards Management Division, Office of Grants and Financial Management

**U.S. Postal Mailing Address:**

National Institute of Food and Agriculture  
U.S. Department of Agriculture  
P.O. Box 419205, MS 10000  
Kansas City, MO 64141-6205

**Courier/Package Delivery Address:**

National Institute of Food and Agriculture  
U.S. Department of Agriculture  
2312 East Bannister Road, MS 10000  
Kansas City, MO 64141-3061

Email: [CapacityGrantQuestions@usda.gov](mailto:CapacityGrantQuestions@usda.gov)

A SF-425, Federal Financial Report, is due on a minimum of an annual basis and no later than 90 days following the end of the award anniversary date (i.e., one year following the month and day of which the award period begins and each year thereafter up until the award period ends). A final Form SF-425, Federal Financial Report, is due 120 days after the expiration date of the award. The final report is due no later than 120 calendar days from the award end date in compliance with 2 CFR 200.344(a). The report must be completed within the ezFedGrants portal. See <https://nifa.usda.gov/resource/sf-425-ezfedgrants-frequently-asked-questions> for information about how to access ezFedGrants, submit the SF-425, Federal Financial Report (FFR), etc.

- I. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425, Federal Financial Report (FFR), is submitted.
- II. The SF-425, Federal Financial Report (FFR), is to be completed on a single award basis.
- III. The financial status information (lines 10(a) through 10(o)) on the SF- 425, Federal Financial Report (FFR), are to be completed.
- IV. The awardee must report program outlays and program income on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.
- V. When submitting a SF-425, Federal Financial Report (FFR), the total matching contribution, if required, must be shown on lines 10i, 10j, and 10k.
- VI. Final Financial Report - The final SF-425, Federal Financial Report (FFR) must not display any unliquidated obligations. If the awardee still has valid obligations which remain

unpaid (i.e., unliquidated) when the SF-425, Federal Financial Report (FFR), is due; the awardee must request an extension of time to submit the report. See Section IV.300 An extension of time to submit the final SF-425, Federal Financial Report (FFR), allows the awardee to continue to draw funds during the extension period to satisfy allowable costs under the award unless the appropriation is due to expire (see Section V.100). Further, when a final report is overdue (beyond the 120-day period following the award expiration date and not covered by an approved extension of the due date for submission of the report), the award is placed on “manual review,” which restricts the awardee's ability to draw funds by requiring NIFA staff to review and approve all payment requests manually. If any remaining funding is needed by the awardee, the awardee must contact AMD and request a draw providing AMD with justification and documentation to support the draw. Such draw requests will only be approved in extenuating circumstances, as determined by NIFA, and when the appropriation is not due to expire.

## VII.200 Financial Report for Research and Extension Activities

A Financial Report is due annually by February 1 for all research projects and extension programs funded by capacity grant award active during any portion of the previous fiscal year (e.g. for a project which began on July 1 and was active for 3 months during the fiscal year, a Financial Report would be due the following February 1 to identify what funds were expended during that three month period). A Final Project Financial Report is due on February 1 following the fiscal year in which the project ended.

*Failure to submit an annual Financial Report for active projects by February 1 each year may result in future grant funds being withheld until the report(s) has been submitted as specified.*

## VIII. Plan of Work Requirement

The Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) requires that states submit Plans of Work (POWs) and the Annual Report of Accomplishments in order to receive federal funding under the Smith-Lever Act, the Hatch Act, and the National Agricultural Research, Extension, and Teaching Policy Act of 1977, which are the capacity grant funding



authorities for Extension and Research activities at 1862 and 1890 Land Grant Universities (LGUs).

The NIFA Planning, Accountability, and Reporting Staff (PARS) provide policy updates and guidance to LGU partners concerning their annual submissions of Plans of Work and Annual Report of Accomplishments on the [NIFA Reporting System web page](#).

The Plan of Work must address capacity grants authorized under the Hatch Act (both Regular Hatch Formula Grants and Hatch [Multistate Research](#) Funds) for research activities at the 1862 land-grant institutions and the University of the District of Columbia, section 3(b) and (c) of the Smith-Lever Act (regular "3(b) and (c)," and special needs) for extension activities at the 1862 land-grant institutions, and sections 1444 and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA) for research and extension activities at the 1890 land-grant institutions, including Tuskegee University.

Both 1862 and 1890 land-grant institutions receiving the funding described in the prior paragraph are required to describe their multistate and integrated research and extension activities. As part of NIFA's effort to streamline reporting, these descriptions have moved from the Plan of Work to the research project and extension program initiation form. Tagging multistate and integrated activities at the 1862 land-grant institutions at initiation will assist in compiling the OGFMS Supplemental.

The OGFMS supplemental requirement does not apply to 1890 Institutions or to the 1862 land-grant institutions listed below. The purpose of the OGFMS Supplemental is to confirm that the 1862 institutions have met their target percentage spending on multistate and integrated activities.

The 1862 land-grant institutions in American Samoa, Guam, Micronesia, Northern Marianas, Puerto Rico, and the Virgin Islands will indicate their multistate and integrated research and extension activities in the project and program initiations. However, since they are not required to expend a specified percentage of Hatch Act and Smith-Lever Act formula grants on multistate extension activities and integrated research and extension activities, these 1862 land-grant institutions do not submit the OGFMS Supplemental.

The Annual Report of Accomplishments in NRS, rolls up the research project and extension program results by Critical Issue. Institutions will indicate which results they wish to highlight. The report also offers an opportunity to summarize results at the Critical Issue level.