

National Institute of Food and Agriculture Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs Terms and Conditions

NIFA Office of Grants and Financial Management

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I. Applicability

In carrying out approved activities under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) program, you must follow 2 CFR 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” as supplemented by these award terms and conditions. These award terms and conditions will refer to other documents as applicable. The statutory authority for this grant award is stated in Block 11 of the Notice of Award.

II. Order of Precedence

In the event of any inconsistency 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 Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Programs Terms and Conditions
- IV. Agency policy
- V. Application Documents

III. About the Document

The document incorporates:

- I. [2 CFR 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”](#) (referred to as Uniform Guidance (UG)), by reference;
- II. [7 CFR 3403, “Small Business Innovation Research Grants Program”](#); and

III. The SBIR and STTR Extension Act of 2022 (Pub. Law 117-183; 15 U.S.C. 638).

IV. Applicable Regulations and National Policy Requirements

As a condition of this grant award, you assure that you will be in compliance and will comply 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 award terms and conditions by reference.

Table 1: National Policy Requirements

Regulation/Statute	Title
2 CFR Part 25	Universal Identifier and System for Award Management
2 CFR Part 170	Reporting Subaward and Executive Compensation Information
2 CFR Part 175	Award Term for Trafficking in Persons
2 CFR Part 180	OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)
2 CFR Part 182	Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
2 CFR Part 184; Memorandum M-24-02	Buy America Preferences for Infrastructure Projects
2 CFR Part 200	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

2 CFR Part 400	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
2 CFR Part 400.2	Conflict of Interest
2 CFR Part 415	General Program Administrative Regulations
2 CFR Part 416	General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments
2 CFR Part 417	Nonprocurement Debarment and Suspension
2 CFR Part 418	New Restrictions on Lobbying
2 CFR Part 421	Requirements for Drug-Free Workplace (Financial Assistance)
2 CFR Part 422	<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 Authorized Organizational Representative (AOR) assures, through acceptance of the award that the institution will comply with the above requirements. Grant recipients shall, 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>

	https://nifa.usda.gov/research-misconduct
7 CFR Part 1, Subpart A	Official Records
7 CFR Part 1b	National Environmental Policy Act
7 CFR Part 3	Debt Management
7 CFR Part 15, Subpart A	Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture – Effectuation of Title VI of the Civil Rights Act of 1964
7 CFR Part 3100	Cultural and Environmental Quality
7 CFR Part 3403	Small Business Innovation Research Grants Program
8 U.S.C. 1324a	Unlawful employment of aliens
29 U.S.C. 794	Nondiscrimination under Federal grants and programs
41 U.S.C. 6306	Prohibition on Members of Congress making contracts with Federal Government
41 U.S.C. 4712	Enhancement of contractor protection from reprisal for disclosure of certain information
45 CFR 75.521, Appendix IX to Part 75	Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals
48 CFR Subpart 31.2	Contracts with Commercial Organizations
Executive Order (EO) 13513	“Federal Leadership on Reducing Text Messaging While Driving,”

Executive Order 13798; 7 CFR Part 16.3	Promoting Free Speech and Religious Liberty; Faith-Based Organizations and Federal Financial Assistance
2 CFR 200.216	Prohibition on certain telecommunications and video surveillance services or equipment
2 CFR 200.340	Termination
Other laws, agency-specific regulations applicable to USDA agencies and staff offices	<p>USDA agencies and staff offices must comply with provisions found in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, General Provisions Government-wide, sections 743, 744, 745, 746 respectively or any successor provisions of law.</p> <p>Prohibition Against Certain Internal Confidentiality Agreements</p> <ol style="list-style-type: none"> 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. 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. 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. IV. If NIFA determines that you are not in compliance with this award provision, NIFA: <ol style="list-style-type: none"> a. Will prohibit your use of funds under this award, in accordance with sections 743 and 744 of Division E of the

	<p>Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law;</p> <p>b. May pursue other remedies available for your material failure to comply with award terms and conditions.</p> <p>Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants</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 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"> 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 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 debarment 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. <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>
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USDA Departmental Regulation DR 1020-006	Public Access to Scholarly Publications and Digital Scientific Research Data
Memorandum from Office of Science and Technology Policy (OSTP)	Ensuring Free, Immediate, and Equitable Access to Federally Funded Research
USDA Departmental Regulation DR 1074-001	Scientific Integrity
USDA Departmental Regulation DR 3465-001	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

IV.100 National Policy Requirements

A listing of National Policy Requirements recipients must adhere to, where applicable, is located at: <https://www.nsf.gov/awards/managing/rtc.jsp>.

IV.200 Other Requirements

IV.200.1 Fraud, Waste, and Abuse

At a minimum, organizations must prepare and make available information about fraud, waste, and abuse to individuals participating in the SBIR/STTR 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 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 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 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, an SBIR/STTR award;
- II. misrepresentations of the use of funds expended, work done, results achieved, or compliance with program requirements under an SBIR/STTR award;
- III. misuse or conversion of SBIR/STTR award funds, including any use of award funds while not in full compliance with SBIR/STTR Program requirements, or failure to pay taxes due on misused or converted SBIR/STTR award funds;
- IV. fabrication, falsification, or plagiarism in applying for, carrying out, or reporting results from an SBIR/STTR 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 subaward/subcontract to an entity in which the PI/PD 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.

IV.200.2 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:

- 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.

IV.200.3 Due Diligence and Foreign Influence

The SBIR/STTR Extension Act of 2022 requires Federal agencies to implement a due diligence program to address foreign influence within SBIR/STTR programs. Expectations for awardees and their sub-contractors and consultants are outlined below:

Awardee Responsibilities

- I. The Disclosure of Foreign Affiliations or Relationships to Foreign Countries Form (disclosure form), completed at application time, must be resubmitted annually, and when there are changes in: key personnel, company structure, or company name.
- II. Notify sub-contractors and consultants that they must submit an initial disclosure form and an updated form when there are changes in key personnel or company name to SM.DDSBIR@usda.gov. The Small Business Concern (SBC) must notify the sub-contractor/consultant of the expectations for disclosure forms and provide sub-contractors/consultants with a copy of the disclosure form.
- III. The awardee must complete Cybersecurity training as outlined here:
 - a. **Training Video on Cybersecurity Awareness:** The SBIR/STTR Program encourages awardees to watch the Department of Defense's [Cyber Attacks, the Insider Threat](#). The project director (PD/PI) or individual(s) who manage the IT system(s) of the SBC should watch these videos.
 - b. **Cyber Training Series:** All recommended awardees (SBC) shall complete the three parts of the [Cyber Training Series](#). This series is part of the [Safeguarding Science](#) initiative, sponsored by the Office of the Director of National Intelligence and is recommended by the Federal Bureau of Investigation (FBI). The series has three interactive modules presenting cyber information: 1) Cyber Explore- Fundamentals of Cyber, 2) Cyber Aware-Anatomy of a Hack, 3) Cyber Exploits-Understand the Threat. A brief quiz pertaining to the content presented follows each module. Following each quiz, the participant attending the training shall take a screenshot of the quiz results and email them to SM.DDSBIR@usda.gov to document completion before finalizing the award.

IV.200.3.a Definitions

- I. Covered individual—the term "covered individual" means an individual who:
 - a. contributes in a substantive, meaningful way to the scientific development or

execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and

- b. is designated as a covered individual by the Federal research agency concerned.
- II. Foreign affiliation—the term "foreign affiliation" means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary. This includes appointments or positions deemed adjunct, visiting, or honorary with research institutions located in a foreign country of concern.
- III. Foreign country of concern—the term "foreign country of concern" means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State.
- IV. Malign foreign talent recruitment program—the term "malign foreign talent recruitment program" has the meaning given such term in [section 19237 of title 42](#).
- V. Federally funded award—the term "Federally funded award" means a Phase I, Phase II (including a Phase II award under subsection (cc)), or Phase III SBIR or STTR award made using a funding agreement.

IV.200.4 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.

IV.200.5 Buy America Preference

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 (I), 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 planning, 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.

IV.200.5.a 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 the Federal Agency 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 USDA/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 USDA and the Made in America Office. Additional information about the BABA waiver process is available at <https://www.usda.gov/ocfo/federal-financial-assistance-policy/USDABuyAmericaWaiver>.

IV.200.5.b 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 is 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 a public infrastructure project 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 (I) 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.

IV.200.6 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, 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>.

IV.200.7 Life Sciences Dual Use Research of Concern (DURC)

For all research, funded by NIFA, that potentially falls within the scope of the US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (<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.)

IV.200.8 Genetic Resources from Outside of U.S.

If this project will use plant or animal genetic resources from outside the United States, the PI/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 (<https://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 (https://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 genebanks.

V. Flow-Down of Requirements Under Subawards/Subcontracts

The terms and conditions of the award flow down to subawardees/subcontractors and subrecipients, including due diligence requirements, unless the terms and conditions specify an exception. See [2 CFR 200.101](#).

VI. Definitions

Applicable definitions are included in Subpart A of 2 CFR 200 and [7 CFR 3403](#). The following are a few clarifications:

- I. Authorized Representative (AR) has the same meaning as Authorized Organizational Representative (AOR) (see [7 CFR 3403.2](#)).
- II. 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\(e\)\(2\)](#). 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 award instrument. Any such limitation also applies to subcontracts made under awards subject to a period of performance limitation.
- III. Principal Investigator/Project Director (PI/PD) (defined in 7 CFR 3403.2) is more commonly referred to as Project Director (PD).

VII. Recipient and USDA Agency Contacts

The following contacts are provided for your assistance.

Recipient Contacts:

The Project Director contact is identified in Block 15 of the Notice of Award.

NIFA will consider the individual identified in Block 5 of the SF-424 R&R Application for Funding as the recipient's administrative contact person.

USDA/NIFA Contacts:

Program Point of Contact (otherwise called the National Program Leader (NPL)) – a NIFA individual who is responsible for the technical oversight of the award on behalf of the USDA (the individual is identified in Block 14 of the Notice of Award).

Administrative Point of Contact – a NIFA individual who is responsible for the administrative oversight of the award on behalf of the USDA (the individual is identified in Block 14. Of the Notice of Award).

Where these terms and conditions direct information to be submitted to the Authorized Departmental Officer (ADO), requests must be submitted as a portable document format (PDF) attachment to an email sent to awards@usda.gov.

VII.100 Contact Information for Intellectual Property Matters

Questions regarding intellectual property matters, including plant variety protection (PVP) and reporting on Interagency Edison (iEdison) should be referred to:

ATTENTION: Planning, Accountability, and Reporting Staff

Email: electronic@usda.gov

VII.200 Reporting Intellectual Property on Interagency Edison

NIFA leverages 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 detailed instructions or other questions regarding Interagency Edison should be submitted as an iEdison help ticket at <https://nist.my.salesforce-sites.com/iedison>.

VIII. Prior Approval Requirements

Prior approvals are addressed in 2 CFR 200.407. To assist with prior approvals required for awards under these award terms, a Prior Approval Matrix is included below. Following the matrix are some situations that describe, in most cases, information that must be submitted to the ADO when requesting prior approval. However, the awardee is bound by any other prior approval requirements of the applicable administrative provisions and Federal cost principles. All requests must be signed or countersigned by the AR and, unless otherwise noted herein, should be submitted at least 45 days in advance of the required action date as a PDF attachment to an email sent to awards@usda.gov. Requests that are received without the AR’s signature will be returned to the grantee to obtain the required institutional approval. Prior approvals must be obtained from the ADO.

Table 2: Prior Approval Requirements

Description	2 CFR Subsection Reference	Prior Approval Required or Waived
Prior written approval (prior approval)	<u>200.407</u>	
Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts	<u>200.407(a)</u>	
Changes in principal investigator (PI),	<u>200.201(b)(5)</u>	Required

project leader, project partner, or scope of effort		
Cost sharing or matching	<u>200.407(b)</u>	
Use of unrecovered indirect costs, including indirect costs on cost sharing or matching	<u>200.306(c)</u>	N/A
Use of current fair market value to determine the value of non-Federal entity donations of services and property for the purposes of cost sharing or matching	<u>200.306(d)(2)</u>	N/A
Costs of the fair market value of equipment or other capital assets and fair rental charges for land when the Federal award supports activities that require use of equipment, buildings or land	<u>200.306(h)(2)</u>	N/A
Program income	<u>200.407(c)</u>	
Use of program income during the period of performance (additive method)	<u>200.307(e)</u>	Waived

Revision of budget and program plans	<u>200.407(d)</u>	
Change in the scope or the objective of the project or program	<u>200.308(c)(1)</u>	Required
Change in a key person specified in the application or Federal award	<u>200.308(c)(2)</u>	Required
Disengagement from the project for more than three months, or a 25 percent reduction in time devoted to the project by the approved PI/PD	<u>200.308(c)(3)</u>	Required
Inclusion, unless waived, of costs that require prior approval in accordance with Subpart E – Cost Principles	<u>200.308(c)(4)</u>	Required
Transfer of funds budgeted for participant support costs to other categories of expense	<u>200.308(c)(5)</u>	Required
Subawarding, transferring or contracting out any work under a Federal award. This provision	<u>200.308(c)(6)</u>	Required

does not apply to the acquisition of supplies, material, equipment or general purpose services		
Changes in the approved cost-sharing or matching provided by the non-Federal entity	<u>200.308(c)(7)</u>	Required
Need for additional Federal funding to complete the project	<u>200.308(c)(8)</u>	Required
Incur project costs 90 calendar days before the Federal awarding agency makes the award	<u>200.308(e)(1)</u>	Waived
Incur project costs more than 90 calendar days pre-award	<u>200.308(e)(1)</u>	Required
Initiate a one-time extension of the period of performance by up to 12 months	<u>200.308(e)(2)</u>	Waived
Subsequent no-cost extension or extension of more than 12 months	<u>200.308(e)(2)</u>	Required
Carry-forward of unexpended balances to	<u>200.308(e)(3)</u>	Waived

subsequent funding periods		
Restrict the transfer of funds among direct cost categories or programs, functions and activities for Federal awards in which the Federal share of the project exceeds the simplified acquisition threshold and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency.	<u>200.308(f)</u>	Waived
Transfer of funds between construction and non-construction activities	<u>200.308(h)(5)</u>	Required
Real property	<u>200.4071</u>	
Encumber real property acquired with Federal funds	<u>200.311(b)</u>	Required
Transfer of title to the Federal awarding agency or to a third party	<u>200.311(c)(3)</u>	Required

Special arrangements and alterations costs incurred specifically for a Federal award	<u>200.462(a)</u>	Required
Equipment	<u>200.407(f)</u>	
Encumber equipment acquired with Federal funds	<u>200.313(a)(2)</u>	Required
Fixed amount subawards	<u>200.407(g)</u>	
Subawards based on fixed amounts at any dollar amount, provided the subawards meet the requirements for fixed amount awards in 200.201	<u>200.333</u>	Required
Direct costs	<u>200.407(h)</u>	
Direct charge the salaries of administrative and clerical staff if all conditions in 200.413 are met, excluding 200.413(c)(3)	<u>200.413(c)</u>	Required
Compensation – personal services, paragraph (h)	<u>200.407(i)</u>	
Directly charge payments of incidental activities for which supplemental	<u>200.430(h)(1)(ii)</u>	Required

compensation is allowable under written institutional policy (at a rate not to exceed institutional base salary)		
Compensation- Personal Services	<u>200.430(h)(1)</u>	Required
Faculty salary in excess of Institutional Base Salary (IBS)	<u>200.430(h)(2)</u>	Required
Intra-Institution of Higher Education faculty consulting on a Federal award that exceed a faculty member's base salary	<u>200.430(h)(3)</u>	Required
Compensation - fringe benefits	<u>200.407(j)</u>	
Severance payments to foreign nationals employed by the non-Federal entity outside the US that exceed the amounts customary in the US	<u>200.431(i)(4)</u>	Required
Severance payments to foreign nationals employed by the non-Federal entity outside the US due to termination of the	<u>200.431(i)(5)</u>	Required

foreign national as a result of the closing of, or curtailment of activities by, the non-Federal entity in that country		
Entertainment costs	<u>200.407(k)</u>	
Inclusion of costs of entertainment, including amusement, diversion, and social activities and any associated costs that have a programmatic purpose	<u>200.438</u>	Required
Equipment and other capital expenditures	<u>200.407(l)</u>	
Direct charge capital expenditures for buildings and land use	<u>200.439(b)(1)</u>	Required
Direct charge capital expenditures for special purpose equipment over \$5,000	<u>200.439(b)(2)</u>	Waived
Capital expenditures for improvements to land or buildings which materially increase their value or useful life	<u>200.439(b)(3)</u>	Required
Exchange rates	<u>200.407(m)</u>	

Exchange rate fluctuations that result in the need for additional Federal funding, or a reduction in the scope of the project	<u>200.440(a)</u>	Required
Fines, penalties, damages and other settlements	<u>200.407(n)</u>	
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	<u>200.441</u>	Required
Fund raising and investment management costs	<u>200.407(o)</u>	
Costs of organized fund raising for the purposes of meeting the Federal program objectives	<u>200.442(a)</u>	Required
Goods or services for personal use	<u>200.407(p)</u>	
Costs of housing (e.g. depreciation, maintenance, utilities, furnishings, rent), housing allowances and personal living	<u>200.445(b)</u>	Required

expenses		
Insurance and indemnification	<u>200.407(q)</u>	
Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property	<u>200.447(b)(2)</u>	Required
Memberships, subscriptions, and professional activity costs, paragraph I	<u>200.407(r)</u>	
Costs of membership in any civic or community organization	<u>200.454</u>	Required
Organization costs	<u>200.407(s)</u>	
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	<u>200.455</u>	Required
Participant support	<u>200.407(t)</u>	

costs		
Inclusion of participant support costs	<u>200.456</u>	Waived
Transfer of funds budgeted for participant support costs to other categories of expense	<u>200.308(c)(5)</u>	Required
Pre-award costs	<u>200.407(u)</u>	
Inclusion of allowable pre-award costs	<u>200.458</u>	Waived
Incur project costs 90 calendar days before the Federal awarding agency makes the award	<u>200.308(e)(1)</u>	Waived
Incur project costs more than 90 calendar days pre-award	<u>200.308(e)(1)</u>	Required
Rearrangement and reconversion costs	<u>200.407(v)</u>	
Direct charge special arrangements and alterations costs incurred specifically for a Federal award	<u>200.462(a)</u>	Required
Selling and marketing costs	<u>200.407(w)</u>	
Costs of selling and marketing any products or services	<u>200.467</u>	Required

of the non-Federal entity (unless allowed under §200.421 Advertising and public relations)		
Taxes (including Value Added Tax)	<u>200.407(x)</u>	
Use of foreign tax reimbursement for approved activities under the Federal award	<u>200.470(c)</u>	Required
Travel costs	<u>200.407(y)</u>	
Inclusion of travel costs for officials covered by 200.444 General costs of government	<u>200.475(a)</u>	Required
Travel costs for dependents for travel of duration of six months or more	<u>200.475(c)(2)</u>	Required

VIII.100 Changes in Project Scope or Objectives

When it is necessary to modify the scope or objectives of the award, the AR must submit to the ADO a justification for the change along with the revised scope or objectives of the award. The request should contain the following:

- I. Include the grant number and proposal number
- II. Provide a narrative explaining the requested modification to the project objectives/scope
- III. Provide a description of the revised objectives/scope

- IV. Signatures of the AR and/or the Project Director must be on the letter
- V. Send the letter to the ADO for timely processing as identified in these terms and conditions

VIII.200 Change in Key Personnel

When it is necessary to change key personnel, the AR must submit a written request to the ADO to replace the key personnel. The request must contain the following:

- I. Include the grant number and proposal number
- II. Narrative explaining the need for the personnel change
- III. The request should contain a copy of the new individual's curriculum vitae
- IV. A revised Disclosure of Foreign Affiliations or Relationships to Foreign Countries Form
- V. Signature of the proposed replacement signifying his/her willingness to serve on the project
- VI. Signatures of the AR and/or the Project Director must be on the letter
- VII. Send the letter to the ADO for timely processing as identified in these terms and conditions

Refer also to Section XIII.100 Performance Monitoring regarding the SBIR/STTR Funding Agreement Certification for additional requirements.

VIII.300 Sub-contractual Arrangements

Total funds for subcontracting/consulting may not normally exceed one-third of the research or analytical effort as determined by budget expenditures during a Phase I project and one-half of the research or analytical effort as determined by budget expenditures during a Phase II project. Consulting fees are normally limited to the equivalent of the Senior Executive Service Level IV salary (see "Rates of Pay for the Executive Schedule" under the "Executive & Senior Level Employee Pay Tables" header at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>). Prior written approval of the ADO is required for any subcontract awarded 1) whereby work is to be performed outside of the United States, 2) for

an amount in excess of the noted sub-contractual limitations, or 3) for consultant fees exceeding a Senior Executive Service Level IV salary.

To request authorization from the ADO for 1) and 2) noted above, the AR shall submit to the ADO the following:

- I. Include the grant number and proposal number
- II. Provide a narrative explaining the proposed sub-contractual arrangements
- III. Provide a statement of work to be performed
- IV. Include a detailed budget
- V. Provide a budget narrative for the subcontract
- VI. Signatures of the AR and/or the Project Director must be on the letter
- VII. Provide a letter of collaboration/intent signed by the subcontractor's AR

Send the letter to the ADO for timely processing as identified in these terms and conditions. Sub-contractual arrangements that are disclosed in the proposal or modifications thereto do not require additional post-award approval unless language in the award specifically states otherwise.

To request authorization from the ADO for 3) noted above, the AR shall submit justification for exceeding the Senior Executive Service Level IV salary to the ADO.

The awardee is responsible, without recourse to NIFA, regarding the settlement and satisfaction of all contractual and legal issues arising out of contracts, grants, or other instruments entered into between the awardee and third parties to carry out approved project activities. Matters concerning violation of law should be referred to the Federal, State, or local authority having proper jurisdiction.

Subcontractors/consultants must obtain prior written university or Federal facility approval to use or work in university or Federal facility as a subcontractor/consultant under a SBIR/STTR award. Approval must be from the AR of the university or Federal facility, as applicable.

VIII.400 Adding or Changing Consulting Services

If the use of consultant services becomes necessary during project performance, the awardee may enter into appropriate arrangements as needed to obtain such services provided that:

- I. The use of a consultant or consultants does not constitute the transfer of substantive programmatic work requiring prior approval; or
- II. The awardee does not propose to pay a consulting fee to one of its own employees.

Where one of these conditions exists and the consulting services are not a part of the approved budget, the awardee shall seek and document approval in accordance with the awardee's normal procedures. The documentation should include a justification, performance statement, rate of pay and vitae.

Federal employees may provide consulting services to the awardee or to a subrecipient as required to achieve project objectives and may be compensated for their services provided that such services are performed outside of their official duty hours or while they are in leave status and provided also that they receive approval from their respective agencies prior to rendering these services. Under no circumstances may employees of NIFA receive compensation under a NIFA-supported project, regardless of tier.

VIII.500 Foreign Travel

All foreign travel (i.e., any travel outside of North America and/or U.S. Territories) performed under this award must be approved in writing by the ADO prior to departure. If foreign travel is authorized under this project, the approved budget will identify funds for this purpose. Where foreign travel is contemplated subsequent to the effective date of the project, a written request must be submitted to the ADO outlining the purpose of the proposed trip, the inclusive dates of travel, the destination, and estimated costs involved.

VIII.600 Profit Fee

A profit fee under this award must be pre-approved in writing by the ADO. If a profit fee is authorized under this project, the approved budget will identify funds for this purpose. Where a profit fee is contemplated subsequent to the effective date of the project, a written request

must be submitted to the ADO identifying the amount and the related budgetary changes.

VIII.700 Changes of Name or Legal Status

If an awardee is contemplating any type of transaction involving the entity (e.g., merger, spin-off, or sale), it is advised that the awardee contact the program point of contact identified in Block 14. Of the Notice of Award (or any one of the SBIR/STTR National Program Leaders) for knowledge of how the transaction may affect the award. The awardee must notify the ADO promptly of any pending change in its name or address, its principal operating officers, or the legal status of the awardee institution, organization, or entity, including, but not limited to, change brought about through merger, divestiture, or bankruptcy. Upon notification, the ADO will provide appropriate instructions to the awardee through the AR.

Refer also to Section XIII.100 Performance Monitoring regarding the SBIR/STTR Funding Agreement Certification for additional requirements.

VIII.800 Absence of or Change in Project Leadership

When a PI/PD plans to:

- I. Relinquish active direction of the project for a period of more than three consecutive months,
- II. have a 25 percent or more reduction in the time devoted to the project, or
- III. sever his or her connection with the awardee,

the awardee has several options and responsibilities:

VIII.800.1 Temporary PI/PD Absence

If the PD/PI's absence is temporary, the AR must notify the ADO in writing of arrangements for the continuing conduct of the project (i.e., identify who will be in charge during the PI/PD's absence, including his/her curriculum vitae and his/her written concurrence).

VIII.800.2 Severance of PI/PD from Awardee

If the PI/PD severs his/her affiliation with the awardee, the awardee's options include:

- I. Replacing the PI/PD on the Project – The AR must request, in writing, ADO approval of the replacement PI/PD and must include a copy of his/her curriculum vitae. The request must also contain the signature of the proposed replacement PI/PD signifying his/her willingness to assume leadership of the project.
- II. Relinquishing the Award – If the previous option is not viable and the awardee wishes to relinquish the award, the following procedures should be followed: the awardee should send notice in writing, signed by the AR and PD/PI, to the ADO which indicates the awardee is relinquishing the award. The letter should include the date the PI/PD is leaving and a summary of progress to date (the progress report can be accomplished by attaching a final “Accomplishments Report” in REEport and submitting a Final Report). A final Form SF-425, “Federal Financial Report”, which reflects the total amount of funds spent by the awardee, should be submitted.

VIII.900 More than One No-Cost Extension or an Extension of More than 12 Months

Consistent with [7 CFR 3430.58\(b\)\(2\)](#) and [2 CFR 200](#) when more than one no-cost extension of time or an extension of more than 12 months is required, the extension(s) must be approved in writing by the ADO. The awardee should prepare and submit a written request (which must be received no later than 10 days prior to the expiration date of the award) to the ADO. Usually no more than one no-cost extension or an extension of more than 12 months is permitted only when there are exceptional circumstances.

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;
- II. A summary of progress to date (a copy of the most recent REEport progress report is acceptable provided the information is current – see Section XIII.100.4.a of these award terms);
- 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 PD/PI. Any request received by the agency that does not meet this requirement will be returned for the necessary signature(s).

VIII.1000 Requests for No-Cost Extensions of Time After Expiration Date

Consistent with [7 CFR 3430.58\(b\)\(3\)](#) and [2 CFR 200](#) 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 extenuating circumstances, as determined by NIFA. The awardee's AR must submit the requirements identified in a. through e. of this section 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) shall not exceed any applicable statutory limit as well as any expiring appropriation limitation.

VIII.1100 Pre-award Costs Incurred Outside the 90-Day Period

Where pre-award costs are incurred outside the 90-day period immediately preceding the award, such costs must be approved in writing by the ADO. The request must be received and approved by the NIFA Office of Grants and Financial Management prior to charging such costs to the award. The request must include the following:

- I. Justification for why pre-award costs are necessary
- II. A timetable or date when the expense will be incurred
- III. What the expense is for (Note: these costs must be accounted for in the final approved budget)
- IV. The estimated amount of the expense.

- V. Signatures of the AR and/or the Project Director must be on the letter.
- VI. Send the letter to the ADO for timely processing as stated in Section VII of these terms and conditions

VIII.1200 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 awards@usda.gov following the guidance below:

VIII.1200.1 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 or other statutory or agency policy limitations. Funds will remain available for drawdown during an approved extension of time.

VIII.1200.2 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 or other statutory or agency policy limitations.

VIII.1300 Prior Approval Is Waived

NIFA is exercising its option and is waiving prior written approval (i.e., recipients need not obtain such prior approval(s)) for the situations noted in the previous chart (last column of chart includes “Waived”). The following is additional information regarding areas where prior approval is waived with conditions or required.

VIII.1300.1 Program Income

If the award recipient or subrecipient is other than a Federal agency, royalties or equivalent income earned on patents, inventions, and copyrighted works may be retained by the awardee. General program income earned during the period of NIFA support of this project must be added to total project funds and used to further the objectives of this award or the legislation under which this award is made. Disposition of program income earned by subawardees/subcontractors shall be determined in accordance with the awardee's own policies. Also see [2 CFR Part 200.307](#).

VIII.1300.2 Pre-Award Costs

The PI/PD may incur pre-award costs within the 90-day period immediately preceding the effective date of the award providing: the approval of pre-award spending is made and documented in accordance with the awardee's normal procedures prior to the incurrence of the cost(s); the advanced funding is necessary for the effective and economical conduct of the project; and the costs are otherwise allowable and allocable. As outlined in [2 CFR 200.308\(e\)\(1\)](#), all costs incurred before the USDA awarding agency makes the award are at the risk of the recipient. AR authority to approve pre-award costs does not impose an obligation on NIFA. The USDA awarding agency is under no obligation to reimburse costs if for any reason the: (1) if an award is subsequently not made; (2) if an award is made for a lesser amount than the awardee expected; or (3) the award is inadequate to cover the costs.

Pre-award costs incurred outside the 90-day period immediately preceding the effective date of the award must receive written approval from the ADO.

VIII.1300.3 No-Cost Extension of Time

Consistent with [7 CFR 3430.58\(b\)\(1\)](#) and [2 CFR 200](#) awardees may initiate a one-time no-cost extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply: the terms and conditions of the award prohibit the extension; the extension requires additional Federal funds; and the extension involves any change in the approved objectives or scope of the project. For the first no-cost extension, the awardee must notify NIFA in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. Notifications must be submitted as a PDF

attachment to an email sent to awards@usda.gov.

VIII.1300.4 Budget Changes and Other Required Administrative Prior Approvals

When it is necessary to request ADO approval of a budget revision (see Section VIII. Prior Approval Requirements), the revised budget must be submitted as a PDF attachment to an email to 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 PI/PD and AR concurrence (i.e., must contain the signature of the PI/PD and AR).

VIII.1300.5 Equipment

The prior approval for the direct charge of general purpose equipment and special purpose equipment is waived if the cost of the equipment is appropriately prorated among the activities to be benefitted.

IX. Indirect Costs

Indirect costs will be allowed for the award when specifically included as a line item in the approved budget for this award.

See <https://nifa.usda.gov/indirect-costs> for further information.

As outlined in [2 CFR 200.414\(f\)](#), any non-Federal entity (NFE) entity that does not have a current negotiated (including provisional and billing) rate, except for those non-Federal entities described in [paragraph D.1.b. of Appendix VII to part 200, Title 2](#), may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. Once elected, the de minimis rate must be used consistently for all federal awards until the entity chooses to negotiate a rate, which the entity may request at any time. [Paragraph C.7 of Appendix III to Part 200, Title 2](#) specifies Federal agencies are required to use the negotiated Facilities & Administrative rates in effect at the time of the initial award throughout the life of the sponsored agreement. As outlined in [2 CFR 200.414\(g\)](#), any NFE that has a current Federally negotiated indirect cost rate may apply for a one-time extension of

the rates in that agreement for a period of up to four years. Such requests should be submitted prior to the due date of the next proposal for indirect costs. The extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted, the grantee may not request a rate review until the extension period ends. At the end of the four-year extension, the grantee must re-apply to negotiate a rate. Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

Exclusion of Independent Research and Development in Negotiated Rates

Some cognizant agencies of for-profit entities negotiate rates based on cost pools that include unallowable items for NIFA SBIR/STTR financial assistance awards. Examples of these items are Independent Research and Development (IR&D) and associated costs. If an ADO determines that a recipient possesses such a rate, they will refer them to NIFA's Indirect Cost Team to assess the current rate. The Indirect Cost Team will either approve the rate as-is or provide an adjusted rate to be used on the SBIR/STTR award. This rate will be award-specific and not meant to be used by any other agency.

X. Allowable Costs

Grant funds may only be used for allowable costs incurred during the period of performance (see Section VI. Definitions) or within the [90-day period immediately preceding](#) the effective date of the award. See [2 CFR 200.308\(c\)\(1\)](#). Pre-award costs outside the 90 day period immediately preceding the effective date of the award must follow the requirements in these [terms and conditions](#).

Allowable costs will be determined in accordance with the applicable program legislation, the purpose of the grant award, the terms and conditions for the grant award as contained herein, and by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of the type of award or tier (i.e., prime awardee, subaward/subcontract) as are in effect at the time of the award:

[2 CFR part 200](#), “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

[48 CFR Subpart 31.2](#), “Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of 2 CFR part 200.”

[45 CFR Part 74, Appendix E](#), “Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals.”

XI. Unallowable Costs

The following costs are unallowable under this grant unless otherwise permitted by law or approved in writing by the ADO:

- I. Costs above the amount authorized for the project;
- II. Costs incurred before the effective date of the award, unless they meet the pre-award cost provisions detailed [above](#);
- III. Costs incurred after the expiration of the award including any no-cost extensions of time;
- IV. Costs which lie outside the scope of the approved project and any amendments thereto;
- V. Entertainment costs regardless of their apparent relationship to project objectives, allowable only with prior approval;
- VI. 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, costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable; however, it is NIFA’s policy that the meeting/conference be a formal group meeting being 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. They are considered to be per diem expenses and should be reimbursed in accordance with the organization’s established travel policies.
- VII. Independent research and development costs;
- VIII. Compensation for injuries to persons or damage to property arising out of project

activities;

- IX. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee;
- X. None of the funds under this award may be used towards travel costs for NIFA employees.

This list is not exhaustive. Questions regarding if particular items of cost are allowed, should be directed to the ADO.



Note: Costs which have been determined to be unallowable, whether by statutory or regulatory mechanism, may not be used to meet any required non-Federal share of costs.

XII. Limit of Federal Liability

The maximum obligation of NIFA to the awardee is the amount indicated in the award as obligated by NIFA. Nothing in this section or in the other requirements of this award requires NIFA to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, NIFA has the unilateral right to make the correction and to make an appropriate adjustment in the NIFA share of the award to align with the Federal amount authorized.

XIII. SBIR/STTR Reporting Requirements

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. It is important to note that several of the reporting

requirements are linked to the grantee receiving payment for the grant. Additionally, the grantee is required to fulfill a dual reporting requirement which includes the submission of technical reports to NIFA staff and a report to the Research, Education, and Extension project online reporting tool (REEport). In addition, the grantee will have other reporting requirements to complete throughout the lifecycle of the grant. Each of these reporting requirements are described in this section.

XIII.100 Performance Monitoring

The awardee is responsible for monitoring day-to-day project performance and for reporting progress to NIFA. If this project involves sub-contractual arrangements, the awardee also is responsible for monitoring the performance of project activities under those arrangements to ensure that approved goals and schedules are met.

In addition to the reports required below, awardees must submit the following forms under the listed circumstances:

- I. SBIR/STTR Funding Agreement Certification when there are any changes to any of:
 - a. Awardee Small Business Concern structure;
 - b. Ownership of the awardee company; or
 - c. Eligibility requirements
- II. SBIR/STTR Lifecycle Certification
 - a. At the time of any required reporting (outlined in XIII.100.1 and XIII.100.2 below); or
 - b. When the Phase I awardee plans to submit a Phase II application.

XIII.100.1 Interim Technical Report

All Phase I and II awardees are required to submit an interim technical report. This report must be submitted at approximately the mid-point in the project as determined by the SBIR/STTR grantee. It should be submitted electronically as a PDF attachment to the following email address: sbir@usda.gov. [The grantee must provide an SBIR/STTR Lifecycle](#)

[Certification Form with the report \(see <https://www.nifa.usda.gov/grants/programs/sbir-sttr/resources-grantees>\[Insert website where housed on SBIR/STTR website\] for the form\).](https://www.nifa.usda.gov/grants/programs/sbir-sttr/resources-grantees)



Note: The grantee must mark any proprietary information within their report using the following legend: “These data shall not be disclosed outside the Government and shall not be duplicated, used or disclosed in whole or in part for any purpose other than evaluation of this award. This restriction does not limit the Government’s right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction are contained on XX pages of this report.”

For Phase II grants, NIFA’s approval of the interim technical report will release the next increment of funds minus any indirect costs that are under review and negotiations at that time. The interim technical report can and should include proprietary information as it will not be made available to the public. The two-part report should include a single-page executive summary as the first page. This summary should include the purpose of the research, a brief description of the research carried out, the research findings or results, and in a final paragraph, potential applications (commercial or other) of the research. The body of the Phase I report should indicate progress toward the goals and milestones established in the original application; the reasons for slippage if progress toward established goals and milestones was delayed; progress of the Research/Research and Development (R/R&D) for Phase I and potential for R/R&D transition to Phase II R&D or commercialization; and additional pertinent information, such as an explanation of cost over-runs or unexpectedly high unit costs. The body of the Phase II report should indicate progress toward the goals and milestones established in the original application; the reasons for slippage if progress toward established goals and milestones was delayed; anticipated outcomes of the R/R&D for commercialization; progress toward meeting the requirements of Phase II commercialization; and additional pertinent information, such as an explanation of cost over-runs or unexpectedly high unit costs. For both, identify all other recipients (public and private) of the research results documented in the report.

The interim report will be reviewed by the SBIR/STTR NPL that oversees the SBIR/STTR topic area the grant falls under. The NPL has the authority to approve or not approve the interim technical report. If an interim technical report is not approved because of issues and concerns, NIFA will consult with the grantee, as appropriate, in an effort to resolve such matters. NIFA reserves the right to terminate a Phase II award if the issues and concerns

identified cannot be resolved to NIFA's satisfaction. The NPL will not share the report outside of NIFA and once approved will forward a copy to the NIFA Awards Management Division (AMD) for inclusion in the grant award file. Under the Small Business Act, the USDA is required to protect the intellectual property of the report up to twenty years after the project is completed unless the SBIR/STTR grantee receives an additional SBIR/STTR Phase II award, in which USDA will extend the protection period for an additional twenty years.

XIII.100.2 Comprehensive Final Reports

Comprehensive final reports for both Phase I and Phase II grants should be submitted electronically as a PDF attachment to the following email address: sbir@usda.gov. The grantee must provide an SBIR/STTR Lifecycle Certification Form with the report (see <https://www.nifa.usda.gov/grants/programs/sbir-sttr/resources-grantees>).



Note: The grantee must mark any proprietary information within their report using the following legend: "These data shall not be disclosed outside the Government and shall not be duplicated, used or disclosed in whole or in part for any purpose other than evaluation of this award. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction are contained on XX pages of this report."

The final report may and should include proprietary information as it will not be made available to the public via the worldwide web. For Phase I, final reports are due within 120 days after the expiration date but prior to issuance of a Phase II award. For Phase II, final reports are due within 120 days of expiration, unless the project has entered into a fifth (5) year which in this case the report is due by the expiration date of the grant. The two-part report should include a single-page executive summary as the first page. This summary should include the purpose of the research, a brief description of the research carried out, the research findings or results, and in a final paragraph, potential applications (commercial or other) of the research. Both Phase I and Phase II reports should identify all other recipients (public and private) of the research results documented in the report.

The body of the Phase I report should include a comparison of actual accomplishments with the goals and milestones established in the original application; the reasons for slippage if

established goals and milestones were not met; outcomes of the R/R&D for Phase I and translation of the outcomes for scale up and commercialization plans and guidance for Phase II R&D; and additional pertinent information, such as an explanation of cost over-runs or unexpectedly high unit costs.

The body of the Phase II report should include a comparison of actual accomplishments with the goals and milestones established in the original application; the reasons for slippage if established goals and milestones were not met; projections of the outcomes of the R/R&D for commercialization; an overall summary of the level of success in meeting the requirements of Phase II commercialization and next steps after Phase II funding is completed; and additional pertinent information, such as an explanation of cost over-runs or unexpectedly high unit costs.

XIII.100.3 SBIR/STTR Phase II Out-Briefing and Phase II Impact Statement

All SBIR/STTR Phase II projects are required to conduct an out-briefing, and the SBIR/STTR Office requests that awardees provide a Phase II Impact Statement. The out-briefing is to be scheduled with the SBIR/STTR National Program Leader, the Topic Area National Program Leader, the SBIR/STTR Program Coordinator and the SBIR/STTR Program Specialist at the conclusion of the grant. The out-briefing should coincide with the submission of the comprehensive final report and should be scheduled for approximately one hour. The out-briefing will be an open dialogue between the grantee and USDA NIFA SBIR/STTR Staff regarding accomplishments, successes, and issues encountered during the duration of the award. The dialogue will include a request for success stories and notice of any submitted or issued patents through the Phase II funding (see Sections VII.200 and XIII.300 of these Terms and Conditions for further information on Intellectual Property Reporting). The SBIR/STTR staff are especially interested in learning about the impact of the funded project, including who was impacted, where the impact occurred, and how program members achieved the impact. SBIR/STTR staff are also interested in learning about major accomplishments, study results, and outputs that led to the impact, as well as any unique or innovative methods or tools used to achieve the impact. Finally, SBIR/STTR staff are interested in learning more about the issue that researchers were trying to address, what groups or individuals care about the issue, potential future impacts of the issue, and any anecdotes that illustrate the impact of the program.

The out-briefing and impact statement serve to ensure that both the grantee and NIFA

SBIR/STTR staff are able to communicate on the outcomes of the project and discuss how the innovation funded will be moving into a commercial market. This information will facilitate plans to communicate the project outcomes with USDA staff, the Small Business Administration, members of Congress and the public.

XIII.100.4 REEport Requirements

Submission of Project Initiation documentation is in REEport and is required. All projects must be documented in REEport. Under the law, USDA NIFA is required to document all grants that are funded, and this information is published for public viewing. All SBIR/STTR Phase I and Phase II awardees should not include intellectual proprietary information in the REEport submission since this information is viewable by the public. Except as noted below, the main USDA contact for all REEport documentation is:

E-mail: electronic@usda.gov

Users who do not know if they have an active account but think they need to use REEport should email electronic@usda.gov.



Note: NIFA will not release funds for this project until the REEport Project Initiation forms have been received electronically.

Information collected in REEport is required upon project initiation for all NEW awards. The NIFA Program Point of Contact will request the awardees to complete and electronically submit the information to REEport at the appropriate time.

Awardees are requested to submit data electronically. To submit forms electronically, the REEport system 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 the PARS office via email at electronic@usda.gov.

Questions regarding report content should be directed to the NIFA NPL (Program Point of Contact identified in Block 14 of the Notice of Award).

XIII.100.4.a Annual REEport Requirements

Each year an SBIR/STTR Phase I or Phase II award is active, the REEport application will notify the awardee or designated contact electronically of upcoming reporting requirements. An “Annual Progress Report,” and when applicable, a “REEport Financial 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) initially gained when the project initiation for the award was first submitted in REEport. Question regarding access to REEport should be emailed to electronic@usda.gov.

The 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). The Annual Progress Report covers the most recent one-year period.

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.

The following information must be included in the Accomplishments and 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. When not applicable, a “nothing to report” checkbox may be utilized.

An annual REEport Financial Report is due on February 1 of the year subsequent to the Federal fiscal year (October 1 through September 30) being reported. The annual REEport Financial Report discloses expenditures based on funding sources at the project level. The staff support values reported should reflect project level effort expended for the particular year being reported. The awardee or designated contact will receive an email request to

submit this data, when applicable.



Note: Failure to submit an annual REEport Financial Report within 90 calendar days of February 1 may result in grant funds being withheld until the report has been submitted as specified.

XIII.100.4.b Final REEport Requirements

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

The Final Technical Report within REEport 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 XIII.100.4a Annual REEport Requirements, the report must include the following when applicable:

- I. A disclosure of any inventions not previously reported that were conceived or first actually reduced to practice during the performance of work under this award; and
- II. A written statement on whether or not the awardee elects (or plans to elect) to obtain patent(s) on any such invention; and
- III. Identify equipment purchased with any Federal funds under the award and indicate subsequent use of such equipment.



Note: Failure to submit an acceptable Final Technical REEport within 90 calendar days after the award's anniversary date may result in funds being withheld for other active NIFA grants for which the Project Director(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 REEport and approved by NIFA.

Note the importance of preparing well written progress and technical reports. Information reported into REEport is used extensively by NIFA to describe the work NIFA funds, plan and defend its budget, assess its programs, and communicate project results. This depends on quality reports written in lay terms. Reported information is also used by State scientists and administrators and is available to the public. The reports should NOT contain proprietary information as the reports are made available to the public via multiple web sites including NIFA's Data Gateway (<https://nifa.usda.gov/data>) and the REEIS website (<https://www.reeis.usda.gov/>).

XIII.200 Financial Reporting

An annual "Federal Financial Report," Form SF-425, is due on an annual basis no later than 90 days following the 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). The Federal Financial Report covers the most recent one-year period. The report must be submitted to Awards Management Division (AMD) as a PDF attachment to an email sent to 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 shall 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. Lines 10i, 10j, and 10k are to report matching contributions which are not a requirement of a SBIR/STTR award; therefore, these lines do not need to be completed.

A final "Federal Financial Report," Form SF-425, is due 120 days after the expiration date of this award, unless the grant has entered into a fifth (5) year. If the grant has entered into a fifth (5) year, the Federal Financial Report," Form SF-425, is due no later than the expiration

date of grant. The report must be submitted to the Awards Management Division as a PDF attachment to an email sent to awards@usda.gov. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425 is submitted, unless the grant has entered into the fifth (5) year. If a grant has entered into a fifth (5) year, then all drawdowns must be made before the final SF-425 is submitted and before the grant expiration date.

- 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 shall 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. Lines 10i, 10j, and 10k are to report matching contributions which are not a requirement of a SBIR/STTR award; therefore, these lines do not need to be completed.
- VII. 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, the awardee shall request an extension of time to submit the report. Further, when a final report is overdue (beyond the 90-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 will restrict 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.



Note: Regardless of extensions provided 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.

XIII.300 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 using the [iEdison online platform](#). Interagency Edison (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)¹ 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 iEdison.

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

Table 3: Grantee Obligations for Managing Subject Inventions

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	Including in the specification of any U.S. patent applications and any patent issuing thereon

¹ 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
401.14(f)(4)	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

XIII.300.1 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 contractor 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\(d\)](#)[7 U.S.C. 2401\(d\)](#)) must also occur during the period of contract performance.

XIII.300.1.a 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 NIFA 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 via iEdison, 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. Grantees must comply with the requirements of [Executive Order 14104](#).
- 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 VII.100 of these award terms for contact information on Intellectual Property Reporting and submitting to iEdison.

XIII.300.2 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\(h\)](#)).

As required by [35 U.S.C. 202\(c\)\(5\)](#), NIFA agrees it will not disclose such information to persons outside the government without permission of the grantee.

XII.300.2.a 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.

XIII.300.2.b 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) filed, patents or PVP(s) issued, and domestic manufacturing waiver requests.

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

- I. 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 or 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.
- II. 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 XV. Acknowledgement of USDA NIFA Support and Disclaimer for requirements.

XIII.300.3.c 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 under any one of the following circumstances:

- I. The award recipient publicly discloses or gives permission for publication²; 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\(c\)\(3\)](#)

XIII.400 Genome Map and Sequence Data Disclosure

If genome sequence data has been obtained, the sequence must be submitted to GenBank. The date of submission to GenBank shall be the same date as the Government's right to publish. Submission of data to GenBank is without charge. Information concerning GenBank protocols may be obtained online at <https://www.ncbi.nlm.nih.gov/> or by contacting the National Center for Biotechnology Information at one of the contact links listed at <https://www.ncbi.nlm.nih.gov/home/about/contact/>.

Recipients who submit genome sequencing data information to GenBank must report this fact as part of the final reporting requirements found in these terms and conditions.

XIII.500 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

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

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/PD 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/PD should promptly notify the NPL and/or grants specialist identified in their Notice of Award.

XIII.500.1 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.

XIII.500.2 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>.

XIII.500.3 Dissemination of Project Results

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

XIII.600 Reporting of Accidents or Releases Involving Recombinant or Synthetic DNA

Accidents or releases involving recombinant or synthetic DNA used in NIFA-funded research are to be considered a serious adverse event and the reporting requirements of the [NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules](#) (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:

Agency Scientific & Research Integrity Officer

E-mail: NIFAResearchMisconduct@usda.gov

XIV. Payments

NIFA designates the Automated Standard Applications for Payment System (ASAP), operated by the Department of Treasury's Bureau of the Fiscal Service, as the payment system for SBIR/STTR award funds. For more information see <https://nifa.usda.gov/tool/asap>.

Requests for payment should be in accordance with ASAP instructions. All questions relating to payments should be submitted to:

Email: ASAPCustomerService@usda.gov

If an awardee is a sole proprietorship, funds awarded shall be deposited in a separate bank account and NIFA, through the Financial Management Division (FMD), must be informed of the name and location of the bank. In addition, arrangements must be reached between the awardee and the bank of deposit of the award funds in accordance with the following: the account must be of a nature that permits the bank of deposit to return unused funds remaining in that account to NIFA in the event of the awardee's demise.

However, NIFA will not be named a joint owner of such an account, but rather as beneficiary. These arrangements also must be reported to the FMD.

XIV.100 Phase I Payment Schedule

In accordance with [2 CFR 200.305](#), requests for payment shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs.

If the grantee has requested indirect costs, these funds may be withheld until NIFA can review the requested indirect cost rate and approve the rate in accordance with applicable laws and regulations.

XIV.200 Phase II Payment Schedule

Payments will be made according to the following schedule:

- I. Aggregate payment requests of up to 50% of total award dollars will be honored during the first half of the project minus any requests for Indirect Costs that have to be negotiated. NIFA reserves the right to further restrict additional funds until the grantee provides requested documents per the Notice of Award.
- II. The additional 50% of total award dollars will be paid to the awardee upon acceptance and approval of the Interim Technical Report as described in Section XIII. SBIR/STTR Reporting Requirements.

If the grantee has requested indirect costs, these funds may be withheld until NIFA can review the requested indirect cost rate and approve the rate in accordance with applicable laws and regulations.

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

Unless an earlier date applies, NIFA may require that all draws and reimbursements for awards supported with reimbursable funds (from other Federal agencies) 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 120-day liquidation period.



Note: Appropriations cannot be restored after expiration of the account.

If you have questions about whether an applicable appropriation will expire after 5 years, contact the Administrative Point of Contact identified in block 14 of the Notice of Award.

XV. 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.³ Please use the following language to acknowledge NIFA support in such publications and associated presentations, as appropriate:

"This work is supported by the [(Full Program Name, no acronym), project award no. XXXXXXX] from the U.S. Department of Agriculture's National Institute of Food and Agriculture,"

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

In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must contain the following statement:

"Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and should not be construed to represent any official USDA or U.S. Government determination or policy."

Presentations should include this disclaimer on the title slide in similar font and size to the

³ 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.

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 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. 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.

XVI. Release of Information

The Freedom of Information Act of 1966 ([5 U.S.C. 552](#)) and the Privacy Act of 1974 ([5 U.S.C. 552a](#)), as implemented by USDA's regulations ([7 CFR Part 1.1](#)) and supplemented by NIFA regulations found at [7 CFR 3404](#), will govern the release or withholding of information to the public in connection with this award. The release of information under these laws and regulations applies only to records held by NIFA and imposes no requirement on the awardee or on any subrecipient to permit or deny public access to their records. Requests for records or the release of information relating to this award should first refer to the [USDA Freedom of Information Act Division's website](#). If further assistance is needed, please contact USDAFOIA@usda.gov.

The regulations cited herein do not affect the retention period for project-related records or rights of access to such records or documents by NIFA, the Comptroller General, or their authorized representatives.

XVII. Sharing of Findings, Data, and Other Project Products

The PI/PD is encouraged to publish or otherwise make publicly available the results of work conducted under this award except in cases where such disclosure would jeopardize proprietary information developed during the course of the project.

At such time as any article resulting from research work under this award is published in a scientific, technical, or professional journal or publication, an electronic copy of the publication clearly labeled with the award number and other appropriate identifying information should be sent to the program point of contact identified in the award. This includes notifying the program point of contact, via a listing clearly labeled with the award number, any World Wide Web-based materials resulting from the work.

XVIII. Data Collection

The provisions of [5 CFR 1320](#) apply if this award involves the collection of identical information from ten or more non-Federal persons or organizations and the collection of information is sponsored by USDA. A collection of information undertaken by an awardee is considered to be conducted or sponsored by the department if:

- I. the awardee is conducting the collection of information at the specific request of the Department; or
- II. the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.

Any data collection activities performed under this award are the responsibility of the awardee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The awardee shall not represent to respondents that such data are being collected for or in association with USDA or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.

XIX. Nonexpendable Equipment

Title to nonexpendable equipment purchased with award funds will vest in the awardee upon completion of the award project and acceptance by USDA of required reports in accordance with these terms and conditions. Such equipment shall be subject to the provisions of [2 CFR 200.313](#).

When the equipment is no longer needed by the awardee and the per unit fair market value is less than \$5,000, the awardee may retain, sell, or dispose of the equipment with no further obligation to NIFA. If the per unit fair market value is \$5,000 or more, then the awardee must submit a written request to the ADO for equipment disposition instructions.

XX. Interest Income

Per [2 CFR 200.305\(b\)\(9\)](#), interest earned amounts up to \$500 per year may be retained by the recipient for administrative expenses. Unless the grantee (or subrecipient) is a State or local government, interest or investment income earned on Federal advances deposited in interest bearing accounts shall be remitted annually through ASAP. Contact ASAP through the email address of asapcustomerservice@usda.gov and FOD staff will provide the necessary assistance to facilitate the return of the interest income.

XXI. Record Keeping

Accounting records for all costs incurred under this award must be supported by source documentation. Such documentation includes, but is not limited to, time and effort reports, job orders, canceled checks, invoices, paid bills, payroll records, and subcontract award documents if applicable. Labor costs charged to this project must be based upon salaries actually earned and the time actually worked on the project. Time and effort records must be maintained for any salary expenditures charged to this award. Furthermore, all project costs must be incurred within the approved project period of this award, including any no-cost extensions of time approved by the ADO. **Costs which cannot be supported by source**

documentation or which are incurred outside of the approved project period may be disallowed and may result in award funds being returned to the Federal government by the awardee.

In accordance with the Office of Management and Budget guidance published in the Federal Register (FR), [75 FR 55663](#), on September 14, 2010, “Requirements for Federal Funding Accountability and Transparency Act Implementation,” awardees must comply with the requirements of this award term.

XXII. Reporting Subawards/Subcontracts and Executive Compensation

In accordance with the Office of Management and Budget guidance published in the Federal Register (FR), 75 FR 55663, on September 14, 2010, “Requirements for Federal Funding Accountability and Transparency Act Implementation,” awardees must comply with the requirements of this award term.

XXII.100 Reporting of First-Tier Subawards/Subcontracts

XXII.100.1 Applicability

Unless you are exempt as provided in XXII.400 Exemptions you must report each action that obligates \$30,000 or more in Federal funds for a subaward/subcontract to a non-Federal entity or Federal agency ([Appendix A to Part 170, Title 2](#)).

XXII.100.2 Where and When to Report

- I. The non-Federal entity or Federal agency must report each obligating action described in Section XXII.100.3 of this award term to <https://www.fsr.gov/>
- II. For subaward/subcontract 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.)

XXII.100.3 What to Report

You must report the information about each obligating action that the submission instructions posted at <https://www.fsrs.gov/> specify.

XXII.200 Reporting Total Compensation of Recipient Executives

XXII.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/subcontracts); 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/subcontracts); 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 [21 U.S.C. 6104](#). (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>.)

XXII.200.2 Where and When to Report

You must report executive total compensation as described in this award term:

- 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.

XXII.300 Reporting of Total Compensation of Subrecipient Executives

XXII.300.1 Applicability and What to Report

Unless you are exempt as provided in [XXII.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/subcontracts); 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/subcontracts); 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>).

XXII.300.2 Where and When to Report

You must report subrecipient executive total compensation described in [XXII.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/subcontract. For example, if a subaward/subcontract 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.

XXII.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/subcontracts, and
- II. The total compensation of the five most highly compensated executives of any subrecipient.

XXII.500 Definitions

For purposes of this award term:

- I. Federal Agency is defined at [5 U.S.C. 551\(1\)](#) and further clarified by [5 U.S.C. 552\(f\)](#)
- II. Non-Federal entity means a State, local government, Indian tribe, Institution of Higher Education, or nonprofit organization that carries out a Federal award as a recipient or subrecipient as defined in [2 CFR 200.1](#):
- III. Executive means officers, managing partners, or any other employees in management positions.
- IV. Subaward/Subcontract:

- a. Throughout these terms and conditions, the terms subaward and subcontract are used interchangeably.
 - b. These terms mean 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.
 - c. 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\(b\)](#)).
 - d. A subaward/subcontract 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:
- e. Receives a subaward/subcontract from you (the recipient) under this award; and
 - f. Is accountable to you for the use of the Federal funds provided by the subaward/subcontract.
- 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.

XXIII. Laboratory Security

NIFA encourages all awardees to adopt appropriate laboratory security policies and procedures for facilities that work with any level of biological or chemical materials. Until the Federal Government develops applicable security standards, awardees are encouraged to consult the following resources for guidance on laboratory security:

- I. USDA Departmental Manual 9610-1, “USDA Security Policies and Procedures for Biosafety Level-3 Facilities” (available at <https://www.ocio.usda.gov/policy-directives-records-forms/directives-categories>);
- II. USDA Departmental Manual 9610-2, “USDA Security Policies and Procedures for Laboratories and Technical Facilities (Excluding Biosafety Level (BSL)-3 Facilities)” (available at <https://www.ocio.usda.gov/policy-directives-records-forms/directives-categories>); and
- III. Federal Select Agent Program (see <https://www.selectagents.gov/index.html>).

XXIV. Responsible and Ethical Conduct of Research

In accordance with [2 CFR Part 422.2, 422.3, and 422.8](#), 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.