

National Institute of Food and Agriculture

RESEARCH AWARD TERMS AND CONDITIONS

January 26, 2024

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

Managing a Grant (contains award-related information):  
<https://www.nifa.usda.gov/grants/manage-a-grant>

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## I. Awards Covered by the Research Terms and Conditions

The Research Terms and Conditions will apply to all awards (grants, cooperative agreements, and special projects) for all research and research-related awards (i.e., research, education, and extension) to institutions of higher education, hospitals, other non-profit organizations, Federal agencies, and for-profit organizations funded by the National Institute of Food and Agriculture (NIFA) except: 1) Capacity Programs; 2) the 1890 Facilities Program; 3) the Research Facilities Act Program; 3) the Small Business Innovation Research Program; and 4) awards to individuals. Existing research, education, and extension awards will continue to utilize the terms and conditions as stated in the award until the award expires unless the award is amended.

## II. Prior Approval Requirements Not Included in the Research Terms and Conditions Appendix A Prior Approval Matrix (External)

All NIFA awards are subject to the requirements in 2 CFR 200 and the external [Research Terms and Conditions Appendix A Prior Approval Matrix \(RTC Prior Approval Matrix\)](#), which summarizes these requirements and apply in addition to with these NIFA-specific Research Terms and Conditions. The following sections outline some prior approval requirements that apply to this grant but are not included in the RTC Prior Approval Matrix.

### II.100 Subcontracts

No more than 50 percent of the total dollars of this award may be subcontracted to another party(ies) without prior written approval of the Authorized Departmental Officer (ADO), except subcontracts to Federal agencies. Any subcontract awarded to a Federal agency under this award must have prior written approval of the ADO. To request ADO approval the following must be submitted as a portable document format (pdf) attachment to an email sent to [awards@usda.gov](mailto:awards@usda.gov):

- I. a justification for the proposed subcontract,

- II. a performance statement,
- III. a detailed budget and narrative for the subcontract, and
- IV. an Authorized Representative (AR) signed letter of commitment.

## II.200 No-Cost Extension of Time

If a no-cost extension of time is approved in accordance with 2 CFR 200.308(e)(2), recipients must notify NIFA that they are exercising their authority to extend without funds the completion date of an award.

Notifications must be submitted as a pdf attachment to an email sent to [awards@usda.gov](mailto:awards@usda.gov).

## II.300 More Than One No-Cost Extension or an Extension of More Than 12 Months

Normally, no single no-cost extension may exceed 12 months and only in exceptional and extenuating circumstances will more than one extension be considered. Additional extensions or those exceeding 12 months must be approved in writing by the ADO. The awardee should prepare and submit a written request (must be received no later than 60 days prior to the expiration date of the award). The request must contain, at a minimum, the following information:

- I. The length of additional time required to complete project objectives and a justification for the extension (see section II.400 below);
- II. A summary of progress to date (a copy of the most recent Research, Education, Extension, and Project Online Reporting Tool (REEport) progress report is acceptable provided the information is current);
- III. An estimate of funds expected to remain unobligated on the scheduled expiration date;
- IV. A projected timetable to complete the portion(s) of the project for which the extension is being requested; and
- V. Signature of the AR and the Project Director/Principal Investigator (PD/PI). Any request received by the agency that does not meet this requirement will be returned for the necessary signature(s).

## II.400 Requests for No-Cost Extensions of Time After Expiration Date

NIFA may consider and approve requests for no-cost extensions of time up to 120 days following the expiration of the award. These will be approved only for exceptional and extenuating circumstances, as determined by NIFA ([7 CFR 3430.58\(b\)\(3\)](#)). The AR must submit the requirements identified in I. through V. of Section II.300 as well as an “extenuating circumstance” justification and a description of the actions taken by the awardee to minimize these requests in the future. The fact that funds are expected to remain unobligated at the expiration of the award is not in itself sufficient justification to receive an extension of time unless otherwise authorized in the program legislation. Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be considered. The award period (including any subsequent authorized extensions of time) must not exceed any applicable statutory limit as well as any expiring appropriation limitation (see Section VII of these award terms).

## II.500 Extension to Submit a Final Federal Financial Report, Form SF-425

To request an extension to submit a Federal Financial Report, Form SF-425, ADO approval, requests must be submitted as a pdf attachment to an email sent to [awards@usda.gov](mailto:awards@usda.gov) following the guidance below:

- I. 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 VII) or other statutory or agency policy limitations (see Funding Period in this section). Funds will remain available for drawdown during an approved extension of time.
- II. 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 VII of these award terms) or other statutory or agency policy limitations

(see Funding Period in this section).

## II.600 Salaries

Salary rates of pay exceeding an Executive Level IV salary range (see Executive Schedule link at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/executive-senior-level>) require prior NIFA approval. This rate does not include any fringe benefits, general and administrative (G&A), overhead, or other expenses. Requests for approval must include the salary rate of pay and a justification for the rate and be sent to the ADO to [awards@usda.gov](mailto:awards@usda.gov).

See [Research Terms and Conditions Appendix A Prior Approval Matrix](#), for further information regarding prior approvals.

## III. Unallowable Direct Charges Aside from Those in Part 200 — Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

### III.100 Fixed Equipment and Real Property

Grantees must comply with an award's governing legislation, 2 CFR 200 Uniform Guidance, and 7 CFR Chapter 34, which may include prohibitions on the use of funds for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility. Request clarification from the contact listed in Section IV. Contact Information for Technical Matters to determine if these prohibitions apply to this award. If use of funds for these purposes is allowable for this award, the grantee must ensure compliance with Section VII.500 of these award terms.

### III.200 Indirect Costs and Tuition Remission

Statutory language may limit or prohibit the amount of allowable indirect costs. If such

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language applies to this award, the limit is identified on the budget as appropriate. When indirect costs are limited, the indirect costs allowable will be the lesser of the following amounts:

- I. the Federally approved negotiated indirect cost rate and base, or
- II. the limit identified in the statutory language.

Note: Any limitation or prohibition of indirect costs on the awardee also applies to subcontracts under the funded awards.

Section 7 U.S.C. 3310(a) limits indirect costs for the overall award to 30 percent of Total Federal Funds Awarded (TFFA) under a research, education, or extension grant. This restriction will be included in applicable Requests for Applications and Notices of Award.

As noted in [Appendix A Prior Approval Matrix](#), the use of unrecovered indirect costs for cost sharing or matching purposes is subject to any applicable statutory language limiting or prohibiting indirect costs as well as 7 CFR 3430.

Indirect costs and tuition remission costs are unallowable if this award is issued under the authority of the First Morrill Act (7 U.S.C. 301 et seq.), the Second Morrill Act (7 U.S.C. 321 et seq.), the Hatch Act of 1887 (7 U.S.C. 361a et seq.), the Smith-Lever Act (7 U.S.C. 341 et seq.), the McIntire-Stennis Act (16 U.S.C. 582a et seq.), Continuing Animal Health and Disease Research Program (7 U.S.C. 3192 et seq.), 7 U.S.C. 3221 et seq., 7 U.S.C. 3321 et seq., and 7 U.S.C. 3331 et seq. This limitation also applies to subcontracts made under awards subject to any of these authorities. Other limitations on indirect costs may apply. Please review the award's Request for Applications for details or contact the Administrative Point of Contact identified in Block 14 of the Notice of Award for further clarification.

### III.300 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. On the other hand, 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.

Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem expenses and should be reimbursed in accordance with the

organization's established travel policies subject to statutory limitations.

### III.400 Equipment

Expenditures for the acquisition or improvement of general and special purpose equipment is allowable, without prior agency approval, if the cost of the equipment is appropriately prorated among the activities to be benefitted.

### III.500 Personal Injuries

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

## IV. Contact Information for Technical Matters

Questions regarding technical matters should be referred to the Program Point of Contact identified in Block 14 of the Notice of Award.

## V. Contact Information for Administrative Matters

Questions regarding administrative matters should be referred to the Administrative Point of Contact identified in Block 14 of the Notice of Award.

## VI. Contact Information for Intellectual Property Reporting

Questions regarding intellectual property matters including reporting on Interagency Edison should be referred to:

ATTENTION: Planning, Accountability, and Reporting Staff

E-mail: [electronic@usda.gov](mailto:electronic@usda.gov)

## VI.100 Reporting Intellectual Property on Interagency Edison

NIFA leverages Interagency Edison (iEdison) for intellectual property (IP) reporting and collaboration. iEdison is an interagency online platform that facilitates compliance with Bayh-Dole Act requirements. A new iEdison system was developed and launched on August 9, 2022 by the National Institute of Standards & Technology (NIST).

All Intellectual property reporting must be submitted electronically. Access iEdison at <https://www.nist.gov/iedison> to register an organization and access IP reporting resources. 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 assistance or other questions regarding iEdison should be submitted as an iEdison help ticket at <https://nist.my.salesforce-sites.com/iedison>.

## VII. Other Requirements

### VII.100 Period of Performance

“Period of Performance” has the meaning given in 2 CFR 200.1, with the additional clarification that the term includes any extension of the end date of the award, such as a no-cost extension authorized by 2 CFR 200.308, paragraph (e)(2). The period of performance is identified in Block 4 of the Notice of Award. Statutory language or agency policy may limit the maximum potential period of performance (including any awards transferred from another institution or organization). The period of performance will commence on the effective date cited in the Notice of Award. Any such limitation also applies to subcontracts made under awards subject to a period of performance limitation.

### VII.200 Expiring Appropriations

Congress appropriates funds to NIFA through a variety of mechanisms that may have different Treasury expiration cycles (lengths of availability for use). Generally, the appropriated funds used to make grant awards expire five years after the fiscal year in which the grant is originally made. This means in the sixth year following a grant award, any award funds that have not been drawn down by August 25 of that year by the awardee are subject to be returned to the Department of the Treasury by September 30 of that year. To determine the appropriation year

of award funds, see block 17. Funds Chargeable of the Notice of Award. This block contains a two-digit fiscal year followed by a financial data code (FDC).

Awards in the sixth year with Period of Performance end dates in the months of June, July, and August do not have the full 90 days after the Period of Performance closes to draw down (does not apply to AFRI awards or no-year/X-year appropriation funded programs). These awards must make final drawdown for expenditures no later than August 25 of the sixth year for NIFA to prepare its financial records before the funds expire on September 30. After August 25, the ASAP account will be closed and the funds will be processed to revert to the Treasury, resulting in lost funds for grantee.

In the following example, “17-823-33610,” the first two numbers “17” represent the fiscal year “2017.” In this example it means that the funds must be drawn down by August 25 of the year 2022.

FY17 Single-Year Annual Appropriation	FY18	FY19	FY20	FY21	FY22
First Year	Second Year	Third Year	Fourth Year	Fifth Year	Sixth Year
In this example, the grant approval date is August 31, 2017, and the Grant Year 1 Period of Performance begins on that date.	Grant Year 2 Period of Performance begins August 31, 2018.	Grant Year 3 Period of Performance begins August 31, 2019.	Grant Year 4 Period of Performance begins August 31, 2020.	Grant Year 5 Period of Performance begins August 31, 2021.	FY 17 single-year appropriation will expire on September 30, 2022. To meet this deadline, drawdowns must occur before August 25, 2022.

If you have questions about when an applicable appropriation will expire, contact the Administrative Point of Contact identified in Block 14 of the Notice of Award.

## VII.300 NIFA Awards Supported with Funds from Other Federal Agencies (Reimbursable Funds)

Unless an earlier date applies, NIFA requires all draws and reimbursements for awards supported with reimbursable funds (from other Federal agencies) must be completed no later than June 30th of the fiscal year in which the period of availability for obligation ends to allow for the proper billing, collection, and close-out of the associated interagency agreement before the appropriations expire. For awards in their fifth year, June 30 is the last date on which draws and reimbursements can be made, even if the award is in its 90-day liquidation period.

## VII.400 Fraud, Waste, and Abuse

At a minimum, organizations must prepare and make available information about fraud, waste, and abuse to individuals participating in the project. 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 U.S. 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 results 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:

Hotline: (800) 424-9121

Hotline Local: (202) 690-1622

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 that prevents 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.

## VII.500 Buy America Preference

Buy America Preference. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for an infrastructure project 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 that meets or

exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and

- III. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

*Incorporation into an infrastructure project.* 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.

*Categorization of articles, materials, and supplies.* An article, material, or supply should only be classified into one of the following categories: (i) Iron or steel products; (ii) Manufactured products; (iii) Construction materials; or (iv) Section 70917(c) materials. An article, material, or supply should not be considered to fall into multiple categories. In some cases, an article, material, or supply may not fall under any of the categories listed in this paragraph. The classification of an article, material, or supply as falling into one of the categories listed in this paragraph must be made based on its status at the time it is brought to the work site for incorporation into an infrastructure project. In general, the work site is the location of the infrastructure project at which the iron, steel, manufactured products, and construction materials will be incorporated.

*Application of the Buy America Preference by category.* An article, material, or supply incorporated into an infrastructure project must meet the Buy America Preference for only the single category in which it is classified.

*Determining the cost of components for manufactured products.* In determining whether the cost of components for manufactured products is greater than 55 percent of the total cost of all components, use the following instructions:

- I. For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product

(whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

- II. For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

*Construction material standards.* The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

- I. Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- II. Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- III. Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- IV. Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.



- V. Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- VI. Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.
- VII. Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- VIII. Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

#### **VII.500.1 Waivers**

When necessary, recipients may apply for, and NIFA may grant, a waiver from these requirements. NIFA will provide information to the award recipient on the process for requesting a waiver from these requirements.

When NIFA has made a determination that one of the following exceptions applies, the awarding official may waive the application of the Buy America Preference in any case in which NIFA determines that:

- I. applying the Buy America 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 Buy America Preference must be in writing. NIFA will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office.

There may be instances where an award qualifies, in whole or in part, for an existing waiver described at <https://www.usda.gov/ocfo/federal-financial-assistance-policy/USDABuyAmericaWaiver>.

## VII.500.2 Definitions

**“Buy America Preference”** means the “domestic content procurement preference” set forth in section 70914 of the Build America, Buy America Act, which requires the head of each Federal agency to ensure that none of the funds made available for a Federal award for an infrastructure project may be obligated unless all of the iron, steel, manufactured products, and construction materials incorporated into the project are produced in the United States.

**“Construction materials”** means articles, materials, or supplies that consist of only one of the items listed in paragraph (I) of this definition, except as provided in paragraph (II) of this definition. To the extent one of the items listed in paragraph (I) contains as inputs other items listed in paragraph (I), it is nonetheless a construction material.

- I. The listed items are:
  - a. Non-ferrous metals;
  - b. Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
  - c. Glass (including optic glass);
  - d. Fiber optic cable (including drop cable);
  - e. Optical fiber;
  - f. Lumber;
  - g. Engineered wood; and
  - h. Drywall.
- II. Minor additions of articles, materials, supplies, or binding agents to a construction material do not change the categorization of the construction material.

**“Infrastructure”** means public infrastructure projects in the United States, which includes, at a minimum, the structures, facilities, and equipment for 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; and structures, facilities, and equipment that generate, transport, and distribute energy including electric vehicle (EV) charging.

**“Infrastructure project”** means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the United States Regardless of whether infrastructure is the primary purpose of the project. See also paragraphs (c) and (d) of 2 CFR 184.4.

**“Iron or steel products”** means articles, materials, or supplies that consist wholly or predominantly of iron or steel or a combination of both.

**“Manufactured products”** means:

- I. Articles, materials, or supplies that have been:
  - a. Processed into a specific form and shape; or
  - b. Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.
- II. If an item is classified as an iron or steel product, a construction material, or a Section 70917(c) material under 2 CFR 184.4(e) and the definitions set forth in 2 CFR 184.3, then it is not a manufactured product. However, an article, material, or supply classified as a manufactured product under 2 CFR 184.4(e) and paragraph (1) of this definition may include components that are construction materials, iron or steel products, or Section 70917(c) materials.

**“Predominantly of iron or steel or a combination of both”** means that the cost of the iron and steel content exceeds 50 percent of the total cost of all its components. The cost of iron and steel is the cost of the iron or steel mill products (such as bar, billet, slab, wire, plate, or sheet), castings, or forgings utilized in the manufacture of the product and a good faith estimate of the cost of iron or steel components.

**“Section 70917(c) materials”** means cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives. See Section 70917(c) of the Build America, Buy America Act.

## VII.600 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 growth and cultivation. 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, 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>.

## VII.700 Life Sciences Dual Use Research of Concern

For all NIFA-funded research that potentially falls within the scope of the US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (DURC) (<https://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 also <https://osp.od.nih.gov/biotechnology/dual-use-research-of-concern/> for Frequently Asked Questions, case studies, and other educational materials on DURC.)

## VII.800 Genetic Resources from Outside of U.S.

If this project will use plant or animal genetic resources from outside the U.S., 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 (<https://absch.cbd.int/>) and the International Treaty on Plant Genetic Resources for Food and Agriculture (<http://www.fao.org/plant-treaty/countries/en/>) 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 ([http://www.aphis.usda.gov/import\\_export/index.shtml](http://www.aphis.usda.gov/import_export/index.shtml)). Contact the Plant Exchange Office, USDA/ARS, (<https://www.ars.usda.gov/research/project/?accnNo=434391>) or the USDA/ARS National Animal Germplasm Program (<https://www.ars.usda.gov/research/project/?accnNo=433404>), as appropriate, for further guidance on archiving the collections in the USDA/ARS's gene banks.

## VII.900 Responsible and Ethical Conduct of Research

In accordance with Sections 2, 3, and 8 of 2 CFR Part 422, institutions that conduct USDA-funded extramural research must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct, and maintain and effectively communicate and train their staff regarding policies and procedures. 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.

## VII.1000 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 and the [note preceding 41 U.S.C. 3901](#) 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.

## VII.1100 Applicable Regulations and National Policy Requirements

As a condition of this grant award, the grantee assures compliance with applicable statutory and national policy requirements, including those specified in [2 CFR 200.300](#) and [Appendix II of 2 CFR 200](#) and such other provisions specified herein. The requirements in Table 1 are incorporated into these Research Terms and Conditions by reference.

Table 1: National Policy Requirements

Regulation/Statute	Title
<a href="#">2 CFR Part 25</a>	Universal Identifier and System for Award Management Also see Sections 13 and 14 of these award terms.
<a href="#">2 CFR Part 170</a>	Reporting Subaward and Executive Compensation Information Also see Section XII of these award terms.
<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 184</a> ; <a href="#">Memorandum M-24-02</a>	Buy America Preferences for Infrastructure Projects

Regulation/Statute	Title
<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 417</a>	Nonprocurement Debarment and Suspension
<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 Misconduct</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 AR 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:</p> <p><a href="https://nifa.usda.gov/research-misconduct">https://nifa.usda.gov/research-misconduct</a></p>

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Regulation/Statute	Title
<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</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 (EO) 13513</a>	Federal Leadership on Reducing Text Messaging While Driving
<a href="#">Executive Order 13798</a>	Promoting Free Speech and Religious Liberty
<a href="#">7 CFR Part 16.3</a>	Faith-Based Organizations and Federal Financial Assistance
Other laws, agency-specific regulations	USDA agencies and staff offices must comply with provisions found in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E,



Regulation/Statute	Title
<p>applicable to USDA agencies and staff offices</p>	<p>Title VII, General Provisions Government-wide, Sections 743, 744, 745, 746 respectively or any successor provisions of law.</p> <p><b>Prohibition Against Certain Internal Confidentiality Agreements</b></p> <ol style="list-style-type: none"> <li>I. 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.</li> <li>II. You must notify your employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with Section I of this table entry are no longer in effect.</li> <li>III. The prohibition in Section I of this table entry does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.</li> <li>IV. If NIFA determines that you are not in compliance with this award provision, NIFA:             <ol style="list-style-type: none"> <li>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;</li> <li>b. May pursue other remedies available for your material failure to comply with award terms and conditions.</li> </ol> </li> </ol> <p><b>Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants</b></p> <p>This award is subject to the provisions contained in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, Sections 745 and 746, as amended and/or subsequently enacted for</p>

Regulation/Statute	Title
	<p>U.S. Department of Agriculture (USDA) agencies and offices regarding corporate felony convictions and corporate Federal tax delinquencies.</p> <p>Accordingly, by accepting this award the corporation recipient acknowledges:</p> <ol style="list-style-type: none"> <li>I. that it does not have a Federal tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and</li> <li>II. that it has not been convicted of a felony criminal violation under any Federal law within 24 months preceding the award, unless a suspending and debarring official of the USDA has considered suspension or debarment of the recipient corporation based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government.</li> </ol> <p>If the recipient fails to comply with these provisions, the agency will annul this agreement and may recover any funds the recipient has expended in violation of the above cited statutory provisions.</p>
<a href="#">Research Terms and Conditions Appendix C</a>	National Policy Requirements
<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="#">USDA Departmental Regulation DR 1020-006</a>	Public Access to Scholarly Publications and Digital Scientific Research Data
<a href="#">Memorandum from Office of Science</a>	Ensuring Free, Immediate, and Equitable Access to Federally Funded

Regulation/Statute	Title
<a href="#">and Technology Policy</a>	Research
<a href="#">USDA Departmental Regulation DR 1074-001</a>	Scientific Integrity
<a href="#">USDA Departmental Regulation DR 3465-001</a>	Enterprise Geospatial Data Management
2 CFR 200.322(c), M-24-02 Appendix I	Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure

## VIII. Revised Budget Requirements

When it is necessary to request ADO approval of a budget revision (see [Prior Approval Matrix](#)), the revised budget must be submitted as a pdf attachment to an email to [awards@usda.gov](mailto:awards@usda.gov). The request must clearly articulate the changes (i.e., it need not be submitted on the budget form that was used in the application process; the revisions need only be clearly identified) and reflect PD/PI and AR concurrence (i.e., must contain the signature of the PD/PI and AR).

## IX. Technical and Other Reporting Requirements

### IX.100 Disclosure of Conflict of Interest and Conflict of Commitment

The National Security Presidential Memorandum 33 (NSPM-33) requires that grantees must disclose conflicts of interest and conflicts of commitment when grant applications are submitted and during the award term when there has been a change. NSPM-33 provides the following definitions:

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- I. Conflict of commitment—situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Many organizational policies define conflicts of commitment as conflicting commitments of time and effort, including obligations to dedicate time in excess of organizational or research agency policies or commitments. Other types of conflicting obligations, including obligations to improperly share information with, or to withhold information from, an employer or research agency, can also threaten research security and integrity, and are an element of a broader concept of conflicts of commitment used in this document.
- II. Conflict of interest—situation in which an individual, or the individual’s spouse or dependent children, has a significant financial interest, or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research.

Disclosure of conflicts of interest and conflicts of commitment is on-going throughout the award term. Grantees should refer to this [NSPM-33 Implementation Guidance table](#) for further information on conflict disclosure.

## IX.200 Intellectual Property Derived from NIFA Funding

All recipients of NIFA funding agreements are required to report all subject inventions, Patents, and Plant Variety Protection Certificates to NIFA using the [iEdison online platform](#). iEdison allows reporting as required by the Bayh-Dole Act and its implementing regulations. NIFA incentivizes innovation, collaboration and further technology transfer and commercialization encouraging protection of all intellectual property (IP)<sup>1</sup> derived from NIFA funding.

All grantees (termed “contractors” in [37 CFR 401.14](#)) must acknowledge NIFA funding and report all IP in NIFA reporting systems and in the Interagency Edison (iEdison).

Under [37 CFR 401.14](#), grantees are obligated to take certain actions to properly manage subject inventions including:

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<sup>1</sup> IP includes: Invention disclosures, U.S. provisional and non-provisional applications, applications filed in a foreign country or international patent office directly, PCT applications, and applications for Plant Variety Protection certificates applications, plant registrations, seed deposits.

Reference	Action
37 CFR 401.14(c)(1)	Disclosing each subject invention to the Federal agency within two (2) months after the grantee's inventor discloses it in writing to contractor personnel responsible for patent matters
37 CFR 401.14(c)(2)	Electing in writing whether or not to retain title to any subject invention by notifying the Federal agency within two years of disclosure
37 CFR 401.14(c)(3)	Filing an initial patent application on a subject invention to which the grantee elects to retain title within one year after election
37 CFR 401.14(f)(1)	Executing and promptly delivering to the Federal agency all instruments necessary to establish or confirm the rights the Government has throughout the world in those subject inventions to which the grantee elects to retain title or to convey title to the Government, as applicable.
37 CFR 401.14(f)(2)	Requiring, by written agreement, the grantee's employees to disclose promptly in writing each subject invention made under contract
37 CFR 401.14(f)(3)	Notifying the Federal agency of any decision not to continue the prosecution of a patent application or to complete patent maintenance activities in any country (e.g. payment of fees)
37 CFR 401.14(f)(4)	Including in the specification of any U.S. patent applications and any patent issuing thereon covering a subject invention, the following statement "This invention was made with government support under (identify the grant number) awarded by NIFA. The government has certain rights in the invention."
37 CFR 401.14(g)	Including the clauses listed in this section of the CFR in any subcontracts or subawards under the grantee's award
37 CFR 401.14(h)	To submit periodic reports as requested on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the grantee or its licensees or assignees

A grantee:

- I. Is entitled to retain ownership of any invention created as a result of Federal funding;
- II. Must attempt to develop and commercialize the invention;
- III. Must promote the commercialization and public availability of inventions made with Federal support; and
- IV. In granting a license to use the invention, the grantee also generally must give priority to small businesses, while maintaining the fair-market value of the invention.

All IP information references are filed electronically via REEport or the NIFA Reporting System (NRS; Capacity grants only), and iEdison. Contact information and resources for assistance with iEdison are in Section VI of these award terms.

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

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## IX.300 Invention Disclosure

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 grantee personnel responsible for such matters.

As defined in 37 CFR 401.14(a),

- I. 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.).
- II. Subject invention means any invention of the grantee conceived or first actually reduced to practice in the performance of work under this contract, provided that in the case of a variety of plant, the date of determination (as defined in section 41(d) of the Plant Variety Protection Act, 7 U.S.C. 2401(d)) must also occur during the period of contract performance.

### IX.300.1 Disclosure Requirements

- I. The grantee will disclose each subject invention via iEdison to NIFA within two months after the inventor discloses it in writing to grantee personnel responsible for patent matters.
- II. The disclosure must include the grant number.
- III. The disclosure shall be sufficiently complete in technical detail to convey a clear understanding to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological, or electrical characteristics of the invention.
- IV. The disclosure shall also identify any publication, on sale or public use of the invention, and whether a manuscript describing the invention has been submitted for publication and, if so, whether it has been accepted for publication at the time of disclosure. In addition, after disclosure to NIFA, the grantee will promptly notify NIFA of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the grantee.
- V. The grantee will provide annual project updates of all subject inventions which were disclosed to NIFA during the period covered by the report.

- VI. The grantee will provide a report on iEdison prior to the close-out of a funding agreement listing all subject inventions or stating that there were none.

Refer to Section VI of these award terms for contact information on Intellectual Property Reporting and submitting to Interagency Edison (iEdison).

## IX.400 Reporting on Utilization of Subject Inventions

The grantees and/or contractors (as defined in [37 CFR 401.14\(a\)](#)) agree to submit on request periodic reports no more frequently than annually on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the grantee or its licensees or assignees.

- I. Reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the grantee, and such other data and information as NIFA may reasonably specify.
- II. Additional reports may be requested by NIFA in connection in certain circumstances ([37 CFR 401.14\(h\)](#)).
- III. As required by [35 U.S.C. 202\(c\)\(5\)](#), the NIFA agrees it will not disclose such information to persons outside the government without permission of the grantee.

### IX.400.1 Preference for United States Industry

Notwithstanding any other provision of this clause, the grantee agrees that neither it nor any assignee will grant to any person the exclusive right to use or sell any subject inventions in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by NIFA upon a showing by the grantee or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

### IX.400.2 Electronic Submission Via Interagency Edison Web Interface

iEdison 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 Plant Variety Protection(s) (PVPs), patents or PVP(s) received, and domestic manufacturing waiver request.

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 commensurate with a patent or PVP application or issued patent or PVP certificate. For plant registrations seed deposits 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.

All IP generated with Federal funding needs to include a statement of acknowledgement of Federal funding providing specifics to agency, program, and grant number information. Refer to Section IX.600.3 of these award terms for requirements.

### IX.400.3 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 NIFA 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 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

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



- 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).

## IX.500 Grant Reporting

All competitive grants must use the Research, Education, and Extension Project Online Reporting Tool (REEport) to complete post award grant reporting requirements. Initial reporting (item IX.500.2 below) for this grant is to be submitted through the REEport application. Annual progress and final reporting (IX.500.3 and IX.500.4 below) on this grant will also be submitted through the REEport application. Information on REEport can be found on NIFA's website at <https://nifa.usda.gov/tool/reepport> and the REEport application can be found at <https://portal.nifa.usda.gov/>. Please refer to 2 CFR 200.344 for closeout procedures and potential consequences for failure to report in a timely manner.

In addition to grant reporting in REEport, grantees must use the National Agricultural Library's PubAg to report information on scholarly publications and/or Ag Data Commons for data assets as specified in IX.600 Publication of Findings and Access of Data. Certification of compliance with public access requirements may be required in REEport.

### IX.500.1 Research, Education, and Extension Project Online Reporting Tool

All projects must be documented in REEport. The NIFA contact for all REEport documentation is:

ATTENTION: REEport

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

### IX.500.2 Initial Documentation in the REEport Application

NIFA will not release funds for this project until the required information has been received electronically by REEport.

Information collected in the REEport Project Initiation is required upon project initiation for all new awards in REEport. This information is requested by the appropriate NIFA National Program Leader.

Awardees are requested to submit data electronically. To submit forms electronically, the REEport application can be accessed through the NIFA Reporting Portal at: <https://portal.nifa.usda.gov/>.

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

Questions regarding report content should be directed to the programmatic contact person identified in Block 14 of the Notice of Award.

### IX.500.3 Annual Progress Reports

All projects must report annually into REEport. Annual Progress Reports should be submitted to REEport. The NIFA contact for REEport is identified in Section IX.500.1 of these award terms.

The annual Progress Report follows the format of the government-wide Research Performance Progress Report (RPPR) and includes a summary of participants, target audiences, products (outputs), accomplishments (outcomes/impacts), and changes/problems.

Each year the award is active, the REEport application will notify the awardee or designated contact electronically of upcoming reporting requirements. An annual Progress Report must be completed in accordance with instructions accompanying the request and/or those provided in REEport, which is accessed through the [NIFA Reporting Portal](#). Reports must be submitted electronically utilizing access information (e.g., login information) provided in the REEport request for a progress report.

An annual Progress Report is due 90 calendar days after the award's anniversary date (i.e., one year following the month and day of which the project period begins and each year thereafter up until a final report is required). An annual Progress Report covers the most recent one-year period. The following information, when applicable, must be included in the Changes/Problems section of the annual Progress Report.

- I. A comparison of actual accomplishments with the goals established for the reporting period (where the output of the project can be expressed readily in numbers, a computation of the cost per unit of output should be submitted if the information is considered useful);
- II. The reasons for slippage if established goals were not met; and
- III. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or unexpectedly high unit costs.

Failure to submit an annual Progress Report within 90 calendar days after the award's anniversary date may result in grant funds being withheld until the report has been submitted as specified.

#### **IX.500.4 Final Report**

In the month that an award is due to expire, a request notification for the Final Report will be sent electronically to the award contact designated in REEport. The Final Report is required within 120 calendar days after the expiration or termination of the award. The 120 calendar days is in compliance with 2 CFR 200.344(a).

The Final Report covers the entire period of performance of the award and must describe progress made during the entire timeframe of the project instead of covering accomplishments made only during the final reporting segment of the project. In addition to supplying the information required under IX.500.3 Annual Progress Report, 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.

Failure to submit an acceptable Final Report within 120 calendar days after the award's anniversary date may result in funds being withheld for other active NIFA grants for which the PD(s) under this award are also named as well as prevent the award of future NIFA grants until the required report has been received in the REEport application and approved by NIFA.

#### **IX.500.5 Use of Reported Information**

Please note the vital importance of preparing well written progress and technical reports. Information reported into REEport is used extensively by NIFA for describing the work NIFA funds, in planning and defending its budget, assessing its programs, and communicating project results. This depends on quality reports written in plain language terms. Reported information is also used by State scientists and administrators and is available to the public. The reported project information is available via the NIFA Data Gateway website at: <https://nifa.usda.gov/data>.

### **IX.600 Publication of Findings and Access of Data**

This section describes the policies for publication of major findings, and release and access of data and metadata from NIFA-funded research, education, extension and integrated research, education and/or extension projects. In addition, release of animal or plant germplasms are described in detail.

All investigators funded by NIFA must publish their major findings, make data resulting from research, education, and/or extension projects publicly available, and comply with USDA's Public Access to Scholarly Publications and Digital Scientific Research Data Departmental Regulation (DR 1020-006, July 20, 2022).

Final peer-reviewed, accepted manuscripts must be made freely accessible to the public through the USDA public access archive system, [PubAg](#), within 12 months of the date on which the publisher makes the article available online. Further, all scholarly publications must receive digital persistent identifiers (such as Digital Object Identifiers (DOIs)) and all authors of NIFA-funded scholarly publications must have individual digital persistent identifiers (such as Open Researcher and Contributor Identifiers (ORCID)).

Exemption criteria are outlined in Section 5(c)(2) of DR 1020-006 linked above. Any non-exempt data asset resulting from NIFA funding must receive a digital persistent identifier and be published in a machine-readable format in a reputable data repository within 12 months of the publication date of an associated scholarly publication, or the end of the performance or funding period, whichever comes first. A standardized metadata catalog entry with a description of the data asset and all data authors' individual digital persistent identifiers must be submitted to the USDA scientific data catalog system, [Ag Data Commons](#), within 12 months following the publication of the data asset in a repository. Data assets connected to a peer-reviewed publication must be linked to that publication via its catalog metadata.

The PubAg and Ag Data Commons submissions must include reference to NIFA as the funding agency, the NIFA grant or accession number, and digital persistent identifiers for the publication or data asset (such as DOI) and the authors (such as ORCID). For more information on public access requirements, see the [NIFA Public Access for NIFA-Funded Work webpage](#).

Awards are intended for unclassified, publicly releasable research and the recipient will not be granted access to classified information. NIFA does not expect that the results of the research project will involve classified information. If, however, in conducting the activities supported under this award, the PI is concerned that any of the research results involve potentially classifiable information that may warrant Government restrictions on the dissemination of the results, the PI should promptly notify the NPL and/or grants specialist identified in their Notice of Award.

Any other restrictions to data access necessary to safeguard privacy, intellectual property, business interests, or other limitations such as resource constraints must be followed as outlined in the Data Management Plan (DMP) of the funded project that had been peer-reviewed according to community standards. The final report must describe the steps taken to implement the DMP as well as information on where the data and metadata are deposited with its digital persistent identifier and with its Federal Award Identification Number (FAIN; formerly known as grant number). When the project involves use of proprietary data or materials from other sources, the data or materials resulting from the NIFA supported research, education and/or extension activities must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements must be followed as stated in the DMP in the application or revisions prior to funding.

#### **IX.600.1 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 U.S., 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.

#### **IX.600.2 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>).

### IX.600.3 Acknowledgement 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>3</sup> Please use the following language to acknowledge NIFA support in such publications and associated presentations, as appropriate:

*"This [work/research] was supported [in part] by the intramural research program of the U.S. Department of Agriculture, National Institute of Food and Agriculture [NIFA Program Name] [Award #]."*

It is expected that the grantee will use NIFA's official identifier in all of its publications, posters, websites, and presentations resulting from the award. This identifier can be found at <https://nifa.usda.gov/resource/official-nifa-identifier>.

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

*"The findings, conclusions, or recommendations expressed in this [publication, presentation, blog] have not been formally disseminated by the U.S. Department of Agriculture and should not be construed to represent any agency determination or policy."*

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

#### **Press Announcements and Media Interviews**

Recommended awards should not be announced in any manner by a grantee until approval is

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<sup>3</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.

obtained from NIFA’s communication office. This applies to press releases, newsletters, and press interviews, web, or social media postings. In many cases, the Secretary of Agriculture may want to personally announce the award.

NIFA grant awardees are requested to coordinate all public announcements with NIFA’s Communication Staff at [CommunicationsStaff@usda.gov](mailto:CommunicationsStaff@usda.gov). Simultaneous announcement by NIFA and the grantee is preferred.

The awardee is responsible for acknowledging NIFA support during news media interviews, including popular media such as radio, television, and news magazines that discuss work supported by NIFA.

#### **IX.600.4 Reporting of Accidents or Releases Involving Recombinant DNA**

Accidents or releases involving rDNA used in NIFA-funded research are to be considered a serious adverse event and the reporting requirements of Appendix M-I-C-4-a. Safety Reporting: Content and Format and Appendix M-I-C-4-b. Safety Reporting: Time frames for Expedited Reports of the NIH Guidelines are to be followed accordingly. Further, such incidents must be reported to NIFA as soon as possible (i.e., within 48 hours) but not later than 7 calendar days after the sponsor’s initial receipt of the information (in the case of fatal or life-threatening incidents) or not later than 15 calendar days after the sponsor’s initial receipt of the information (if the incident is not fatal or life-threatening). Copies of initial reports and subsequent monitoring or remediation reports and documentation must be sent to:

ATTENTION: Agency Scientific Integrity Officer (ASIO)

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

## **X. Financial Reporting**

### **X.100 Federal Financial Report, Form SF-425**

“Federal Financial Report,” Form SF-425, is due on an annual basis no later than 90 days following the end of the award anniversary date (i.e., one year following the month and day

when the project period begins and each year thereafter up until a final report is required). The final report is due no later than 120 calendar days from the award end date in compliance with 2 CFR 200.344(a).

An annual Progress Report covers the most recent one-year period. A final “Federal Financial Report,” Form SF-425, is due no later than 120 days after the expiration date of this award. The report must be submitted to the Awards Management Division (AMD) as a pdf attachment to an email sent to [awards@usda.gov](mailto:awards@usda.gov).

- I. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425 is submitted.
- II. The report must be completed on a single award basis.
- III. The cash management information (lines 10(a) through 10(c)) is NOT to be completed.
- IV. The financial status information (lines 10(d) through 10(o) as well as line 11) on the form are to be completed.
- V. 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.
- VI. When submitting a financial report, the total matching contribution, if required, should be shown on lines 10i, 10j, and 10k.
- VII. Final Financial Report – There should not be any unliquidated obligations reported on the final SF-425 report. If the awardee still has valid obligations that remain unpaid when the SF- 425 is due, it must request an extension of time to submit the report (see Section V of these award terms). 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 grant account will be suspended, which restricts the awardee’s ability to draw funds. 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. Regardless of extensions given for the submission of the SF-425, funds will not be available for any drawdowns that exceed statutory limits as well as any expiring appropriations.

Questions relating to the Federal Financial Report SF-425 are to be directed to the Administrative Point of Contact identified in block 14 of the Notice of Award; via email to [awards@usda.gov](mailto:awards@usda.gov).



## X.200 REEport Project Financial Report

A Project Financial Report must be submitted through the REEport application for each year the project is active. It is due on an annual basis by February 1 of the fiscal year following the fiscal year of expenditures being reported.

- I. Expenditures reported on the Project Financial Report are not auditable by NIFA.
- II. When submitting the financial report, make sure to include all appropriate non-Federally employed staff support applied toward the project in terms of Scientist, Professional, Technical, and Clerical support.
- III. The final REEport Project Financial Report covers only the last, most recent period of performance of the project; unlike the Final Report, it does not cover the life of the project from start to end date.

All questions relating to the REEport Project Financial Report should be submitted to REEport (see contact information in Section IX.500.1 of these award terms).

Failure to submit an annual REEport Project Financial Report may result in grant funds being withheld until the report has been submitted as specified.

## XI. Incremental Funding Actions

### XI.100 Competitive Renewals

The request for continued support should contain all the required elements of a proposal as described in the applicable request for application including a progress report. The application cover page should indicate, along with the prior NIFA award number, that the application is a renewal. The renewal application will proceed through the competitive review process in the same manner as other applications.

### XI.200 Noncompetitive Renewals and Continuations

For noncompetitive renewal grants, the request must contain all the required elements of an application as described in the applicable request for application including a progress report. The application cover page must indicate, along with the prior NIFA award number, that the application is a renewal.

A continuation award is issued for the subsequent years of a new award. To provide the next allotment of funding, NIFA must document satisfactory progress on the project and verify a sound plan of work going forward. To do this, the recipient must submit a signature page, SF 425 Financial Report, continuation justification, budget and budget narrative for requested year of funding, changes in budget, personnel or assurances status, and the annual REEport update. Recipients will receive a letter from the NIFA National Program Leader (NPL) with a due date and job aids for submitting the required continuation award documentation.

## xii. Reporting Subawards and Executive Compensation

Additional administrative requirements necessary for NIFA grants and cooperative agreements to comply with the Federal Funding and Transparency Act of 2006 (FFATA) are contained in [2 CFR Part 170](#). Prime awardees must register with the FFATA Subaward Reporting System (FSRS) database and report the required data on their first tier subawardees. Prime awardees must report the executive compensation for their own executives as part of their registration profile in System for Award Management (SAM).

### XII.100 Reporting of First-Tier Subawards

- I. Applicability. Unless you are exempt as provided in XII.400 Exemptions, you must report each action that obligates \$30,000 or more in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).
- II. Where and when to report.
  - a. The non-Federal entity or Federal agency must report each obligating action described in XII.100 Section I. Applicability to <https://www.fsr.gov/>
  - b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than

December 31, 2010.)

- III. What to report. You must report the information about each obligating action that the submission instructions posted at <https://www.fsr.gov/> specify.

## XII.200 Reporting Total Compensation of Recipient Executives

### XII.200.1 Applicability and What to Report

You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- I. the total Federal funding authorized to date under this award equals or exceeds \$30,000 as defined in 2 CFR 170.320;
- II. in the preceding fiscal year, you received—
  - a. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
- III. the public does not have access to information about the compensation of the Executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execcomp.htm>).

### XII.200.2 Where and When to Report

You must report executive total compensation described in XII.200.1 Applicability and What to

Report:

- I. As part of your registration profile at <https://www.sam.gov>
- II. By the end of the month following the month in which this award is made, and annually thereafter.

## XII.300 Reporting of Total Compensation of Subrecipient Executives

### XII.300.1 Applicability and What to Report

Unless you are exempt as provided in XII.400 Exemptions, for each first-tier non-Federal entity subrecipient under this award, you must report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

- I. in the subrecipient's preceding fiscal year, the subrecipient received--
  - a. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
- II. The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm> ).

### XII.300.2 Where and When to Report

You must report subrecipient executive total compensation described in XII.300.1 Applicability and What to Report:

- I. To the recipient.
- II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

## XII.400 Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- I. Subawards, and
- II. The total compensation of the five most highly compensated executives of any subrecipient.

## XII.500 Definitions

For purposes of this award term:

- I. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f)
- II. Non-Federal entity means all the following, as defined in 2 CFR part 25:
  - a. A Governmental organization, which is a State, local government, or Indian tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization; and
  - d. A domestic or foreign for-profit organization;
- III. Executive means officers, managing partners, or any other employees in management positions.
- IV. Subaward:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this

- award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).
  - c. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- V. Subrecipient means a non-Federal entity or Federal agency that:
- a. Receives a subaward from you (the recipient) under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the subaward.
- VI. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
- a. Salary and bonus.
  - b. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
  - c. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization, or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
  - d. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
  - e. Above-market earnings on deferred compensation which is not tax-qualified.
  - f. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

## XIII. System for Award Management (SAM) Requirements

Unless exempt from the requirements under OMB guidance at 2 CFR Part 25, recipients of NIFA funds are required to register in [SAM](#). Current recipients are required to keep their SAM registration up to date. Recipients are required to update information in SAM annually at a minimum to remain in compliance with the terms and conditions associated with their award.

### XIII.100 Requirement for SAM

Unless exempted under 2 CFR 25.110, all applicant organizations must register in SAM and maintain the registration with current information during which it has an application under consideration for funding by NIFA. If an award is made, the recipient must “maintain an active SAM registration with current information, including information on a recipient’s immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable, at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency” (2 CFR 25.200). The award is considered active until a final financial report is submitted or the final payment is received, whichever is later. SAM is the primary registrant database for the Federal government and is the repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site at <https://www.sam.gov/portal/public/SAM/>.

## XIV. Federal Agency Identification Number

A Federal Agency Identification Number (FAIN) is a unique number Federal agencies assign to Federal financial assistance awards. NIFA assigns a FAIN to each award and includes it in block 8. of the Notice of Award. Awardees must document the assigned FAIN on each subaward under the Federal award.

## XV. Cluster of Programs

For extension and education awards, the Research Terms and Conditions clarification for 2 CFR 200.17 does not automatically apply.

the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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## XVI. Glossary

- I. Authorized Departmental Officer (ADO): The ADO is the individual responsible for executing, modifying, and administering awards on behalf of the U.S. Department of Agriculture ([7 CFR 3430.2](#)).
- II. Authorized Representative (AR): The AR, a government-wide term, is the designated representative of the grantee organization in matters related to the award and administration of its NIFA grants ([7 CFR 3430.2](#)).
- III. Period of Performance: Period of performance means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the Period of Performance in the Federal award per [2 CFR 200.211\(b\)\(5\)](#) does not commit the awarding agency to fund the award beyond the currently approved budget period ([2 CFR 200.1](#)).