

# National Institute of Food and Agriculture

## RESEARCH AWARD TERMS AND CONDITIONS

OCTOBER 1, 2024

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

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

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- (1) Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
- (2) Fax: (833) 256-1665 or (202) 690-7442; or
- (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

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

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## I. AWARDS COVERED BY THE RESEARCH TERMS AND CONDITIONS

The Research Terms and Conditions will apply to all awards (grants, cooperative agreements, and special projects) for all research and research-related awards (i.e., research, education, and extension) to institutions of higher education, hospitals, other non-profit organizations, Federal agencies, and for-profit organizations funded by the National Institute of Food and Agriculture (NIFA) except: 1) Capacity Programs; 2) the 1890 Facilities Program; 3) the Research Facilities Act Program; 4) the Small Business Innovation Research Program; and 5) awards to individuals. Existing research, education, and extension awards will continue to utilize the terms and conditions as stated in the award until the award expires unless the award is amended. Please refer to [Appendix B](#) for requirements for subawards.

## II. 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 Authorized Departmental Officer (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](mailto: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 1: Prior Approval Requirements

Description	2 CFR Subsection Reference	Prior Approval Required or Waived
<b>Prior written approval (prior approval)</b>	<a href="#">200.407</a>	(Cell left blank)
<b>Cost sharing</b>	<a href="#">200.407(a)</a>	(Cell left blank)
Use of unrecovered indirect costs, including indirect costs on cost sharing	<a href="#">200.306(c)</a>	Waived <sup>1</sup>
Use of current fair market value to determine the value of recipient or subrecipient entity donations of services and property for the purposes of cost sharing	<a href="#">200.306(d)(2)</a>	Waived
<b>Program income</b>	<a href="#">200.407(b)</a>	(Cell left blank)
Use of program income during the period of performance (addition, cost-sharing method) when no program income method is specified in federal award"	<a href="#">200.307(b)</a>	Required
<b>Revision of budget and program plans</b>	<a href="#">200.407(c)</a>	(Cell left blank)
Requesting approval for budget revisions (format)	<a href="#">200.308(c)</a>	Required <sup>2</sup>

<sup>1</sup> Only if the total amount of indirect costs charged to the project does not exceed the maximum allowed indirect costs or the institution's negotiated indirect cost rate, whichever is less.

<sup>2</sup> See [VIII. Revised Budget Requirements](#) for the approved format.

Change in the scope or the objective of the project or program	<a href="#">200.308(f)(1)</a>	Required
Change in key personnel identified by name or position in the Federal award	<a href="#">200.308(f)(2)</a>	Required
Disengagement from a project for more than three months, or a 25 percent reduction in time and effort devoted to the Federal award over the course of the period of performance by the approved PI/PD	<a href="#">200.308(f)(3)</a>	Required
Inclusion, unless waived, of costs that require prior approval in accordance with Subpart E – Cost Principles	<a href="#">200.308(f)(4)</a>	Required
Transfer of funds budgeted for participant support costs to other budget categories	<a href="#">200.308(f)(5)</a>	Required
Subaward activities not proposed in the application and approved in the Federal award. This provision does not apply to procurement transactions for goods and services	<a href="#">200.308(f)(6)</a>	Required
Changes in the total approved cost-sharing amount	<a href="#">200.308(f)(7)</a>	Required

Need for additional Federal funding to complete the project	<a href="#">200.308(f)(8)</a>	Required
Initiate a one-time extension of the period of performance by up to 12 months	<a href="#">200.308(g)(2)</a>	Waived <sup>3</sup>
Subsequent no-cost extension or extension of more than 12 months	<a href="#">200.308(g)(2)</a>	Required
Carry-forward of unexpended balances to subsequent funding periods where carryover is allowable	<a href="#">200.308(g)(3)</a>	Waived
Transfer of funds among direct cost categories or programs, functions and activities when the Federal share of the Federal award exceeds the simplified acquisition threshold and the cumulative amount of a transfer exceeds or is expected to exceed 10 percent of the total budget, including cost share, as last approved by the Federal agency.	<a href="#">200.308(i)</a>	Waived
Transfer of funds between the construction and non-construction work under a	<a href="#">200.308(f)(9)</a>	Required

<sup>3</sup> Approval is waived, but recipient or subrecipient must notify NIFA as described in [II.200 No-Cost Extension of Time](#).

Federal award		
<b>Real property</b>		(Cell left blank)
Encumber real property acquired with Federal funds	<a href="#">200.311(b)</a>	Required
Transfer of title to the Federal agency or a third party	<a href="#">200.311(d)(3)</a>	Required
Special arrangements and alterations costs incurred specifically for a Federal award	<a href="#">200.462(a)</a>	Required
<b>Equipment</b>		(Cell left blank)
Dispose of or encumber the title or other interests of equipment being used for the originally-authorized purpose	<a href="#">200.313(a)(2)</a>	Required
<b>Fixed amount subawards</b>	<a href="#">200.407(d)</a>	(Cell left blank)
Subawards based on fixed amounts above \$500,000. All fixed amount subawards must meet the requirements of 200.201	<a href="#">200.333</a>	Required
<b>Compensation - personal services, paragraph (i)</b>	<a href="#">200.407(e)</a>	(Cell left blank)
Directly charge payments of incidental activities for which supplemental compensation is allowable under written institutional policy (at a rate	<a href="#">200.430(i)(1)(ii)</a>	Waived

not to exceed institutional base salary) (IHEs only)		
Faculty salary in excess of Institutional Base Salary (IBS)	<a href="#">200.430(i)(2)</a>	Required
Intra-Institution of Higher Education faculty consulting on a Federal award that exceed a faculty member's base salary	<a href="#">200.430(i)(3)</a>	Waived
<b>Compensation - fringe benefits</b>	<a href="#">200.407(f)</a>	(Cell left blank)
Severance payments to foreign nationals employed by the recipient or subrecipient outside the US that exceed the amounts customary in the US	<a href="#">200.431(i)(4)</a>	Required
Severance payments to foreign nationals employed by the recipient or subrecipient outside the US due to termination of the foreign national as a result of the closing of, or curtailment of activities by, the recipient or subrecipient in that country	<a href="#">200.431(i)(5)</a>	Required
<b>Equipment and other capital expenditures</b>	<a href="#">200.407(g)</a>	(Cell left blank)

Direct charge capital expenditures for general purpose equipment	<a href="#">200.430(b)(1)</a>	Waived
Direct cost capital expenditures for buildings and land use	<a href="#">200.439(b)(1)</a>	Required
Direct cost capital expenditures for special purpose equipment over \$10,000	<a href="#">200.439(b)(2)</a>	Waived
Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life	<a href="#">200.439(b)(3)</a>	Required
<b>Exchange rates</b>	<a href="#">200.407(h)</a>	(Cell left blank)
Exchange rate fluctuations that result in the need for additional Federal funding, or a reduction in the scope of the project	<a href="#">200.440(a)</a>	Required
<b>Fines, penalties, damages and other settlements</b>	<a href="#">200.407(i)</a>	(Cell left blank)
Costs resulting from recipient or subrecipient violations of, alleged violations of, or failure to comply with, Federal, State, local, tribal or foreign laws and regulations	<a href="#">200.441</a>	Required
<b>Fundraising and investment</b>	<a href="#">200.407(j)</a>	(Cell left blank)

<b>management costs</b>		
Costs of organized fundraising for meeting the Federal program objectives	<a href="#">200.442(a)</a>	Required
<b>Goods or services for personal use</b>	<a href="#">200.407(k)</a>	(Cell left blank)
Housing costs (for example, depreciation, maintenance, utilities, furnishings, rent), housing allowances, and personal living expenses for the recipient's or subrecipient's employees	<a href="#">200.445(b)</a>	Required
<b>Insurance and indemnification</b>	<a href="#">200.407(l)</a>	(Cell left blank)
Costs of insurance or contributions to any reserve covering the risk of loss of, or damage to, Federal Government property	<a href="#">200.447(b)(2)</a>	Required
<b>Organization costs</b>	<a href="#">200.407(m)</a>	(Cell left blank)
Costs such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, whether or not employees of the recipient or subrecipient in connection with the establishment or	<a href="#">200.455</a>	Required

reorganization		
<b>Pre-award costs</b>	<a href="#">200.407(n)</a>	(Cell left blank)
Inclusion of allowable pre-award costs	<a href="#">200.458</a>	Waived
Incur project costs 90 calendar days before the Federal award date.	<a href="#">200.308(g)(1)</a>	Waived
Incur project costs <b>more</b> than 90 calendar days before the Federal award date	<a href="#">200.308(g)(1)</a>	Required
<b>Rearrangement and reconversion costs</b>	<a href="#">200.407(o)</a>	(Cell left blank)
Direct cost special arrangements and alterations incurred specifically for a Federal award	<a href="#">200.462(a)</a>	Required
<b>Travel costs</b>	<a href="#">200.407(p)</a>	(Cell left blank)
Inclusion of travel costs for officials covered by 200.444, General costs of government	<a href="#">200.475(a)</a>	Required
Travel costs for dependents for travel of six months or more	<a href="#">200.475(c)(2)</a>	Required

## II.100 SUBCONTRACTS

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

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

## II.200 NO-COST EXTENSION OF TIME

If a no-cost extension of time is initiated in accordance with 2 CFR 200.308(g)(2), recipients must notify NIFA that they are exercising their authority to extend without additional funds the completion date of an award. The recipient must notify the Federal agency in writing with the supporting justification and a revised period of performance at least 10 calendar days before the conclusion of the period of performance.

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

## II.300 MORE THAN ONE NO-COST EXTENSION OR AN EXTENSION OF MORE THAN 12 MONTHS

Normally, no single no-cost extension may exceed 12 months and only in exceptional and extenuating circumstances will more than one extension be considered. Additional extensions or those exceeding 12 months must be approved in writing by the ADO. The awardee should prepare and submit a written request at least 10 calendar days before the conclusion of the period of performance in accordance with 2 CFR 200.308(f)(10). The request must contain, at a minimum, the following information:

- I. The length of additional time required to complete project objectives and a

justification for the extension (see section II.400 below);

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

## II.400 REQUESTS FOR NO-COST EXTENSIONS OF TIME AFTER EXPIRATION DATE

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

## II.500 EXTENSION TO SUBMIT A FINAL FEDERAL FINANCIAL REPORT, FORM SF-425

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

- I. Request submitted PRIOR to the end of the 120-day period following the award

expiration date:

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

- II. Request submitted FOLLOWING the end of the 120-day period following the award expiration date:

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

## II.600 SALARIES

Salary rates of pay exceeding an Executive Level IV salary range (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/>) require prior NIFA approval. This rate does not include any fringe benefits, general and administrative (G&A), overhead, or other expenses. Requests for approval must include the salary rate of pay and a justification for the rate and be sent to the ADO to [awards@usda.gov](mailto:awards@usda.gov).

## III. UNALLOWABLE DIRECT CHARGES ASIDE FROM THOSE IN PART 200 — UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

### III.100 FIXED EQUIPMENT AND REAL PROPERTY

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

### III.200 INDIRECT COSTS AND TUITION REMISSION

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

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



**Note:** Any limitation or prohibition of indirect costs applies to subawards under the funded awards.

Section 7 U.S.C. 3310(a) limits indirect costs for the overall award to 30 percent of Total

Federal Funds Awarded (TFFA) under a research, education, or extension grant. This restriction will be identified and included in the applicable Requests for Applications and Notices of Award.

As noted in [Table 2: Prior Approval Requirements](#), the use of unrecovered indirect costs for cost sharing purposes is subject to any applicable statutory language limiting or prohibiting indirect costs as well as 7 CFR 3430.

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

### III.300 MEALS

Business meals may not be charged as project costs when individuals decide to go to breakfast, lunch, or dinner together when no need exists for continuity of a meeting. Such activity is considered to be an entertainment cost. On the other hand, meals that are part of the costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable as are costs of transportation, rental of facilities, speakers' fees, and other items incidental to such meetings or conferences.



Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem expenses and should be reimbursed in accordance with the organization's established travel policies subject to statutory limitations.

### III.400 PERSONAL INJURIES

Grant funds cannot be used for compensation for injuries to persons or loss, theft, or damage

to property during project activities.

## IV. CONTACT INFORMATION FOR TECHNICAL MATTERS

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

## V. CONTACT INFORMATION FOR ADMINISTRATIVE MATTERS

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

## VI. CONTACT INFORMATION FOR INTELLECTUAL PROPERTY REPORTING

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

ATTENTION: Planning, Accountability, and Reporting Staff

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

### VI.100 REPORTING INTELLECTUAL PROPERTY ON INTERAGENCY EDISON

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

All Intellectual property reporting must be submitted electronically. Access iEdison at <https://www.nist.gov/iedison> to register an organization and access IP reporting resources.

An overview of the iEdison invention reporting process, an iEdison tutorial, and extensive help text can be found as links on the iEdison home page. Requests for assistance or other questions regarding iEdison should be submitted as an iEdison help ticket at <https://nist.my.salesforce-sites.com/iedison>.

## VII. OTHER REQUIREMENTS

### VII.100 PERIOD OF PERFORMANCE

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

### VII.200 NIFA AWARDS SUPPORTED WITH FUNDS FROM OTHER FEDERAL AGENCIES (REIMBURSABLE FUNDS)

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

### VII.300 FRAUD, WASTE, AND ABUSE

At a minimum, organizations must prepare and make available information about fraud,

waste, and abuse to individuals participating in the project. Fraud includes any false representation about a material fact or any intentional deception designed to deprive the United States unlawfully of something of value or to secure from the U.S. a benefit, privilege, allowance, or consideration to which an individual or business is not entitled. Waste includes extravagant, careless, or needless expenditure of Government funds, or the consumption of Government property, that results from deficient practices, systems, controls, or decisions. Abuse includes any intentional or improper use of Government resources, such as misuse of rank, position, or authority or resources. The information should clearly inform individuals that they are to report any suspicions of fraud, waste, or abuse to the Office of Inspector General (OIG) pursuant to the provisions of the Whistleblower Protection Act of 1989 and the Inspector General Act of 1978.

Contact information for the OIG is available on their website at:

<https://www.usda.gov/oig/hotline.htm>

The OIG may be contacted via the telephone at:

Hotline: (800) 424-9121

Hotline Local: (202) 690-1622

Hotline TDD: (202) 690-1202

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

- I. misrepresentations or material, factual omissions to obtain, or otherwise receive funding under the award;
- II. misrepresentations of the use of funds expended, work done, results achieved, or compliance with program requirements under the award;
- III. misuse or conversion of award funds, including any use of award funds while not in full compliance with Program requirements, or failure to pay taxes due on misused or converted award funds;
- IV. fabrication, falsification, or plagiarism in applying for, carrying out, or reporting results from an award;
- V. failure to comply with applicable Federal costs principles governing an award;
- VI. extravagant, careless, or needless spending;

- VII. self-dealing, such as making a sub-award to an entity in which the PI/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.

## VII.500 BUY AMERICA PREFERENCE

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

- I. All iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- II. All manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard that meets or exceeds this standard has been established under applicable law or regulation for determining the minimum amount of domestic content of the manufactured product; and
- III. All construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The construction material standards are listed below.

*Incorporation into an infrastructure project.* The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as

temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

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

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

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

- I. For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- II. For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a), plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the manufactured product.

*Construction material standards.* The Buy America Preference applies to the following construction materials incorporated into infrastructure projects. Each construction material

is followed by a standard for the material to be considered “produced in the United States.” Except as specifically provided, only a single standard should be applied to a single construction material.

- I. Non-ferrous metals. All manufacturing processes, from initial smelting or melting through final shaping, coating, and assembly, occurred in the United States.
- II. Plastic and polymer-based products. All manufacturing processes, from initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form, occurred in the United States.
- III. Glass. All manufacturing processes, from initial batching and melting of raw materials through annealing, cooling, and cutting, occurred in the United States.
- IV. Fiber optic cable (including drop cable). All manufacturing processes, from the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States. All manufacturing processes also include the standards for glass and optical fiber, but not for non-ferrous metals, plastic and polymer-based products, or any others.
- V. Optical fiber. All manufacturing processes, from the initial preform fabrication stage through the completion of the draw, occurred in the United States.
- VI. Lumber. All manufacturing processes, from initial debarking through treatment and planing, occurred in the United States.
- VII. Drywall. All manufacturing processes, from initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels, occurred in the United States.
- VIII. Engineered wood. All manufacturing processes from the initial combination of constituent materials until the wood product is in its final form, occurred in the United States.

#### VII.500.1 WAIVERS

When necessary, recipients may apply for 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>.

## VII.500.2 DEFINITIONS

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

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

- I. The listed items are:

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

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

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

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

**“Manufactured products”** means:

- I. Articles, materials, or supplies that have been:
  - a. Processed into a specific form and shape; or

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

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

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

## VII.600 EQUIPMENT

Title to equipment acquired under the Federal award will vest upon acquisition in the recipient or subrecipient, subject to the terms of this section and 2 CFR 200.313. This title must be a conditional title. A conditional title means a clear title is withheld by NIFA until conditions and requirements specified in the terms and conditions of a Federal award have been fulfilled. Title for equipment vested in a recipient or subrecipient is subject to the following conditions:

- I. Use the equipment for the authorized purposes of the project during the period of performance or until the property is no longer needed for the purposes of the project;
- II. While the equipment is being used for the originally-authorized purpose, the recipient or subrecipient must not dispose of or encumber its title or other interests without the approval of NIFA or the pass-through entity;
- III. Use and dispose of property in accordance with 2 CFR 200.313 (b), (c), and (e).

For the purposes of this award, title shall be clear upon completion of the award project and acceptance by USDA of required reports in accordance with these terms and conditions.

When equipment acquired under a Federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a Federal agency, the recipient must follow disposition instructions as follows:

- I. Equipment with a current fair market value of \$10,000 or less (per unit) may be retained, sold, or otherwise disposed of with no further responsibility to NIFA or the pass-through entity.
- II. Equipment with a current fair market value in excess of \$10,000 (per unit) or more, then the recipient or subrecipient must request disposition instructions from the ADO.

Beginning on April 26, 2025, the Performer (or Recipient of award) may procure synthetic nucleic acids and benchtop nucleic acid synthesis equipment, as defined in the 2024 OSTP Framework for Nucleic Acid Synthesis Screening (Framework), only from providers or manufacturers that attest to adhering to the Framework. The attestation may be posted on a public website or provided directly to the Performer (or Recipient of award) upon request. The Performer (or Recipient of award) shall include this requirement in all lower tier agreements.

## VII.700 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 records of the recipient or subrecipient which are pertinent to the Federal award, to verify compliance with the terms and conditions set by the applicant's State agency. For further information see <https://nifa.usda.gov/industrial-hemp>.

## VII.800 LIFE SCIENCES DUAL USE RESEARCH OF CONCERN

For all NIFA-funded research that potentially falls within the scope of the US Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern (DURC) (<https://www.phe.gov/s3/dualuse/Pages/default.aspx>) as published in September 2014, grantees are responsible for monitoring the research progress and for implementation of all appropriate biosafety and biosecurity risk mitigation measures including compliance with all applicable laws and regulations related to that implementation, including the Policy specified above. (See also <https://osp.od.nih.gov/biotechnology/dual-use-research-of-concern/> for Frequently Asked Questions, case studies, and other educational materials on DURC.)

## VII.900 GENETIC RESOURCES FROM OUTSIDE OF U.S.

If this project will use plant or animal genetic resources from outside the U.S., 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 (<http://www.fao.org/plant-treaty/countries/en/>) websites.

Researchers also should check for information directly from countries where they intend to obtain genetic resources. Researchers must also obtain permits and follow USDA/APHIS importation regulations ([http://www.aphis.usda.gov/import\\_export/index.shtml](http://www.aphis.usda.gov/import_export/index.shtml)). Contact the Plant Exchange Office, USDA/ARS, (<https://www.ars.usda.gov/research/project/?accnNo=434391>) or the USDA/ARS National Animal Germplasm Program (<https://www.ars.usda.gov/research/project/?accnNo=433404>), as appropriate, for further guidance on archiving the collections in the USDA/ARS's gene banks.

## VII.1000 RESPONSIBLE AND ETHICAL CONDUCT OF RESEARCH

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

and effectively communicate and train their staff regarding policies and procedures. By accepting a NIFA award the grantee assures that program directors, faculty, undergraduate students, graduate students, postdoctoral researchers, and any staff participating in the research project receive appropriate training and oversight in the responsible and ethical conduct of research and that documentation of such training will be maintained. Grantees are advised that the documentation of the training are subject to NIFA review upon request.

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

## VII.1100 PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE EQUIPMENT OR SERVICES

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

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

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

Refer to 2 CFR 200.216 (b) and (c) for the meaning of “covered telecommunications

equipment or services.”

## VII.1200 PROGRAM INCOME

Program income (2 CFR 200.1) must be used for the original purpose of the Federal award. Program income earned during the period of performance may only be used for costs incurred during the period of performance or allowable closeout costs. See 2 CFR 200.472(b). Program income must be expended prior to requesting additional Federal funds. General program income earned during the period of NIFA support of this project must be retained by the recipient, added to total project funds, and used to further eligible project or program activities (7 CFR 3430.53). If the award recipient or subrecipient is other than a Federal agency, license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under the Federal award may be retained by the awardee, subject to 37 CFR part 401 (2 CFR 200.307(e)).

## VII.1300 INTEREST INCOME

Per [2 CFR 200.305\(b\)\(12\)](#), the recipient or subrecipient may retain up to \$500 per year of interest earned on Federal funds to use for administrative expenses of the recipient or subrecipient. Unless the grantee (or subrecipient) is a State or local government, any additional interest earned on Federal funds must be returned annually. Contact ASAP through the email address of [asapcustomerservice@usda.gov](mailto:asapcustomerservice@usda.gov) and FMD staff will provide the necessary assistance to facilitate the return of the interest income.

## VII.1400 APPLICABLE REGULATIONS AND NATIONAL POLICY REQUIREMENTS

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

Table 2: National Policy Requirements

Regulation/Statute	Title
<a href="#">2 CFR Part 25</a>	Universal Entity Identifier and System for Award Management. Also see Sections XIII of these award terms.
<a href="#">2 CFR Part 170</a>	Reporting Subaward and Executive Compensation Information. Also see Section XII of these award terms.
<a href="#">2 CFR Part 175</a>	Award Term for Trafficking in Persons
<a href="#">2 CFR Part 180</a>	OMB Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement)
<a href="#">2 CFR Part 182</a>	Government-Wide Requirements for Drug-Free Workplace (Financial Assistance)
<a href="#">2 CFR Part 184;</a> <a href="#">Memorandum M-24-02</a>	Buy America Preferences for Infrastructure Projects
<a href="#">2 CFR Part 200</a>	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
<a href="#">2 CFR Part 400</a>	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
<a href="#">2 CFR Part 400.2</a>	Conflict of Interest
<a href="#">2 CFR Part 415</a>	General Program Administrative Regulations
<a href="#">2 CFR Part 416</a>	General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments
<a href="#">2 CFR Part 417</a>	Nonprocurement Debarment and Suspension
<a href="#">2 CFR Part 418</a>	New Restrictions on Lobbying
<a href="#">2 CFR Part 421</a>	Requirements for Drug-Free Workplace (Financial Assistance)
<a href="#">2 CFR Part 422</a>	Research Institutions Conducting USDA-Funded Extramural

	<p>Research; Research Misconducts</p> <p>All research awards issued by NIFA are subject to 2 CFR 422; USDA’s implementation of the Federal Policy on Research Misconduct published at 65 FR 76260. In accordance with Sections 2, 3, and 8 of 2 CFR Part 422, institutions that conduct extramural research funded by USDA must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct and are to maintain and effectively communicate and train their staff regarding policies and procedures. The AR assures, through acceptance of the award that the institution will comply with the above requirements. Grant recipients must, upon request, make available to NIFA the policies and procedures as well as documentation to support the conduct of the training.</p> <p>To report allegations of research misconduct, see: <a href="https://nifa.usda.gov/research-misconduct">https://nifa.usda.gov/research-misconduct</a></p>
<a href="#">7 CFR Part 1, Subpart A</a>	Official Records
<a href="#">7 CFR Part 1b</a>	National Environmental Policy Act
<a href="#">7 CFR Part 3</a>	Debt Management
<a href="#">7 CFR Part 15, Subpart A</a>	Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture – Effectuation of Title VI of the Civil Rights Act of 1964
<a href="#">7 CFR Part 3100</a>	Cultural and Environmental Quality
<a href="#">7 CFR Part 3430</a>	Competitive and Noncompetitive Non-Formula Federal Assistance Programs – General Award Administrative Provisions
<a href="#">8 U.S.C. 1324a.</a>	Unlawful employment of aliens
<a href="#">29 U.S.C. 794</a>	Nondiscrimination under Federal grants and programs

<a href="#">41 U.S.C. 6306</a>	Prohibition on Members of Congress making contracts with Federal Government
<a href="#">41 U.S.C. 4712</a>	Enhancement of contractor protection from reprisal for disclosure of certain information
<a href="#">45 CFR 75.521, Appendix IX to Part 75</a>	Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals
<a href="#">48 CFR Subpart 31.2</a>	Contracts with Commercial Organizations
<a href="#">Executive Order (EO) 13513</a>	Federal Leadership on Reducing Text Messaging While Driving
<a href="#">Executive Order 13798</a>	Promoting Free Speech and Religious Liberty
<a href="#">7 CFR Part 16.3</a>	Faith-Based Organizations and Federal Financial Assistance
Other laws, agency-specific regulations 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><b>Prohibition Against Certain Internal Confidentiality Agreements</b></p> <ol style="list-style-type: none"> <li>I. You may not require your employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.</li> <li>II. You must notify your employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with Section</li> </ol>

	<p>I of this table entry are no longer in effect.</p> <p>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.</p> <p>IV. If NIFA determines that you are not in compliance with this award provision, NIFA:</p> <ul style="list-style-type: none"> <li>a. Will prohibit your use of funds under this award, in accordance with Sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law;</li> <li>b. May pursue other remedies available for your material failure to comply with award terms and conditions.</li> </ul> <p><b>Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants</b></p> <p>This award is subject to the provisions contained in the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, Sections 745 and 746, as amended and/or subsequently enacted for 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> <ul style="list-style-type: none"> <li>I. that it does not have a Federal tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and</li> <li>II. that it has not been convicted of a felony criminal violation</li> </ul>
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	<p>under any Federal law within 24 months preceding the award, unless a suspending and debarring official of the USDA has considered suspension or debarment of the recipient corporation based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government.</p> <p>If the recipient fails to comply with these provisions, the agency will annul this agreement and may recover any funds the recipient has expended in violation of the above cited statutory provisions.</p>
<a href="#">Appendix A</a>	National Policy Requirements
<a href="#">2 CFR 200.216</a>	Prohibition on certain telecommunications and video surveillance equipment or services
<a href="#">2 CFR 200.340</a>	Termination
<a href="#">USDA Departmental Regulation DR 1020-006</a>	Public Access to Scholarly Publications and Digital Scientific Research Data
<a href="#">Memorandum from Office of Science and Technology Policy</a>	Ensuring Free, Immediate, and Equitable Access to Federally Funded Research
<a href="#">USDA Departmental Regulation DR 1074-001</a>	Scientific Integrity
<a href="#">USDA Departmental Regulation DR 3465-001</a>	Enterprise Geospatial Data Management
2 CFR 200.322(c), M-24-02 Appendix I	Domestic preferences for procurements; Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure

## VIII. REVISED BUDGET REQUIREMENTS

When it is necessary to request ADO approval of a budget revision (see [Prior Approval Matrix](#)), the revised budget must be submitted as a PDF attachment to an email to [awards@usda.gov](mailto:awards@usda.gov). When requesting approval for budget revisions, the recipient or subrecipient must use the same format for budget information that was used in the application.

## IX. TECHNICAL AND OTHER REPORTING REQUIREMENTS

### IX.100 DISCLOSURE OF CONFLICT OF INTEREST AND CONFLICT OF COMMITMENT

The National Security Presidential Memorandum 33 (NSPM-33) requires that grantees must disclose conflicts of interest and conflicts of commitment when grant applications are submitted and during the award term when there has been a change. [The Guidance for Implementing NSPM-33 Appendix](#) 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.
- III. Refer to the [Guidance for Implementing NSPM-33 Appendix](#) for any other definitions of

interest (i.e. covered individual or senior/key personnel).

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. Conflicts should be reported to the Program Point of Contact identified in Block 14 of the Notice of Award as well as [awards@usda.gov](mailto:awards@usda.gov).

## IX.200 INTELLECTUAL PROPERTY DERIVED FROM NIFA FUNDING

All recipients of NIFA funding agreements are required to report all subject inventions, Patents, and Plant Variety Protection Certificates using the [iEdison online platform](#). iEdison allows reporting as required by the Bayh-Dole Act and its implementing regulations. NIFA incentivizes innovation, collaboration and further technology transfer and commercialization encouraging protection of all intellectual property (IP)<sup>4</sup> derived from NIFA funding.

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

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

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 grantee 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	Requiring, by written agreement, the grantee’s employees to disclose promptly in writing each

<sup>4</sup> IP includes: Invention disclosures, U.S. provisional and non-provisional applications, applications filed in a foreign country or international patent office directly, PCT applications, and applications for Plant Variety Protection certificates applications, plant registrations, seed deposits.

Reference	Action
401.14(f)(2)	subject invention made under contract
37 CFR 401.14(f)(3)	Notifying the Federal agency of any decision not to continue the prosecution of a patent application or to complete patent maintenance activities in any country (e.g. payment of fees)
37 CFR 401.14(f)(4)	Including in the specification of any U.S. patent applications and any patent issuing thereon covering a subject invention, the following statement “This invention was made with government support under (identify the grant number) awarded by NIFA. The government has certain rights in the invention.”
37 CFR 401.14(g)	Including the clauses listed in this section of the CFR in any subcontracts or subawards under the grantee’s award
37 CFR 401.14(h)	To submit periodic reports as requested on the utilization of a subject invention or on efforts at obtaining such utilization that are being made by the grantee or its licensees or assignees

A grantee:

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

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

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

## IX.300 INVENTION DISCLOSURE

37 CFR 401.14(c)(1) requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to grantee personnel responsible for such matters.

As defined in [37 CFR 401.14\(a\)](#),

- I. Invention means any invention or discovery which is or may be patentable or otherwise protectable under Title 35 of the US Code, or any novel variety of plant which is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).
- II. Subject invention means any invention of the grantee conceived or first actually reduced to practice in the performance of work under this contract, provided that in the case of a variety of plant, the date of determination (as defined in section 41(d) of the Plant Variety Protection Act, [7 U.S.C. 2401\(d\)](#)) must also occur during the period of contract performance.

### IX.300.1 DISCLOSURE REQUIREMENTS

- I. The grantee will disclose each subject invention via iEdison to NIFA within two months after the inventor discloses it in writing to grantee personnel responsible for patent matters.
- II. The disclosure must include the 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.
- V. The grantee will provide annual project updates of all subject inventions which were disclosed to NIFA during the period covered by the report.
- VI. The grantee will provide a report on iEdison prior to the close-out of a funding agreement listing all subject inventions or stating that there were none.

Refer to Section VI of these award terms for contact information on Intellectual Property

Reporting and submitting to Interagency Edison (iEdison).

## IX.400 REPORTING ON UTILIZATION OF SUBJECT INVENTIONS

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

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

### IX.400.1 PREFERENCE FOR UNITED STATES INDUSTRY

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

### IX.400.2 ELECTRONIC SUBMISSION VIA INTERAGENCY EDISON WEB INTERFACE

Interagency Edison (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 request.

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

Once a patent or PVP is applied for and an application serial number is available, an executed confirmatory license to the Government must be submitted. Such a license must also be submitted in instances where the invention has been licensed but not patented (as is the case of biological materials). For this purpose, iEdison provides a confirmatory license template commensurate with a patent or PVP application or issued patent or PVP certificate. For plant registrations seed deposits the awardee organization must submit a copy of the portion of the patent or PVP application that contains the “Government Support Clause,” offering proof of formal acknowledgment of Government support of the underlying invention. For PVP applications, the government support clause must be inserted in Exhibit E, block 11 of the application.

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

### IX.400.3 TITLE ELECTION AND PATENT OR PVP SUBMISSION

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

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

- I. The award recipient publicly discloses or gives permission for publication<sup>5</sup>; or

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<sup>5</sup> "Publications" include publicly accessible databases such as GenBank; and subject invention include genome

- II. The award recipient does not elect to file for a U.S. patent or PVP on such results, pursuant to 37 CFR 401.14(c)(2) and (3); or
- III. After the award recipient files for a U.S. patent or PVP pursuant to 37 CFR 401.14(c)(3).

## IX.500 GRANT REPORTING

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

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

### IX.500.1 RESEARCH, EDUCATION, AND EXTENSION PROJECT ONLINE REPORTING TOOL

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

ATTENTION: REEport

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

### IX.500.2 INITIAL DOCUMENTATION IN THE REEPORT APPLICATION

NIFA will not release funds for this project until the required information has been received

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maps and sequences.

electronically by REEport.

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

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

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

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

### IX.500.3 ANNUAL PROGRESS REPORTS

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

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

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

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

Changes/Problems section of the annual Progress Report.

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

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

#### IX.500.4 FINAL REPORT

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

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

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

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

## IX.500.5 REPORTING OF SIGNIFICANT DEVELOPMENTS

When a significant development that could impact the Federal award occurs between performance reporting due dates, the recipient or subrecipient must notify the Federal agency or pass-through entity (2 CFR 200.329(e)).

Significant developments include events that enable meeting milestones and objectives sooner or at less cost than anticipated or that produce different beneficial results than originally planned. Significant developments also include problems, delays, or adverse conditions which will impact the recipient's or subrecipient's ability to meet milestones or the objectives of the Federal award. When significant developments occur that negatively impact the Federal award, the recipient or subrecipient must include information on their plan for corrective action and any assistance needed to resolve the situation.

Significant developments should be reported to the Program Point of Contact identified in Block 14 of the Notice of Award as well as [awards@usda.gov](mailto:awards@usda.gov).

## IX.500.6 USE OF REPORTED INFORMATION

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

## IX.600 PUBLICATION OF FINDINGS AND ACCESS OF DATA

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

All investigators funded by NIFA must publish their major findings, make data resulting from research, education, and/or extension projects publicly available, and comply with USDA's

Public Access to Scholarly Publications and Digital Scientific Research Data Departmental Regulation (DR 1020-006, July 20, 2022).

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

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

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

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

Any other restrictions to data access necessary to safeguard privacy, intellectual property, business interests, or other limitations such as resource constraints must be followed as outlined in the Data Management Plan (DMP) of the funded project that had been peer-reviewed according to community standards. The final report must describe the steps taken

to implement the DMP as well as information on where the data and metadata are deposited with its digital persistent identifier and with its Federal Award Identification Number (FAIN; formerly known as grant number). When the project involves use of proprietary data or materials from other sources, the data or materials resulting from the NIFA supported research, education and/or extension activities must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements must be followed as stated in the DMP in the application or revisions prior to funding.

#### IX.600.1 RELEASE OR DISTRIBUTION OF PLANT GERmplasm

If plant germplasm (including mutant populations, mapping populations, diversity panels for association analysis, transgenics, near isogenic lines, etc.) is developed and/or evaluated as part of a NIFA-funded project, these resources and associated information is to be available to other researchers for validation of published results or additional research. Distribution of plant germplasm for commercial purposes may be limited by the producer of the germplasm. Whether these resources are created and/or evaluated inside or outside the U.S., researchers are strongly encouraged to deposit germplasm, transgenic plants, mutants, plant populations, etc. into the USDA National Plant Germplasm System (NPGS) and associated information into the NPGS's database GRIN-Global. Should the project generate germplasm that would be incorporated into the NPGS, NIFA encourages Project Directors to confer with the Crop Curators and Crop Germplasm Committees in the NPGS (<https://www.ars-grin.gov/npgs/index.html>) regarding the desirability of depositing released varieties, genetic stocks and experimental plant populations and associated descriptive information generated by NIFA funding in the NPGS genebanks through GRIN-Global.

#### IX.600.2 RELEASE OR DISTRIBUTION OF ANIMAL GERmplasm

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

### IX.600.3 ACKNOWLEDGEMENT OF USDA SUPPORT BY USDA NIFA

Proper acknowledgment of your USDA National Institute of Food and Agriculture (NIFA) funding in published manuscripts, posters, presentations, press releases and other communications is critical for the success of our agency's programs. We ask that you acknowledge USDA NIFA funding by using the following guidance.



Note: Recommended awards should not be announced in any manner by a grantee until they are officially and publicly announced by USDA NIFA.

#### IX.600.3.A STANDARD USDA NIFA FUNDING ACKNOWLEDGEMENT LANGUAGE

When acknowledging USDA support in accordance with 2 CFR Part 415, grantees must use the following acknowledgment for all competitive or capacity grants or initiatives supported by NIFA. This statement should be used in scientific publications, presentations, posters, and related materials.

***"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."***

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."***

#### IX.600.3.B PRESS ANNOUNCEMENTS AND MEDIA INTERVIEWS

Recommended awards should not be announced in any manner by a grantee until they are officially and publicly announced by USDA NIFA. This applies to press releases, newsletters, press interviews, and web or social media postings. Once the award is announced by USDA

NIFA, the grantee may publicly announce the award according to the grantee’s institutional policies.

USDA NIFA grant awardees can coordinate public announcements with NIFA Communications. Simultaneous announcements by NIFA and the grantee are preferred.

The awardee is responsible for acknowledging USDA NIFA support in media postings and during news media interviews that discuss work supported by USDA NIFA by using language such as the following:

*“This work is/was supported by the USDA National Institute of Food and Agriculture.”*

### IX.600.3.C SOCIAL MEDIA USE

If you are posting on X about your project, please use our hashtag #NIFAimpacts and @USDA\_NIFA handle in your post. Doing so will allow us to share your post. If you are using the USDA NIFA identifier, please use the guidance below.

### IX.600.3.D USDA NIFA OFFICIAL IDENTIFIER

Per USDA NIFA regulations and guidelines, grantees are expected to use NIFA’s official identifier in publications, posters, websites and presentations resulting from their award. The [Official NIFA identifier webpage](#) on the NIFA website provides identifiers in several formats, color modes and resolutions for specific use in software applications. Please refer to this page for additional details. Please contact NIFA for more information.

### IX.600.3.E MORE INFORMATION

For more information, please feel free to contact NIFA Communications at NIFAMediaRequests@usda.gov.

## IX.600.4 REPORTING OF ACCIDENTS OR RELEASES INVOLVING RECOMBINANT DNA

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

ATTENTION: Agency Scientific Integrity Officer (ASIO)

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

## X. FINANCIAL REPORTING

### X.100 FEDERAL FINANCIAL REPORT, FORM SF-425

“Federal Financial Report,” Form SF-425, is due on an annual basis no later than 90 calendar days after the reporting period (2 CFR 200.328(c)). The final financial report (Form SF-425) is due no later than 120 calendar days after the conclusion of the period of performance in compliance with 2 CFR 200.344(b). A subrecipient must submit a final financial report to a pass-through entity no later than 90 calendar days after the conclusion of the period of performance. The report from the recipient must be submitted to the Awards Management Division (AMD) as a PDF attachment to an email sent to [awards@usda.gov](mailto:awards@usda.gov).

- I. All drawdowns must be made within 120 days after the expiration date of the award and before the final SF-425 is submitted. A subrecipient must liquidate all financial obligations incurred under a subaward no later than 90 calendar days after the conclusion of the period of performance of the subaward (2 CFR 200.344(c)).

- II. The report must be completed on a single award basis.
- III. The cash management information (lines 10(a) through 10(c)) is NOT to be completed.
- IV. The financial status information (lines 10(d) through 10(o) as well as line 11) on the form are to be completed.
- V. The awardee must report program outlays and program income on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.
- VI. When submitting a financial report, the total cost sharing contribution, if required, should be shown on lines 10i, 10j, and 10k.
- VII. Final Financial Report – There should not be any unliquidated obligations reported on the final SF-425 report. If the awardee still has valid obligations that remain unpaid when the SF- 425 is due, the awardee must request an extension of time to submit the report (see Section V of these award terms). Further, when a final report is overdue (beyond the 120-day period following the award expiration date and not covered by an approved extension of the due date for submission of the report), the grant account will be suspended, which 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. Regardless of extensions given for the submission of the SF-425, funds will not be available for any drawdowns that exceed statutory limits as well as any expiring appropriations.

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

## X.200 REEPORT PROJECT FINANCIAL REPORT

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

- I. Expenditures reported on the Project Financial Report are not auditable by NIFA.

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

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

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

## XI. INCREMENTAL FUNDING ACTIONS

### XI.100 COMPETITIVE RENEWALS

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

### XI.200 NONCOMPETITIVE RENEWALS AND CONTINUATIONS

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

A continuation award is issued for the subsequent years of a new award. To provide the next allotment of funding, NIFA must document satisfactory progress on the project and verify a sound plan of work going forward. To do this, the recipient must submit a signature page, SF

425 Financial Report, continuation justification, budget and budget narrative for requested year of funding, changes in budget, personnel or assurances status, and the annual REEport update. Recipients will receive a letter from the NIFA National Program Leader (NPL) with a due date and job aids for submitting the required continuation award documentation.

## XII. REPORTING SUBAWARDS AND EXECUTIVE COMPENSATION

### XII.100 REPORTING OF FIRST-TIER SUBAWARDS

#### XII.100.1 APPLICABILITY

Unless the recipient is exempt as provided in XII.400 Exemptions, the recipient must report each subaward that equals or exceeds \$30,000 in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if a modification increases the Federal funding to an amount that equals or exceeds \$30,000. All reported subawards should reflect the total amount of the subaward.

#### XII.100.2 REPORTING REQUIREMENTS

The entity or Federal agency must report each subaward described in Section XII.100.1 to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <http://www.fsrs.gov/>.

For subaward information, report no later than the end of the month following the month in which the subaward was issued. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

### XII.200 REPORTING TOTAL COMPENSATION OF RECIPIENT EXECUTIVES FOR ENTITIES

#### XII.200.1 APPLICABILITY

The recipient must report the total compensation for each of the recipient's five most highly

compensated executives for the preceding completed fiscal year, if:

- I. the total Federal funding authorized to date under this Federal award equals or exceeds \$30,000;
- II. in the preceding fiscal year, the recipient received:
  - a. 80 percent or more of the recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and
  - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and
- III. the public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986 ([26 U.S.C. 6104](#)) after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execcomp.htm>).

## XII.200.2 REPORTING REQUIREMENTS

The recipient must report executive total compensation described in Section XII.200.1  
Applicability:

- I. As part of the recipient's registration profile at <https://www.sam.gov>
- II. No later than the month following the month in which this Federal award is made, and annually after that. (For example, if this Federal award was made on November 7, 2025, the executive total compensation must be reported by no later than December 31, 2025).

## XII.300 REPORTING OF TOTAL COMPENSATION OF SUBRECIPIENT EXECUTIVES

### XII.300.1 APPLICABILITY

Unless a first-tier recipient is exempt as provided in XII.400 Exemptions, the recipient must report the executive total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:

- I. the total Federal funding authorized to date under the subaward equals or exceeds \$30,000;
- II. 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 awards (and subawards) subject to the Transparency Act; and
  - b. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal awards (and subawards) subject to the Transparency Act; and
- III. The public does not have access to information about the compensation of the executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986 after receiving this subaward. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).

### XII.300.2 REPORTING REQUIREMENTS

Subrecipients must report to the recipient their executive total compensation described in XII.300.1 Applicability. The recipient is required to submit this information to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <http://www.fsrs.gov> no later than the end of the month following the month in which the subaward was made. (For example, if a subaward was made on November 7, 2025, the

subaward must be reported by no later than December 31, 2025.

## XII.400 EXEMPTIONS

A recipient with gross income under \$300,000 in the previous tax year is exempt from the requirements to report:

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

## XII.500 DEFINITIONS

For purposes of this award term:

- I. Entity includes:
  - a. Whether for profit or nonprofit:
    - i. A corporation;
    - ii. An association;
    - iii. A partnership;
    - iv. A limited liability company;
    - v. A limited liability partnership;
    - vi. A sole proprietorship;
    - vii. Any other legal business entity;
    - viii. Another grantee or contractor that is not excluded by subparagraph (b) below; and
    - ix. Any State or locality;
  - b. Does not include:
    - i. An individual recipient of Federal financial assistance; or

ii. A Federal employee

- II. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f)
- III. Non-Federal entity means a State, local government, Indian Tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient, as defined in 2 CFR 200.1:
- IV. Executive means an officer, managing partner, or any other employee holding a management position.
- V. Recipient means an entity that receives a Federal award directly from a Federal agency to carry out an activity under a Federal program. The term recipient does not include subrecipients or individuals that are participants or beneficiaries of the award (2 CFR 200.1).
- VI. Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to contribute to the goals and objectives of the project by carrying out part of a Federal award received by the pass-through entity. It does not include payments to a contractor, beneficiary, or participant. A subaward may be provided through any form of legal agreement consistent with criteria in 2 CFR 200.331 (2 CFR 200.1).
- VII. Subrecipient means an entity that receives a subaward from a pass-through entity to carry out part of a Federal award. The term subrecipient does not include a beneficiary or participant. A subrecipient may also be a recipient of other Federal awards directly from a Federal agency (2 CFR 200.1).
- VIII. Total compensation means the cash and noncash dollar value an executive earns during an entity's preceding fiscal year. This includes all items of compensation as prescribed in [17 CFR 229.402\(c\)\(2\)](#).

## XIII. SYSTEM FOR AWARD MANAGEMENT (SAM.GOV) AND UNIQUE ENTITY IDENTIFIER (UEI) REQUIREMENTS

### XIII.100 REQUIREMENT FOR SAM.GOV

Unless exempted under 2 CFR 25.110, all applicant organizations must maintain a current and active registration in SAM.gov at all times during which it has an active Federal award as a recipient or an application under consideration by NIFA. The applicant or recipient must review and update its information in SAM.gov annually from the date of initial registration or subsequent updates to ensure it is current, accurate, and complete. If applicable, this includes identifying the applicant's or recipient's immediate and highest-level owner and subsidiaries, as well as providing information on all predecessors that have received a Federal award or contract within the last three years (2 CFR 25.200). The award is considered active until a final financial report is submitted or the final payment is received, whichever is later. SAM.gov is the primary registrant database for the Federal government and is the repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site at <https://www.sam.gov/portal/public/SAM/>.

### XIII.200 REQUIREMENT FOR UEI

Unless exempted under 2 CFR 25.110, all applicant or recipient organizations must obtain a UEI.

A recipient may not make a subaward to a subrecipient that has not obtained a UEI and provided it to the recipient. Subrecipients are not required to complete full registration in SAM.gov to obtain a UEI. A recipient must notify any potential subrecipients that the recipient cannot make a subaward unless the subrecipient obtains and provides a UEI to the recipient (2 CFR Subpart C 25.300). This part does not apply to subrecipients of subrecipients (second-tier subrecipients) or contractors.

## XIV. FEDERAL AGENCY IDENTIFICATION NUMBER

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

## XV. GLOSSARY

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



# APPENDIX A: NATIONAL POLICY REQUIREMENTS MATRIX

This listing of statutory/regulatory/executive requirements is provided for information purposes only and may not reflect all requirements that are applicable to a specific award. By signing or accepting funds under the agreement, the recipient agrees that it will comply with applicable provisions of the following national policies:

Statutory/Regulatory/Executive Based National Policy Requirements re: Nondiscrimination	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the recipient:
a. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.), as implemented by USDA at 7 CFR Part 15.	Grants, cooperative agreements, and other financial assistance.	All	All	The following regulations require the recipient to flow down requirements to subrecipients: USDA at 7 CFR Part 15.
b. On the basis of race, color, religion, sex, or national origin, in Executive Order 11246 [3 CFR, 1964-1965 Comp., p. 339], as implemented by Department of Labor regulations at 41 CFR Part 60.	Grants, cooperative agreements, and other prime awards defined at 40 CFR 60-1.3 as "Federally assisted construction contract."	All	Awards under which construction is to be done.	41 CFR 60-1.4(b) prescribes a clause that recipients must include in federally assisted, construction awards and subawards [60-1.4(d) allows incorporation by reference]. This requirement is also at: 32 CFR 33.36(l)(3) and at paragraphs 1 of Appendices A to 32 CFR Part 32 and 32 CFR part 34.
c. On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.).	Grants, cooperative agreements, and other financial assistance included at 20 U.S.C. 1682.	Educational institution [for sex discrimination, excepts all Institution controlled by religious organization, when inconsistent with the organization's religious tenets].	All educational program or activity receiving Federal financial assistance.	NA
d. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR part 90. USDA at 7 CFR Part 15b.	Grants, cooperative agreements, and other awards defined at 45 CFR 90.4 as "Federal financial assistance."	All	All	45 CFR 90.4 requires the recipient to flow down requirements to subrecipients [definition of "recipient" at 45 CFR 90.4 includes entities to which assistance is extended indirectly, through another recipient].
e. On the basis of handicap, in: 1. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR Part 41 and USDA at 7 CFR Part 15b 2. Architectural Barriers Act of 1968 (42 U.S.C. 4151, et seq.) 3. Americans with Disabilities Act 42 USC 12101 et. seq.	Grants, cooperative agreements, and other awards included in "Federal financial assistance" Grant or loan All	All	1. All 2. Construction or alteration of buildings or facilities, except those restricted to use only by able-bodied uniformed personnel.	Requirements flow down to subawards ["recipient," includes entities receiving assistance indirectly through other recipients].
f. On the basis of religion, in Executive Order 13798 and the Attorney General's Memorandum of October 6, 2017, as implemented at 2 CFR 200.300.	All	All	All	NA



Statutory/Regulatory/Executive Based National Policy Requirements re: Live Organisms	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the recipient:
1a. For human subjects, the Common Federal Policy for the Protection of Human Subjects. Codified by the USDA at 7 CFR Part 1c.	All	All	Research, development, test, or evaluation involving live human subjects, with some exceptions [see agency implementations for exemptions].	Requirements flow down to subrecipients.
1b. For human subjects, Human Stem Cell Research In accordance with the President's Executive Order 13505 of March 9, 2009, and July 30, 2009 Memorandum for the Heads of Executive Departments and Agencies. See NIH Guidelines for Human Stem Cell Research, July 7, 2009. Other regulations that may apply: HHS Human Subjects Protection Regulation, 45 CFR Pt 46; FDA Regulations governing INDs or IDEs (Title 21 CFR Parts 312 or 812); FDA IRB & informed consent regulations (Title 21 CFR Parts 50 & 56); Research on Transplantation of Fetal Tissue (PHS Act 489A).	As applicable	All	Research involving Human Stem Cells	NIH Guidelines and Registry of cell lines meeting the Federal requirements are found at: <a href="http://stemcells.nih.gov/">http://stemcells.nih.gov/</a> . Other Federal, State or Local laws may also apply.
1c. For human subjects, P.L. 104-191 Health Insurance Portability and Accountability Act (HIPAA); 45 CFR Part 160 and Subparts A and E of Part 164 Subpart C to be effective 4/20/2005 (Security).	As applicable	Covered Entities	As applicable	Limits uses of protected health information (PHI) collected or maintained by researchers within a covered entity or access to PHI from a covered entity. Research uses do not require Business Associate Agreements [defined at 45 CFR part 164 504 (e)(1) between collaborating institutions]. Guidance available at: <a href="http://privacyruleandresearch.nih.gov/">http://privacyruleandresearch.nih.gov/</a> .
2a. For animals, rules on animal acquisition, transport, care, handling, and use in: (i) 9 CFR Parts 1-4, Department of Agriculture rules that implement the Laboratory Animal Welfare Act of 1966 (7 USC. 2131-2156). For USDA/NIFA, "In the case of domestic farm animals housed under farm conditions, the institution should adhere to the principles stated in the <a href="#">Guide for the Care and Use of Agricultural Animals in Research and Teaching 2020</a> and <a href="#">U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training, Federal Register OSTP page 20864.</a> "	All	All	Research, experimentation, or testing involving the use of animals USDA regulations exempt birds, most rats and mice bred for research, and farm animals used for agricultural research.	Requirements flow down to subrecipients.
2b. For animals, rules of the Departments of Interior (50 CFR Parts 10-24) and Commerce (50 CFR Parts 217-227) implementing laws and conventions on the taking, possession, transport, purchase, sale, export, or import of wildlife and plants, including the: Endangered Species Act of 1973 (16 U.S.C. 1531-1543); Marine Mammal Protection Act (16 U.S.C. 1361-1384); Lacey Act (18 U.S.C. 42); and Convention on International Trade in Endangered Species of Wild Fauna and Flora.	All	All	Activities which may involve or impact wildlife and plants.	Requirements flow down to subrecipients.



Statutory/Regulatory/Executive Based National Policy Requirements re: Environmental Standards	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the recipient:
1. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et. seq.) and Clean Water Act (33 U.S.C. 1251, et. seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 Comp., p. 799].	All	All	All, for Clean Air Act, Clean Water Act, and Executive Order 11738.	Requirements flow down to subrecipients.
2a. Identify to the awarding agency all impact this award may have on: The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et. seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the recipient agrees to take no action that will have an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with the environmental impact analysis process. USDA at 7 CFR Part 3407.	All	All	All actions that may affect the environment.	NA
2b. Identify to the awarding agency all impact this award may have on: Flood-prone areas, and provide help the agency may need to comply with the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973 (42 U.S.C. 4001, et. seq.), which require flood insurance, when available, for Federally assisted construction or acquisition in flood-prone areas. USDA at 7 CFR 3105.205(b)(11).	All	All	Awards involving construction, land acquisition or development, with some exceptions [see 42 U.S.C. 4001, et. seq.].	The Council on Environmental Quality's regulations for implementing NEPA are at 40 C.F.R. Parts 1500-1508. Executive Order 11514 [3 CFR, 1966-1970 Comp., p. 902], as amended by Executive Order 11991, sets policies and procedures for considering actions in the U.S. Executive Orders 11988 [3 CFR, 1977 Comp., p. 117] and 11990 [3 CFR, 1977 Comp., p. 121] specify additional considerations, when actions involve floodplains or wetlands, respectively.
2c. Identify to the awarding agency all impact this award may have on: Coastal barriers, and provide help the agency may need to comply with the Coastal Barriers Resource Act (16 U.S.C. 3501, et. seq.), concerning preservation of barrier resources.	Grants, cooperative agreements, and other "financial assistance" [see 42 U.S.C. 4003].	All	Awards that may affect barriers along the Atlantic and Gulf coasts and Great Lakes' shores.	42 U.S.C. 4012a prohibits awards for acquisition or construction in flood-prone areas (Federal Emergency Management Agency publishes lists of such areas in the Federal Register), unless recipient has required insurance. If action is in a floodplain, Executive Order 11988 [3 CFR, 1977 Comp., p. 117] specifies additional pre-award procedures for Federal agencies. Recipients are to apply requirements to subawards ("financial assistance," defined at 42 U.S.C. 4003, includes indirect Federal assistance).
2d. Identify to the awarding agency all impact this award may have on: All existing or proposed component of the National Wild and Scenic Rivers system, and provide help the agency may need to comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271, et seq.).	Grants, cooperative agreements, and other "financial assistance" [see 16 U.S.C. 3502].	All	Awards that may affect existing or proposed element of National Wild and Scenic Rivers system.	Requirements flow to subawards (16 U.S.C. 3502 includes indirect assistance as "financial assistance").
2e. Identify to the awarding agency all impact this award may have on: Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source, and provide help the agency may need to comply with the Safe Drinking Water Act (42 U.S.C. 300h-3).	All	All	Construction in all areas with aquifer that the EPA finds would create public health hazard, if contaminated.	42 U.S.C. 300h-3(e) precludes awards of Federal financial assistance for all project that the EPA administrator determines may contaminate a sole-source aquifer so as to threaten public health.
3. Resource Conservation and Recovery Act (42 USC 6901)	All	Awards to states or a political subdivision of a state (which for this purpose includes	NA	NA



		state and local institutions of higher education or hospitals).		
4. Procurement of items made with recovered materials pursuant to section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, and Executive Order 12873.	All	Awards to states or a political subdivision of a state (which for this purpose includes state and local institutions of higher education or hospitals).	Purchase of items designated within the regulations at 40 CFR 247 using federal funds.	NA
<b>Statutory/Regulatory/Executive Based National Policy Requirements re: Health &amp; Safety Guidelines</b>	<b>Type of Award</b>	<b>Type of Recipient</b>	<b>Specific Situation</b>	<b>Requirement(s) that should be noted by the recipient:</b>
1. Applicable OSHA Standards in Laboratories	All	All	Research involving use of hazardous chemicals or bloodborne pathogens	29 CFR 1910.1030 Bloodborne Pathogens; 29 CFR 1910.1450, Occupational Exposure to Hazardous Chemicals in Laboratories
2. Handling and transport of etiologic agents	All	All	Research involving etiologic agents	Procedures for Domestic Handling and Transport of Diagnostic Specimens and Etiologic Agents, 1994 (3rd ed.), H5a3doc.75, National Committee for Clinical Laboratory Standards
3. Biosafety standards in microbiological and biomedical laboratories	All	All	Microbiological and biomedical research	Biosafety in Microbiological and Biomedical Laboratories; 5th Edition <a href="http://www.cdc.gov/biosafety/publications/bmbL5/index.htm">http://www.cdc.gov/biosafety/publications/bmbL5/index.htm</a>
4. Controlled Substances	All	All	Research involving controlled substances	Drug Enforcement Administration (DEA) registration, inspection and certification
5. Disposal of high-level radioactive waste and spent nuclear fuel. Note however, that some States are exempt if they have established separate requirements.	All	All	Research involving radioactive waste and spent nuclear fuel	Nuclear Regulatory Commission Standard and Regulation, pursuant to the Energy Reorganization Act of 1974, (42 USC, 5801, et seq.)
6. Investigational New Drug Applications	All	All	All clinical trial investigations of products that are subject to section 505 or 507 of the Federal Food, Drug, and Cosmetic Act or to the licensing provisions of the PHS Act [58 Stat. 632, as amended (42 USC 201, et seq.)]	Food and Drug Administration (FDA), 21 CFR parts 50 and 312
7. Hotel and Motel Fire Safety Act of 1990 - P.L. 101-39	Conference or meeting support	All	Alterations and Renovations > \$500,000	40 USC 327-333
8. Labor Standards under Federally Assisted Construction: Construction Work Hours and Safety Standards Act	All	All	Alterations and Renovations > \$500,000	40 USC 327-333
9. Text Messaging While Driving - EO 13513	All	All	When performing work for or on behalf of government	Adopt and enforce policies that ban text messaging while driving.
10. Increasing Seat Belt Use in the United States Executive Order 13043, Increasing Seat Belt Use in the United States, dated, April 16, 1997	Grants and Cooperative Agreements	All	NA	In accordance with the Executive Order, "grantees are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles."
11. Dual Use Research of Concern	All	All	Life Sciences awards	<a href="http://www.phe.gov/s3/dualuse/Documents/us-policy-durc-032812.pdf">http://www.phe.gov/s3/dualuse/Documents/us-policy-durc-032812.pdf</a>



Statutory/Regulatory/Executive Based National Policy Requirements re: National Security	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the recipient:
<p>1. Executive Order 13224, Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism, dated September 23, 2001. Executive Order 13224 gives the U.S. government a powerful tool to impede terrorist funding and is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. President Bush issued Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code.</p>	All	NA	<p>In general terms, the Order provides a means by which to disrupt the financial support network for terrorists and terrorist organizations by authorizing the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism. In addition, because of the pervasiveness and expansiveness of the financial foundations of foreign terrorists, the Order authorizes the U.S. government to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, terrorists and terrorist organizations designated under the Order, as well as their subsidiaries, front organizations, agents, and associates.</p>	NA
<p>2. Select Agents and Toxins</p> <p>P.L. 107-188: Public Health Security &amp; Bioterrorism Preparedness Response Act of 2002, Title II sections 201-231</p> <p>P.L. 107-56 The USA Patriot Act of 2001 Section 175b <a href="http://www.cdc.gov/od/sap">www.cdc.gov/od/sap</a>. Codified by the: USDA at 7 CFR 331 and 9 CFR 121.</p> <p>See also 15 CFR Chapter 7 for Export Administration Regulations (EAR) <a href="http://www.bxa.doc.gov">www.bxa.doc.gov</a> and 49 CFR Pts 171 - 180 for transportation requirements.</p>	As applicable	All	<p>Research with or storage of Select Agents and Toxins</p>	<p>Institution must be registered with CDC and or USDA prior to beginning work with agents. Investigator must be licensed prior to beginning work. NIH Term of Award includes notice that registration must be complete before using NIH funds and that no funds may be used for Select Agent Research if certification is denied.</p> <p>USDA inserts a term indicating that the grantee has primary responsibility for complying with Title II of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188, and the regulations promulgated thereunder in 7 CFR Part 331, 9 CFR Part 121, and 42 CFR Part 72. For guidance on a biosecurity plan that includes physical security of facilities and access controls to prevent unauthorized entries see Departmental Manual 9610-1, USDA Security Policies and Procedures for Biosafety Level-3 Facilities (available via <a href="http://www.usda.gov/directives/index.html">http://www.usda.gov/directives/index.html</a>).</p> <p>Other State and Local regulations may apply.</p>



<p>3. Executive Order 13526 Classified National Security Information: prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism.</p>	<p>All</p>	<p>NA</p>	<p>NA</p>	<p>NA</p>
<p>4. Section 841 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, as amended, permits agencies to restrict, terminate, or void, in whole or in part, awards where the Department of Defense notifies the agency that the award is providing funds, including goods and services, to covered persons or entities within a covered combatant command.</p>	<p>All</p>	<p>All</p>	<p>Does not apply to awards performed entirely within the United States.</p>	<p>NA</p>
<p>5. Section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Public Law 115-232) prohibits the use of loan or grant funds to procure or obtain, extend, or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems prohibited systems as identified in section 889 of the NDAA for FY 2019.</p> <p>Government-wide implementation for assistance awards at 2 CFR 200.216.</p>	<p>All</p>	<p>All</p>	<p>NA</p>	<p>(Public Law 115-232) prohibits the head of an executive agency from obligating or expending loan or grant funds to procure or obtain, extend, or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems as identified in section 889 of the NDAA for FY 2019.</p> <p>(a) In accordance with 2 CFR §200.216 and §200.471, for all awards that are issued on or after August 13, 2020, recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:</p> <ol style="list-style-type: none"> <li>1. Procure or obtain;</li> <li>2. Extend or renew a contract to procure or obtain; or</li> <li>3. Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).</li> </ol> <ol style="list-style-type: none"> <li>i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).</li> <li>ii. Telecommunications or video surveillance services provided by such entities or using such equipment.</li> <li>iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably</li> </ol>



				<p>believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.</p> <p>(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions, and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications services to users and customers is sustained. (c) See Public Law 115-232, section 889 for additional information.</p>
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<b>Statutory/Regulatory/Executive Based National Policy Requirements (General/Miscellaneous Requirements):</b>	<b>Type of Award</b>	<b>Type of Recipient</b>	<b>Specific Situation</b>	<b>Requirement(s) that should be noted by the recipient:</b>
1. SAM Registration - 2 CFR Part 25	All	Recipient only; does not apply to subrecipients	NA	SAM registration must be renewed annually.
2. Drug Free Workplace Public Law 100-690, Title V USDA at 2 CFR Part 421	All	All	NA	41 USC 701 et seq.
3. UEI - 2 CFR Part 25	All	Recipient and 1st tier subrecipient	NA	UEI required at time of application.
4a. Civil False Claims Act	All	All	All	31 USC 2739
4b. Criminal False Claims Act 18 USC 287 and 1001	All	All	All	18 USC 287 and 1001
4c. Program Fraud and Civil Remedies and False Claims Act 31 USC 3801, 45 CFR 79	All	All	All	31 USC 3801, 45 CFR 79
5. Government-wide Debarment and Suspension (Nonprocurement) USDA at 2 CFR Part 417	All	All	NA	42 USC 1870 (a); Sec. 2455, PL 103-355, 108 Stat. 3327 (31 USC 6101 note); EO 12549 (3 CFR, 1986 Comp., p. 189); EO 12689 (3 CFR, 1989 Comp., p. 235)
6. Lobbying Prohibitions 31 USC 1352, stipulates that (1) No Federal appropriated funds have been paid or will be paid, any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an	All	NA	NA	31 USC 1352 requires the grantee to include certification language in the award documents for all subawards at all tiers, including subcontracts and subgrants.



<p>officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit the SF Form LLL, "Disclosure of Lobbying Activities", in accordance with its instructions. USDA at 2 CFR Part 418, 2 CFR 200</p>				
<p>7. Metric System 15 USC 205 a-k and Executive Order 12770</p>	All	All	All	15 CFR Part 19, Subpart B
<p>8. Misconduct in Science Policies and responsibilities associated with prevention, detection, and handling of misconduct in science allegations as stipulated in agency implementing regulations: USDA at 2 CFR Part 422</p>	All	All	All	[Federal Register: December 6, 2000 (Volume 65, Number 235)] [Notices] [Page 76260-76264]
<p>9. National Historic Preservation The recipient agrees to identify to the awarding agency all property listed or eligible for listing on the National Register of Historic Places that will be affected by this award, and to provide all the help the awarding agency may need, with respect to the award. 16 USC 470f</p>	All	All	All	NA
<p>10. Paperwork Reduction Act</p>	All	All	When data is collected from respondents using a questionnaire or other survey instrument. See, however, M-11-07 dated 12/9/10 entitled, "Facilitating Scientific Research by Streamlining the Paperwork Reduction Act Process."	Data collection activities, if any, performed under this project are the responsibility of the recipient, and awarding agency support of the project does not constitute approval of any survey design, questionnaire content, or data collection procedures. The recipient shall not represent to respondents that such data are being collected for or in association with the awarding agency without the specific written approval of the cognizant awarding agency official of such data collection plan or instrument. However, this requirement is not intended to preclude mention of awarding agency support of the project in response to an inquiry or acknowledgment of such support in any publication of these data.
<p>11. Recipient Integrity and Performance Matters Reporting of Matters Related to Recipient Integrity and Performance; Appendix XII to 2CFR 200</p>	All	Recipient only. Does not apply to subrecipients	NA	NA
<p>12. Transparency Act - FFATA Public Law 109-282 USDA at 2 CFR Part 170</p>	All	All, including 1st tier subrecipients	Awards of 25K or more	Reporting grants and 1st tier subrecipients of 25K or more, and executive compensation reporting of same; limited exceptions.
<p>13. U.S. Flag Air Carriers</p>	All	All	Any air transportation to, from, between, or within a country other than the U.S. of persons or property, the expense of which will be assisted by Federal funding, must be performed by	49 USC 40118 See also General Services Administration amendment to the Federal Travel Regulations, Federal Register (Vol. 63, No. 219, 63417-63421)



			or under a code-sharing arrangement with a U.S.-flag air carrier if service provided by such a carrier is available [see Comp Gen. Decision B-240956, dated September 25, 1991].	
<p>14. Trafficking in Persons</p> <p>By signing or accepting funds under the agreement, the recipient agrees that it will comply with Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) as implemented by 2 CFR 175.</p>	Grants and Cooperative Agreements and contracts	<p>175.15(b)l.a. applies to private entities</p> <p>175.15(b)l.b. applies to other than private entities if award includes subrecipient award to a private entity</p> <p>117.15(b)l.c. applies to all recipients</p>	NA	<p>A. Associated with performance under this award; or</p> <p>B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by the agency in its regulatory implementation of the OMB guidelines in 2 CFR part 180.</p> <p>b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity-</p> <p>1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—i. Associated with performance under this award; or</p> <p>ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency.</p> <p>c. Provisions applicable to any recipient.</p> <p>1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.</p> <p>2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:</p> <p>i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and</p> <p>ii. Is in addition to all other remedies for noncompliance that are available to us under this award.</p> <p>iii. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.</p>
<p>15. Whistleblower Protection</p> <p>Awardees are notified of the applicability of 41 U.S.C. § 4712, as amended by P.L. 112-239, providing protection for whistleblowers.</p>	All	All	All	NA



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16. Use of United States Flag Vessels 46 CFR 381	Grants, Cooperative Agreements, Loans and Guarantee and Advance of Funds Agreements	All	NA	NA
17. Patents, Trademarks and Copyrights 35 USC 202-204 and 37 CFR 401	Grants and Cooperative Agreements	Awards to non-profits and small businesses	NA	NA
18. Privacy Act 5 USC 552a	All	All	NA	NA
19. Pro Children Act 20 USC 7183	All	All	All awards performed in facilities where children are served.	NA
20. Uniform Relocation Assistance and Real Property Acquisition Policies Act 42 USC 4601 and 49 CFR 24	All	All	NA	NA
21. Confidentiality of Patient/Client Records 42 USC 290dd-2 and 42 USC 290ee-3	All	All	NA	NA
22. Constitution Day PL 108-447	All	All	NA	NA
23. Copeland Act 40 USC 4135	All	All	NA	NA
24. Davis Bacon Act 40 USC 3141 et seq.	All	All	NA	NA
25. Earthquake Hazards Reduction Act 42 USC 7701 et seq., EO 12699	All	All	Construction awards within applicable geographic areas	NA
26. Faith-Based and Other Neighborhood Organizations EO 13559	All	All	NA	NA
27. Federal Technology Transfer Act 15 USC 63	All	All	NA	NA
28. Freedom of Information Act	All	All	NA	NA



5 USC 552				
29. Hatch Act 5 USC 7321-7328	All	State or Local Governments	NA	NA
30. Limited English Proficiency EO 13166	All	All	NA	NA
31. Military Recruiting and Reserve Officer Training Access to Institutions of Higher Education 10 USC 983	All	Domestic Institutions of Higher Education	NA	NA
32. Native American Graves Protection and Repatriation 25 USC 3001-3013	All	All	NA	NA
33. Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities (Executive Order on Campus Free Speech) EO 13864 USDA	All	Institutions of Higher Education	NA	NA
34. Risk review of applications and the Federal Awardee Performance and Integrity Information System (FAPIIS)	All	All	NA	<p>As required by 2 CFR 200 of the Uniform Guidance, Federal awarding agencies are required to review the responsibility and qualification records available in the non-public segment of the System for Award Management (SAM.gov) prior to making a Federal award where the Federal share is expected to exceed the simplified acquisition threshold, defined in 41 U.S.C. 134, over the period of performance. See 2 CFR 200.206 for additional information. As required by 2 CFR 200 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in SAM.gov any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide.</p> <p>This applies to NFEs that receive federal awards (currently active grants, cooperative agreements, and government contracts) greater than \$10,000,000 for any period of time during the period of performance of an award/project.</p>

## APPENDIX B REQUIREMENTS FOR SUBAWARDS

Requirement Type	For Institutions of Higher Education	For Non-Profit Organizations Other than Hospitals	For Non-Profit Hospitals	For For-Profit Hospitals	For State, Local and Indian Tribal Governments	For For-Profit Entities other than Hospitals and Foreign Entities	For Non-Profit Organizations Identified in Appendix VIII to 2 CFR §200
This subaward is subject to Allowable Cost Requirements specified in-	2 CFR §200, Subpart E, and any applicable Agency Specific Requirements.	2 CFR §200, Subpart E and any applicable Agency Specific Requirements.	Agency implementations of 45 CFR part 75, Appendix IX, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals".	Agency implementations of 45 CFR part 75, Appendix IX, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals".	Agency implementations of 2 CFR §200, Subpart E.	Federal Acquisition Regulation (FAR) at 48 CFR part 31.	Federal Acquisition Regulation (FAR) at 48 CFR part 31.
This subaward is subject to the Administrative Requirements specified in-	2 CFR §200, Subpart D and any applicable Agency Specific Requirements.	2 CFR §200, Subpart D and any applicable Agency Specific Requirements.	2 CFR §200, Subpart D and any applicable Agency Specific Requirements.	Agency implementations of 2 CFR §200, Subpart D.	Agency implementations of 2 CFR §200, Subpart D.	Administrative requirements for awards to for-profit organizations of the Federal awarding agencies.	Agency implementations of 2 CFR §200, Subpart D.
USDA/NIFA Requirements:	2 CFR part 200, as implemented by 2 CFR parts 400 & 415, these NIFA-Specific Terms and Conditions, and applicable Program-Specific Requirements in 7 CFR chapter XXXIV.	2 CFR part 200, as implemented by 2 CFR parts 400 & 415, these NIFA-Specific Terms and Conditions, and applicable Program-Specific Requirements in 7 CFR chapter XXXIV.	45 CFR part 75, Appendix IX, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals," as implemented by Appendix IX to 2 CFR Part 200, Hospital Cost Principles.	Agency implementations of 45 CFR part 75, Appendix IX, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals," as implemented by Appendix IX to 2 CFR Part 200, Hospital Cost Principles.	Agency implementation of 2 CFR part 200, Subpart E and 2 CFR parts 400 & 415.	Federal Acquisition Regulation (FAR) at 48 CFR part 31 and 2 CFR parts 400 & 415.	Federal Acquisition Regulation (FAR) at 48 CFR part 31 and 2 CFR parts 400 & 415.
Audit Requirements specified in-	2 CFR §200, Subpart F	2 CFR §200, Subpart F	2 CFR §200, Subpart F	Audit requirements of the Federal awarding agency or the prime recipient.	2 CFR §200, Subpart F	Audit requirements of the Federal awarding agency or the prime recipient.	2 CFR §200, Subpart F