

**NATIONAL INSTITUTE OF FOOD AND AGRICULTURE
U.S. DEPARTMENT OF AGRICULTURE**

**CAPACITY AWARD TERMS AND CONDITIONS
EFFECTIVE October 1, 2019**

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

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

ARTICLE 1. APPLICABILITY, ABOUT THE DOCUMENT, ROLES AND RESPONSIBILITIES, AND DEFINITIONS AND CONTACTS

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

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

About the Document. The document incorporates the

- The entire Uniform Guidance (UG), [2 CFR part 200](#) by reference;
- [Frequently asked questions](#) for 2 CFR 200 (located at <https://cfo.gov/grants/>) which have the full force and effect of the UG (the version in effect at the time of the award is applicable); and
- [NIFA Federal Assistance Policy Guide \(sections](#) identified as applicable to all awards and capacity awards).

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

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

Roles and Responsibilities. In addition to the roles and responsibilities in Part I. E.3. of the Policy Guide (e.g., Authorized Representative), the following apply as appropriate.

Cooperative Extension Director/Research Director/Deans and Directors

- Serves as the Chief Administrative Officer
- Authorized to receive capacity funds
- Responsible to the head of the institution/governing body within the State
- Determines research to be conducted by institution/station using capacity funds (subject to NIFA approval) and, if appropriate, matching State funds
- Ensures compliance with the rules and regulations applicable to the NIFA capacity program
- Must sign (or the designee) document presented to the Legal Custodian for payment using capacity funds
- Approves SF-425, Federal Financial Report (FFR), prior to submission to NIFA

Administrative-Technical Representative

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

Custodian of Funds (Legal Custodian)

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

1890 Extension Administrator/1890 Agricultural Research Director

- Responsible for:
 - extension or research activities
 - funds at the 1890 land-grant college or university; and
 - compliance with the applicable rules and regulation.
- Assumes obligations imposed by NIFA capacity award.
- Should be a direct report to the University governing board (President, Provost, etc.).
- Authorizes distribution and expenditure of award funds.
- Ensures expenditures are consistent with the approved plan of work.

May be designated by the governing body of the institution to serve as the Authorized Representative.

EFNEP Coordinator

- Provides leadership and oversight for that university’s EFNEP program.
- Responsibilities include hiring, training, monitoring, and developing staff; enforcing EFNEP program policies; responding to messages/requests from the NIFA; completing reporting requirements; providing oversight over data management; and keeping university administration and stakeholders informed about the program and its impacts.
- Provide overall direction of programming and work with other state/territory, regional, and/or local personnel to provide training, supervision, and evaluation of paraprofessional staff.

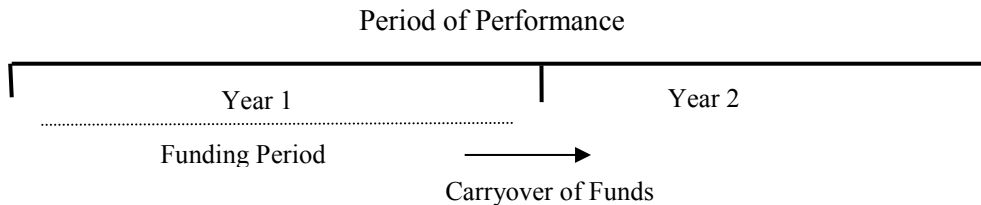
Definitions. Applicable definitions are included in [Subpart A of 2 CFR part 200](#) and the [NIFA Federal Assistance Policy Guide](#). The definition of ***Authorized Departmental Officer or ADO*** is included in Appendix II of the NIFA Policy Guide. The following are additional definitions:

Funding Period - The funding period is the fiscal year the funds are made available for obligation (i.e., the fiscal year the funds are made available via the appropriation and an award is issued).

Period of Performance (defined in [2 CFR 200.77](#)) – Additionally, the period of performance is cited in the award instrument (see Block 3. of the Notice of Award). The period of performance will span over two or five years as applicable to the given program.

Carryover of Funds - The carryover of funds from the initial funding period to a subsequent year within the period of performance is addressed, where appropriate, in **Article 3, Allowable and Unallowable Costs of Action**.

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



Contact Information.

The contact information for the ADO is as follows:

Capacity Grants Branch
Awards Management Division
Office of Grants and Financial Management
National Institute of Food and Agriculture
U.S. Department of Agriculture
6501 Beacon Drive
Kansas City, MO 64133
Equipment Prior Approval: Capacityequipment@usda.gov
Policy Questions E-mail: Formulagrantsquestions@usda.gov

Other contacts are as follows:

For questions relating to REEport forms and submissions, contact the Planning, Accountability, and Reporting Staff; email electronic@usda.gov.

For questions relating to the Plan of Work or the Annual Report of Accomplishments and Results, contact the Planning, Accountability, and Reporting Staff; email pow@usda.gov.

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

ARTICLE 2. APPLICABLE REGULATIONS AND NATIONAL POLICY REQUIREMENTS

As a condition of this grant award , you agree to comply with the applicable statutory and national policy requirements, including those specified in [2 CFR 200.300](#) and [Appendix II of 2 CFR 200](#), which hereby are incorporated in this grant award by reference, and such other provisions, including Executive Orders and Public Laws, as applicable. The full text of Code of Federal Regulations (CFR) references may be found at: [eCFR — Code of Federal Regulations](#). Also see <http://nifa.usda.gov/regulations-and-guidelines>. Should a national requirement be missing, you are nevertheless responsible for compliance with the applicable national policy requirements. Do the Research T&C apply to the Capacity Awards? Or do you just use them as a basis for creating a set of National Policy Requirements for Capacity Grants?

Regulation/Statute	Title
2 CFR Part 25	Universal Identifier and System for Award Management
2 CFR Part 170	Reporting Subaward and Executive Compensation Information
2 CFR Part 175	Award Term for Trafficking in Persons
2 CFR Part 180	OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)
2 CFR Part 182	Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
2 CFR Part 200	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
2 CFR Part 400	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Regulation/Statute	Title
<u>2 CFR Part 400.2</u>	Conflict of Interest
<u>2 CFR Part 415</u>	General Program Administrative Regulations
<u>2 CFR Part 416</u>	General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments
<u>2 CFR Part 418</u>	New Restrictions on Lobbying
<u>2 CFR Part 421</u>	Requirements for Drug-Free Workplace (Financial Assistance)
<u>2 CFR Part 422</u>	<p>Research Institutions Conducting USDA Funded Extramural Research; Research Misconduct</p> <p>All research awards issued by NIFA are subject to 2 CFR 422; USDA’s implementation of the Federal Policy on Research Misconduct published at 65 FR 76260. In accordance with sections 2, 3, and 8 of 2 CFR Part 422, institutions that conduct extramural research funded by USDA must foster an atmosphere conducive to research integrity, bear primary responsibility for prevention and detection of research misconduct and are to maintain and effectively communicate and train their staff regarding policies and procedures. The AOR assures, through acceptance of the award that the institution will comply with the above requirements. Grant recipients must, upon request, make available to NIFA the policies and procedures as well as documentation to support the conduct of the training.</p> <p>To report allegations of research misconduct see https://nifa.usda.gov/research-misconduct</p>
<u>7 CFR Part 1, Subpart A</u>	Official Records
<u>7 CFR Part 1b</u>	National Environmental Policy Act
<u>7 CFR Part 3</u>	Debt Management
<u>7 CFR Part 15, Subpart A</u>	Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture – Effectuation of Title VI of the Civil Rights Act of 1964

Regulation/Statute	Title
<u>7 CFR Part 3100</u>	Cultural and Environmental Quality
<u>7 CFR Part 3430</u>	Competitive and Noncompetitive Non-Formula Federal Assistance Programs – General Award Administrative Provisions
<u>8 U.S.C. 1324a.</u>	Unlawful employment of aliens
<u>29 U.S.C. 794</u>	Nondiscrimination under Federal grants and programs
<u>41 U.S.C. 6306</u>	Interest of Member of Congress
<u>41 U.S.C. 4712</u>	Enhancement of contractor protection from reprisal for disclosure of certain information
<u>45 CFR 75.521, Appendix IX to Part 75</u>	Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals
<u>48 CFR Subpart 31.2</u>	Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of 2 CFR part 200
<u>Frequently Asked Questions (FAQs) for 2 CFR Part 200</u>	Located at: https://cfo.gov/grants/ and https://cfo.gov//wp-content/uploads/2017/08/July2017-UniformGuidanceFrequentlyAskedQuestions.pdf
<u>Executive Order 13513</u>	Federal Leadership on Reducing Text Messaging While Driving”
<u>41 U.S.C. 22</u>	Interest of Member of Congress
<u>P. L. 109-282</u>	Federal Financial Accountability and Transparency Act of 2006
<u>P. L. 113-101</u>	<u>Digital Accountability and Transparency Act of 2014</u>

<p>Genetic Resources from Outside of U.S.</p>	<p>If this project will use plant or animal genetic resources from outside the United States, the PD is advised to seek information regarding any prior informed consent and any terms and conditions regarding access and benefit-sharing required by the appropriate host country authorities. For further information, see the Access and Benefit-Sharing Clearing-House (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). Contact the Plant Exchange Office, USDA/ARS, (https://www.ars.usda.gov/research/project/?accnNo=434391) or the USDA/ARS National Animal Germplasm Program (https://www.ars.usda.gov/research/project/?accnNo=433404), as appropriate, for further guidance on archiving the collections in the USDA/ARS's genebanks.</p>
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a. Responsible and Ethical Conduct of Research

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

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

b. Prohibition Against Certain Internal Confidentiality Agreements

You may not require your employees, contractors, or subrecipients seeking to report fraud, waste, or abuse to sign or comply with internal confidentiality agreements or statements prohibiting or otherwise restricting them from lawfully reporting that waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

1. You must notify your employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this

award provision are no longer in effect.

2. The prohibitions of this award do not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information.

3. If NIFA determines that you are not in compliance with this award provision, NIFA:

- a) Will prohibit your use of funds under this award, in accordance with sections 743 and 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law;
- b) May pursue other remedies available for your material failure to comply with award terms and conditions.

c. Fraud, Waste, and Abuse

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

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

- Hotline: (800) 424-9121
- Hotline Local: (202) 690-1622
- Hotline TDD: (202) 690-1202

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

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

d. Industrial Hemp

By accepting the award, the awardee agrees that if the project involves industrial hemp, the organization will comply with all terms and conditions set by the applicant's State agency regarding industrial hemp. For this purpose, the term "industrial hemp" includes the plant *Cannabis sativa L.* and any part or derivative of such plant, including seeds of such plant, whether growing or not, that is used exclusively for industrial purposes (fiber and seed) with a tetrahydrocannabinols concentration of not more than 0.3 percent on a dry weight basis. The term "tetrahydrocannabinols" includes all isomers, acids, salts, and salts of isomers of tetrahydrocannabinols. If industrial hemp activities are conducted under the award, NIFA, in accordance with 2 CFR 200.336, has the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to verify compliance with the terms and conditions set by the applicant's State agency. For further information see <https://nifa.usda.gov/industrial-hemp>.

e. Life Sciences Dual Use Research of Concern (DURC)

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

f. Buy American

The awardee must comply with Sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301-8305, popularly known as the Buy American Act)..

Strengthening Buy-American Preferences for Infrastructure Projects. Recipients of covered programs (as defined in Executive Order 13858, January 31, 2019) (i.e., infrastructure project) are hereby notified that they are encouraged to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or subaward that is chargeable under this Award. "Infrastructure project" as used herein means a project to develop public or private physical assets that are designed to provide or support services to the general public in the following sectors: surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production, generation, and storage, including from fossil - fuels, renewable, nuclear, and hydroelectric sources; electricity transmission; gas, oil, and propane storage and transmission; electric, oil, natural gas, and propane distribution systems; broadband internet; pipelines; stormwater and sewer infrastructure; drinking water infrastructure; cybersecurity; and any other sector designated through a notice published in the Federal Register by the Federal Permitting Improvement Steering Council.

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

ARTICLE 3. ALLOWABLE AND UNALLOWABLE COSTS AND ACTIONS

Allowable costs are determined in accordance with the cost-principles as outlined in [2 CFR 200.400 through 200.475](#), program regulation as applicable, and these award terms and conditions.

The following are to highlight some allowable and unallowable actions and direct charges and is not meant to be all inclusive. **Note that any limitations or prohibitions applicable to the recipient also apply to subrecipients made under the award as well as to matching funds.** Also see Article 4.

Salaries of Administrative and Clerical Staff

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

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

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

Employer Contributions to Retirement Systems

Employer contributions to land-grant college retirement systems from using funds under this award are limited to 5 percent of that portion of the salaries paid, under this award, to employees who participate in the system (7 U.S.C. 331), and are subject to the other conditions in 7 U.S.C. 331. Note that the 5 percent limitation does **NOT** apply to any State or individual contribution. Contributions of funds under this award **may not exceed** the contributions from non-Federal sources made by or on behalf of the individual concerned.

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

The above provisions and cap apply to the following programs:

- 1862 Land-Grant Institutions and agricultural experiment stations under the Hatch Act of 1887 (7 U.S.C. 361a, et seq.);
- provided to 1862 Land-Grant Institutions under sections 3(b) and 3(c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of the District of Columbia Public Postsecondary Education Reorganization Act, Public Law 93-471;
- agricultural extension and research funds provided to 1890 Land-Grant Institutions under sections 1444 and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA)(7 U.S.C. 3221 and 3222); and
- animal health and disease research funds provided to veterinary schools and agricultural experiment stations under section 1433 of NARETPA (7 U.S.C. 3195).

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

Pre-award and No Extension of Period of Performance

No pre-award costs are allowable (awardee may not incur pre-award costs and apply such costs to award). **The period of performance may NOT be extended therefore; NIFA WILL NOT consider any requests for a no-cost extension of time.**

Indirect Costs and Tuition Remission

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

Cost-sharing or Matching

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

- (1) Are verifiable from your records;
- (2) Are not included as contributions for any other Federal award;
- (3) Are necessary and reasonable for accomplishment of project or program objectives;
- (4) Are allowable costs; and
- (5) Are not paid by the Federal government under another Federal award, except where the Federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs.

As noted in Article 4, changes in the amount of NIFA-approved required cost-sharing or matching must have prior approval. If you anticipate any changes, including short falls, you are to contact the ADO (see Article 1) for further information.

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

Personal Injuries

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

Lobbying

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

Meals

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

Program Income

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

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

(1) Use of Funds Limitation

No portion of the funds allocated under this grant may be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college course teaching, lectures in college, or any other purpose not specified in section 1444 of NARETPA. Funds cannot be used for indirect costs or tuition remission.

(2) NIFA Approved Projects

Section 1444 Program funding may only be used to support agricultural extension activities identified in the approved 5-Year Plan of Work.

(3) Carryover of Funds

Funds may be carried over for up to one additional year. If a carryover balance remains at the end of the second fiscal year, the amount of the unexpended balance may be deducted from the allocation to the institution in the following year. There is no limitation on the amount of Federal funds that may be carried over for one additional fiscal year. No prior approval from NIFA is required and NIFA is not authorized to grant any carryover requests beyond one additional year. Any unused funds at the end of the period of performance must be returned to the US Treasury.-

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

(1) NIFA Approved Projects

RREA federal funding must be used on the strategic issues from the RREA Strategic Plan identified in the institution's approved 5-Year Plan of Work.

(2) Carryover of Funds

RREA funds are expected to be fully expended in the fiscal year of appropriation; however, with prior approval, current policy allows 50 percent of the initial funding to be carried over into the next fiscal year. These carryover funds must be fully expended by September 30 of the following year (e.g., September 30, 2019 for FY 2018 funds). Any unused funds at the end of the period of performance must be returned to the US Treasury. As noted, prior approval is required to carry over funds for this additional year; no additional carryover requests may be considered or approved.

If, however, there is more than 50 percent carryover, waiver requests may be considered and approved. Requests must be submitted to the National Program Leader at NIFA, who will provide the required format for requesting carryover of excess (>50%) funds.

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

(1) Use of Funds limitations

Funds cannot be used, directly or indirectly, for the purchase, construction, preservation, or repair of any building or buildings, the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in the Smith-Lever Act. Funds cannot be used for indirect costs or tuition remission.

(2) NIFA Approved Projects

Smith-Lever Act sections 3(b) and 3(c) federal funding may only be used for extension programs and an activity identified in the institution's approved 5-Year Plan of Work.

(2) Carryover of Funds

Any unobligated balance of funds which remains at the end of any funding period, except the final funding period of the project, will be carried over to the next funding period, and may be used to defray costs of any funding period of the project. Since the carryover of unobligated balances is automatic, no separate or specific awarding agency prior approval is required to authorize use of the funds. Any unused funds at the end of the period of performance must be returned to the US Treasury.

(3) Multistate Activities

NIFA will only consider a waiver of the minimum required to be expended for multistate activities, in cases of hardship, infeasibility or other similar circumstances, beyond your control. To request a waiver, the following must be submitted to the ADO (see Article 1.).

- Letter of justification including the reason for the shortfall
- Amount of the shortfall

Explanation of steps that will be taken to avoid a future shortfall

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

(1) Use of Funds Limitation

No portion of federal funds allotted under Special Needs grant may be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in the Smith-Lever Act. Funds cannot be used for indirect costs or tuition remission.

(2) NIFA Approved Projects

Special Needs federal funding may only be used on extension activities identified in the institution's approved 5-Year Plan of Work.

(3) Carryover of Funds

Any unobligated balance of funds which remains at the end of any funding period, except the final funding period of the project, will be carried over to the next funding period, and may be used to defray costs of any funding period of the project. Since the carryover of unobligated balances is automatic, no separate or specific awarding agency prior approval is required to authorize use of the funds. Any unused funds at the end of the period of performance must be returned to the US Treasury.

Expanded Food and Nutrition Education Program (EFNEP) (7 U.S.C. 3175)

(1) Use of Funds Limitation

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

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

(2) NIFA Approved Projects

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

(3) Carryover of Funds

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

Animal Health (AHDR) (Section 1433 of NARETPA; Title XIV of Pub. L. 95–113)

(1) Use of Funds Limitation

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

(2) NIFA Approved Projects

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

(3) Carryover of Funds

AHDR funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to one additional year. Note there is no limitation on the amount of federal funds that may be carried over for this one additional fiscal year. No prior approval from NIFA is required. Grant funds may not be carried-over beyond this one additional year. If any funds remain beyond the additional year, those funds are subject to formulae redistribution.

Evans-Allen (Section 1445 of NARETPA; Title XIV of Public Law 95–113)

(1) Use of Funds Limitation

Funds cannot be spent on indirect costs and tuition remission.

(2) NIFA Approved Projects

Evans-Allen Research Program funds may only be used on approved Evans-Allen Research Program projects.

(3) Carryover of Funds

Funds may be carried over for up to one additional year. There is no limitation on the amount of Federal funds that may be carried over for one additional fiscal year. No prior approval from NIFA is required and NIFA is not authorized to grant any carryover requests beyond one additional year. Any unused funds at the end of the period of performance must be returned to the US Treasury.

Hatch Act-Regular and Multistate

(1) Use of Funds Limitation

Funds cannot be spent on indirect costs and tuition remission.

(2) NIFA Approved Projects

Hatch federal funding must be used on approved Hatch projects including Hatch Multistate Research Funds (HMRF) projects and other allowed activities.

(3) Carryover of Funds

Hatch funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to 1 year after the end of the year for which they were appropriated. No prior approval is required to carry over funds for one additional year; however, no additional carryover requests may be considered or approved, as no legislative authority to do so is provided. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

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

(1) Use of Funds Limitation

Funds cannot be spent on indirect costs and tuition remission

(2) NIFA Approved Projects

M-S federal funding must be used on approved M-S projects.

(2) Carryover of Funds

McIntire-Stennis funds are expected to be fully expended in the fiscal year of appropriation; however, funds may be carried over for up to 1 year after the end of the fiscal year for which they were appropriated. No prior approval is required to carry over funds for one additional year if the carryover is less than 50 percent. Carryover greater than 50 percent must be approved by NIFA Program Staff, no other additional carryover requests may be considered or approved. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

ACKNOWLEDGMENT OF USDA NIFA SUPPORT AND DISCLAIMER

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

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

When acknowledging USDA support in accordance with 2 CFR Part 415, grantees must use the following acknowledgment for all projects or initiatives supported by NIFA:

"This material is based upon work that is supported by the National Institute of Food and Agriculture, U.S. Department of Agriculture [insert name of capacity] Program, under award number XXXX-XXXXX-XXXXX."

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

In addition, you must include proper acknowledgement of public funding in published scientific articles, manuscripts, presentations and press releases.¹ Please use the following language to acknowledge NIFA support in such publications and associated presentations, as appropriate:

"This research was supported [in part] by the intramural research program of the U.S. Department of Agriculture, National Institute of Food and Agriculture, [insert program type, e.g., Hatch/Evans-Allen/McIntire-Stennis, etc., and accession number, if applicable]."

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

"The Findings and Conclusions in This Preliminary [Publication/Presentation/Blog] Have Not Been Formally Disseminated by the U. S. Department of Agriculture and Should Not Be Construed to Represent Any Agency Determination or Policy."

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

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

ARTICLE 4. PRIOR APPROVAL REQUIREMENTS

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

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

- Change in the scope or the objective of the project or program (even if there is no associated budget revision requirement prior written approval).
- Change in a key person specified in the application or the award.
- If the approved project director severs his or her connection with the recipient or otherwise relinquishes active direction of the project (either permanently or for a continuous period of more than 3 months or a 25 percent reduction in time devoted to the project), then the recipient must get prior approval for a reduction in time or a replacement project director. In lieu thereof, the recipient has the option to relinquish the award (in which case the award will be terminated by mutual agreement, in accordance with [2 CFR 200.339](#)).
- Changes in the amount of NIFA-approved cost-sharing or matching.
- Transfer of funds budgeted for participant support costs to other categories of expense.

Prior approval also is required for the following:

[2 CFR 200.311](#) **Real property** - Disposition. Prior approval is required for non-Federal entity to transfer title to the Federal awarding agency or to a third party designated/approved by the Federal awarding agency.

[2 CFR 200.313](#) **Equipment** and [2 CFR 200.439](#) **Equipment and other capital expenditures** Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval from NIFA, or pass-through entity. Further, prior approval is required for the purchase of General Purpose equipment costing \$5,000 or more and having an anticipated useful life of more than one year. The purchase of Special Purpose equipment does not require prior approval UNLESS it costs \$250,000 or more. Equipment prior approval requests may be submitted in one of three ways: 1) as an attachment to your application via grants.gov; 2) in an email request at any time to capacityequipment@usda.gov; or 3) with your project initiation request via REEport. See <https://nifa.usda.gov/program/capacity-grants> for further information about equipment including frequently asked questions.

[2 CFR 200.430](#) **Compensation—personal services** - Unless there is prior approval by the Federal awarding agency, charges of a faculty member's salary to a Federal award must not exceed the proportionate share of the institutional base salary for the period during which the faculty member worked on the award.

NIFA-specific item - Salary rates of pay exceeding an Executive Level IV salary range (see Executive Schedule link at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2015/executive-senior-level>) requires prior NIFA approval. This rate does not include any fringe benefits, general and administrative (G&A), overhead, or other expenses. To request ADO approval, provide the salary rate of pay and a justification for the rate in a request submitted as a pdf attachment to an email sent to formulagrantsquestions@usda.gov.

[2 CFR 200.431](#) **Compensation—fringe benefits**

(i)(2)(ii) Measurement of costs of abnormal or mass severance pay by means of an accrual will

not achieve equity to both parties. Thus, accruals for this purpose are not allowable. However, the Federal Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

(i)(4) Severance payments to foreign nationals employed by the non-Federal entity outside the United States, to the extent that the amount exceeds the customary or prevailing practices for the non-Federal entity in the United States, are unallowable, unless they are necessary for the performance of Federal programs and approved by NIFA.

(i)(5) Severance payments to foreign nationals employed by the non-Federal entity outside the United States due to the termination of the foreign national as a result of the closing of, or curtailment of activities by, the non-Federal entity in that country, are unallowable, unless they are necessary for the performance of Federal programs and approved from NIFA.

[2 CFR 200.438](#) **Entertainment costs** - Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and have prior written approval from NIFA.

[2 CFR 200.440](#) **Exchange rates** - Prior approval of exchange rate fluctuations is required when the change results in the need for additional Federal funding, or the increased costs result in the need to significantly reduce the scope of the project.

[2 CFR 200.441](#) **Fines, penalties, damages and other settlements** - Costs resulting from non-Federal entity violations of, alleged violations of, or failure to comply with, Federal, state, tribal, local or foreign laws and regulations are unallowable, except when incurred as a result of compliance with specific provisions of the Federal award, or with prior written approval from NIFA.

[2 CFR 200.442](#) **Fund raising and investment management costs** - Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions are unallowable. Fund raising costs for the purposes of meeting the Federal program objectives are allowable with prior written approval from NIFA.

[2 CFR 200.445](#) **Goods or services for personal use** - Costs of housing (e.g., depreciation, maintenance, utilities, furnishings, rent), housing allowances and personal living expenses are only allowable as direct costs regardless of whether reported as taxable income to the employees. In addition, to be allowable direct costs must be approved in advance from NIFA.

[2 CFR 200.447](#) **Insurance and indemnification** - Costs of insurance or of contributions to any reserve covering the risk of loss of, or damage to, Federal Government property are unallowable except to the extent that NIFA has specifically required or approved such costs.

[2 CFR 200.454](#) **Memberships, subscriptions, and professional activity costs** - Costs of membership in any civic or community organization are allowable with prior approval from NIFA or pass-through entity.

[2 CFR 200.455](#) **Organization costs** - Costs such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselor, whether or not employees of the non-Federal entity in connection with establishment or reorganization of an organization, are unallowable except with prior approval from NIFA.

[2 CFR 200.462](#) **Rearrangement and reversion costs** - Special arrangements and alterations costs incurred specifically for a Federal award are allowable as a direct cost with the prior approval from NIFA or pass-through entity.

[2 CFR 200.467](#) **Selling and marketing costs** - Costs of selling and marketing any products or services of the non-Federal entity (unless allowed under §200.421 Advertising and public relations.) are unallowable, except as direct costs, with prior approval from NIFA when necessary for the performance of the Federal award.

[2 CFR 200.470](#) **Taxes (including Value Added Tax)** - For many countries an exemption of this tax for research exists. Consequently, requesting this cost is unallowable for research grants involving such countries as a performance site.

[2 CFR 200.474](#) Travel costs

(a) Notwithstanding the provisions of 2 CFR 200.444 General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award.

(c)(2) Travel costs for dependents are unallowable, except for travel of duration of six months or more with prior approval of the Federal awarding agency.

(b) All foreign travel (i.e., any travel outside of North America and/or U.S. Territories) performed under McIntire-Stennis, RREA, EFNEP, and ADHR capacity grants must be approved in writing by the ADO prior to departure. For Hatch and Evans-Allen Research programs, prior approval is delegated to the Experiment Station Director or Section 1445 Director. For extension programs (Smith-Lever and Section 1444), prior approval of foreign travel is delegated to the Extension Director or Section 1444 Administrator.

Extension to Submit a Final Federal Financial Report, Form SF-425

To request ADO approval, requests must be submitted as a pdf attachment to an email sent to Formulagrantsquestions@usda.gov following the guidance below:

Request submitted PRIOR to the end of the 90-day period following the award expiration date.

The request should include a provisional report (showing unliquidated obligations), justification for not submitting a final by the initial due date, and the anticipated date for submission of a final report. Note that any extension of time is subject to expiring appropriations (see Article 5) and is not an extension of time to draw down funds. Approved extensions of time will not normally exceed an additional 90 days, and any overdue reports may affect the release of funding for other awards.

Request submitted FOLLOWING the end of the 90-day period following the award expiration date.

Such requests will only be considered, up to 30 days after the due date, in extenuating circumstances. This request should include a provisional report (showing unliquidated obligations) as well as an anticipated submission date for the final report, a justification for the late submission, and a justification for the extenuating circumstances. Note that any extension of time is subject to expiring appropriations (see Article 5) and is not an extension of time to draw down funds. Approved extensions of time will not normally exceed an additional 90 days, and any overdue reports may affect the release of funding for other awards.

NIFA approves the inclusion of certain costs for which the agency's prior approval is required by 2 CFR 200.407. Unless otherwise stated, agency approval is granted for the recipient to:

[2 CFR 200.332](#) Fixed amount subawards - Unless otherwise specified, you (pass-through) may provide subawards based on fixed amounts, provided that the subawards meet the requirements for fixed amount awards in [2 CFR 200.201](#) Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts.

[2 CFR 200.413](#) Direct costs - Direct charge the salaries of administrative and clerical staff if all conditions in 2 CFR 200.413 are met.

[2 CFR 200.447](#) Insurance and indemnification - Costs of insurance required or approved and maintained, pursuant to the Federal award, are allowable.

ARTICLE 5. OTHER REQUIREMENTS (NOT SPECIFIED ELSEWHERE)

Expiring Appropriations

Generally, the appropriated funds that support awards expire after 5 years and the account is closed. This means that in the fifth year following an appropriation, any award funds that have not been

drawn down by August 31 of that year by the awardee are **subject to be returned to the Department of the Treasury**. To determine the appropriation year of award funds, see block 15. Method of Payment – ASAP of the Notice of Award. This block contains a two-digit fiscal year followed by other information including the financial data code (FDC). In the following example, “19EFNEPXXXG073050201,” the first two numbers “19” represent the fiscal year “2019.” In this example it means that the funds must be drawdown by August 31 of the year 2023.

ARTICLE 6 TECHNICAL REPORTING

As outlined in [2 CFR 200.328](#), you are responsible for oversight of the operations of the award support activities. You must monitor the activities to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring must cover each program, function or activity.

NIFA grant reporting must be completed using the Research, Education, and Extension project online reporting tool (REeport). REeport is NOT applicable to:

- Smith-Lever 3(b) and (c)
- Agricultural Extension at 1890s/Section 1444
- EFNEP (see EFNEP-specific section of this article)

Initial reporting (item a. below) for individual projects under this grant is to be submitted through the REeport system. Annual progress and final reporting (items b. and c. below) for projects under this grant also are to be done through the REeport system. Information on REeport can be found on NIFA’s web site at <http://nifa.usda.gov/tool/reeport>, and the REeport software can be accessed through the NIFA Reporting Portal at <http://portal.nifa.usda.gov>.

[2 CFR 200.301](#) addresses performance measurement. There is a standard information collection method (i.e., the Research Performance Progress Report (RPPR)) for performance that does not relate financial information to performance data (NIFA implements the RPPR through REeport). Performance measurement is addressed through progress reporting in REeport, and there is no separate requirement for satisfying 2 CFR 200.301.

Review the following guidance closely regarding reporting requirements.

a. Initial Documentation in the REeport Database--

Research, Education, and Extension project online reporting tool (REeport)

Individual projects under this grant **must** be documented in REeport. The NIFA contact for all REeport documentation is:

REeport
National Institute of Food and Agriculture
U.S. Department of Agriculture
6501 Beacon Drive
Kansas City, MO 64133
E-mail: electronic@usda.gov

FUNDS RELEASED UNDER THIS GRANT MAY NOT BE EXPENDED ON INDIVIDUAL PROJECT ACTIVITIES UNTIL THE REQUIRED PROJECT INITIATION(S) INFORMATION HAS BEEN RECEIVED ELECTRONICALLY BY REeport AND APPROVED BY NIFA.

Information collected in the REEport Project Initiation is required upon project initiation for all **NEW** projects in REEport. This information is requested and reviewed by the appropriate NIFA Program Manager.

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

Technical questions regarding the online completion of the reports should be directed to NIFA at via email at electronic@usda.gov.

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

b. Annual Progress Reports.

All projects **must** report annually into REEport. Annual progress reports are to be submitted through REEport. The NIFA contact for REEport is identified in item (a). above.

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 a project is active, the REEport system 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 on the REEport system referenced in item d. Reports must be submitted electronically utilizing access information (e.g., login information) initially gained when the project initiation for the project was first submitted in REEport. Questions regarding access to REEport should be emailed to electronic@usda.gov.

An annual Progress Report is due for all active projects by March 1 annually. The period of performance of all progress reports is October 1 through September 30 of the previous fiscal year, or any portion thereof that the project was active. **The following information must be included in the Accomplishments and Changes/Problems sections of the annual Progress Report.** When not applicable, a “nothing to report” checkbox may be utilized.

- (1) 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);
- (2) The reasons for slippage if established goals were not met; and
- (3) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or unexpectedly high unit costs.

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

c. Final Report

Final Reports are due by March 1 annually for all projects which expired within the previous fiscal year (e.g., a project that expired on June 1 will have a final technical report due the following March 1). 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 item b. of this article, 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 by March 1 may result in funds being withheld for other active NIFA grants for which the Project Director(s) under the project are also named as well as prevent the award of future NIFA grants until the required report has been received in the REEport system and approved by NIFA.

d. Use of Reported Information

Note the vital importance of preparing well-written progress and technical reports. Information reported into REEport is used extensively by NIFA to describe the work NIFA funds, plan and defend its budget, assess its programs, and communicate project results. This depends on quality reports written in lay terms. Reported information is also used by State scientists and administrators and is available to the public via multiple websites, including NIFA's Data Gateway (<http://nifa.usda.gov/data>) and the REEIS website (<http://www.reeis.usda.gov/>).

OTHER REPORTING REQUIREMENTS

A. EFNEP-Specific Reporting Requirements

1. Universities must provide four program documents using the Web-based Nutrition Education Evaluation and Reporting System (WebNEERS). The deadlines for these reports are stipulated in the annual request for applications (RFA). **All reporting requirements must be received and approved by NIFA program staff before quarterly funds will be released:**
 - a. EFNEP Annual Update.
 - b. EFNEP Preliminary Budget Costs with Justification.
 - c. EFNEP Final Budget Costs with Justification based on the final allocation amounts for FY – due 45 days after the final allocations are published. The majority (51) percent or more of the total annual Federal appropriation to each university is to be used for paraprofessional personnel and their support costs. The actual due date will be announced over the EFNEP listservs.
 - d. WebNEERS Report.

Instructions for submitting reporting requirements through WebNEERS are available on the EFNEP Reporting Requirements Webpage – <http://nifa.usda.gov/efnep-reporting-requirements>.

2. Information must be provided to NIFA in support of an annual report to Congress that includes an evaluation of the level of coordination between EFNEP, SNAP-Ed, and other USDA nutrition education programs. Information submitted through WebNEERS in response to A.1. above will be used in the required annual report to Congress.

- B. Patents and Inventions including Plant Variety Protection:** The central point of contact within NIFA for questions and issues pertaining to patents and inventions including plant variety protections (PVP) (this does **not** include questions and issues regarding Interagency Edison) is:

Planning, Accountability, and Reporting Staff
National Institute of Food and Agriculture, USDA
6501 Beacon Drive
Kansas City, MO 64133
E-mail: bayhdole@usda.gov

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

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

Division of Extramural Inventions & Technology Resources (DEITR)
National Institutes of Health (NIH)
6705 Rockledge Drive, Suite 310, MSC 7980
Bethesda, Maryland 20892-7980
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: Edison@nih.gov

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

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

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

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

2. Commensurate with patent or PVP application or issued patent or PVP certificate, the awardee organization must submit a copy of the portion of the patent or PVP application that contains the “Government Support Clause,” offering proof of formal acknowledgment of Government support of the underlying invention. For PVP applications, the government support clause must be inserted in Exhibit E, block 11 of the application.

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

Planning, Accountability, and Reporting Staff
National Institute of Food and Agriculture, USDA
6501 Beacon Drive
Kansas City, MO 64133
E-mail: bayhdole@usda.gov

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

Planning, Accountability, and Reporting Staff
National Institute of Food and Agriculture, USDA
6501 Beacon Drive
Kansas City, MO 64133
E-mail: bayhdole@usda.gov

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

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

1. The award recipient publicly discloses or gives permission for publication; or
2. 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

3. After the award recipient files for a U.S. patent or PVP pursuant to [37 CFR 401.14\(c\)\(3\)](#).

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

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

All investigators funded by NIFA must submit animal or plant genome and protein sequence data and distribute animal or plant genomic resources generated by NIFA funding as described below. Genome sequences, protein sequences, and genomic resources must be available to all **for use without restriction**. Pre-publication release of genome sequence data has been of tremendous benefit to the scientific research community and NIFA strives to ensure that such rapid release of sequence data continues. NIFA strongly encourages the entire scientific community to recognize that the continued success of the system of pre-publication data release requires active community-wide support. **There should be no restrictions** on the use of the genomic sequence data, but the best interests of the community are served when all act responsibly to promote the highest standards of respect for the scientific contributions of others. Investigators are also encouraged to collaborate and make information available via the relevant worldwide web sites.

1. NIFA supports the currently accepted community standards (Bermuda and Ft. Lauderdale agreements; <http://www.genome.gov/Pages/Research/WellcomeReport0303.pdf>) for rapid release of genome sequences following the current guidelines for quality assessment as described by the National Institutes of Health (NIH) National Human Genome Research Institute (NHGRI) at: www.genome.gov/10000923 and www.genome.gov/10001812). Recipients of NIFA funding who submit genome sequencing data to public nucleotide sequence databases must report this fact as part of the final reporting requirements.

Large-insert clone-based projects: DNA sequence assemblies of 2kb or greater are to be deposited in a pre-existing public nucleotide sequence database (such as GenBank: www.ncbi.nlm.nih.gov) within 24 hours of generation. Sequence traces from these projects are to be deposited in a trace archive (such as the National Center for Biotechnology Information (NCBI) Trace Repository) within one week of production.

Whole genome shotgun projects: Sequence traces from whole genome shotgun projects are to be deposited in a trace archive (NCBI Trace Repository or Ensemble Trace Server) within one week of production. Whole genome assemblies are to be deposited in a public nucleotide sequence database as soon as possible after the assembled sequence has met a set of quality evaluation criteria.

Expressed sequence tags (EST), full-length cDNA sequences, plasmid sequences, etc.: Other nucleotide sequences such as ESTs, full-length cDNA sequences, etc. must be submitted to a pre-existing public nucleotide sequence database (such as Genbank: www.ncbi.nlm.nih.gov) according to the currently accepted community standards (Bermuda and Ft. Lauderdale agreements) following the current guidelines for quality assessment. At a minimum, these sequences must be deposited within one month of production and quality assessment.

2. *Other Community Resource Projects:* A community resource project is defined as a research project specifically devised and implemented to create a set of data (e.g., single nucleotide polymorphisms, SNP; haplotype maps), reagents, or other material(s) (e.g., plant genetic stocks) whose primary utility will be as a resource for the broad scientific community. NIFA requires that results of community resource projects be made immediately available for free and unrestricted use by the scientific community as soon as the quality of these resources is verified. At the same time, it is crucial that the scientific community recognizes and respects the important contribution made by the scientists who carry out community resource projects.
3. *Microarray Projects:* NIFA requires that data collection and analysis for microarray projects comply with the Minimum Information about Microarray (MIAME; www.mged.org) guidelines. Data from microarray projects funded by NIFA must be submitted to a pre-existing public repository for microarray data (such as Gene Expression Omnibus (GEO): www.ncbi.nlm.nih.gov/geo) as part of the process for publishing the experimental results in a peer-reviewed scientific journal. Data from plant microarrays must also be submitted to the PLEXdb (www.plexdb.org/) to enable comparative analysis with additional plant gene expression data sets. If the Project Director decides not to publish the microarray data generated with NIFA funding, NIFA requires the Project Director to submit the microarray data to a pre-existing public repository for microarray data within six months after performing quality control tests on the data or upon termination of the NIFA funding, whichever comes first.
4. *Protein Sequence:* Protein sequences generated with NIFA funding must be deposited in a pre-existing public database (such as the Universal Protein Resource (UniProt): www.uniprot.org) as part of the process for publishing the experimental results in a peer-reviewed scientific journal. If the Project Director decides not to publish the protein sequence data generated with NIFA funding, NIFA requires the Project Director to submit the protein sequence data to a pre-existing public database within six months after performing quality control tests on the data or upon termination of the NIFA funding, whichever comes first.
- e. If NIFA funding produces additional genomic resources (libraries, biological reagents, software, plant genetic stocks, etc.) these should be made available to the public as soon as their quality is verified according to community standards. Budgeting and planning for short-term and long-term distribution of these resources and the timing of release to a clearly identified community of users as well as to the scientific community as a whole should be as described in the original application or in a revised plan of work prior to funding. The description should be specific and describe what, how, and when the community would have public access to the information and deliverables from the project. Resources generated from NIFA funding must be available to all segments of the scientific community, including industry and the international community. A reasonable charge is permissible for distribution, but the fee structure must be outlined prior to funding. If accessibility differs between industry and the academic community, the differences must be clearly described in the original application or in a revised plan of work prior to funding.
- f. When the project involves the use of proprietary data or materials from other sources, the data or materials resulting from research supported by this program must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements must be stated clearly in the application or revisions prior to funding.

- G. Release or Distribution of Animal Quantitative Trait Loci (QTL):** Information pertaining to animal QTL that were generated with NIFA funding must be deposited into a pre-existing, public database as part of the process for publishing the experimental results in a peer-reviewed scientific journal. If the Project Director decides not to publish the animal QTL data generated with NIFA funding, NIFA requires the Project Director to submit the animal QTL data to a pre-existing, public database within six months after performing quality control tests on the data or upon termination of NIFA funding, whichever comes first.
- H. Release or Distribution of Plant Germplasm.** If plant germplasm (including mutant populations, mapping populations, diversity panels for association analysis, transgenics, near isogenic lines, etc.) is developed and/or evaluated as part of a NIFA-funded project, these resources and associated information is to be available to other researchers for validation of published results or additional research. Distribution of plant germplasm for commercial purposes may be limited by the producer of the germplasm. Whether these resources are created and/or evaluated inside or outside the United States, researchers are strongly encouraged to deposit germplasm, transgenic plants, mutants, plant populations, etc. into the USDA National Plant Germplasm System (NPGS) and associated information into the NPGS's database GRIN-Global. Should the project generate germplasm that would be incorporated into the NPGS, NIFA encourages Project Directors to confer with the Crop Curators and Crop Germplasm Committees in the NPGS (<https://www.ars-grin.gov/npgs/index.html>) regarding the desirability of depositing released varieties, genetic stocks and experimental plant populations and associated descriptive information generated by NIFA funding in the NPGS genebanks through GRIN-Global.
- I. 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>.
- J. Dissemination of Project Results.** The recipient must notify the technical contact, via a listing clearly labeled with the award number, of any web-based materials resulting from the work.

ARTICLE 7. FINANCIAL REPORTING

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

Federal Financial Report (SF-425)

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

Awards Management Division
Office of Grants and Financial Management, NIFA
U.S. Department of Agriculture
6501 Beacon Drive
Kansas City, MO 64133

A SF-425, Federal Financial Report, is due on an **annual basis no later than 90 days following the end of the award anniversary date** (i.e., one year following the month and day of which the award period begins and each year thereafter up until the award period ends). **A final Form SF-425, Federal Financial Report, is due 90 days after the expiration date of the award.** The report must be submitted to ezFedGrants portal. See [https://nifa.usda.gov/resource/sf-425-ezfedgrants-frequently-asked-questions-for-information-about-how-to-access-ezFedGrants-submit-the-SF-425, Federal Financial Report \(FFR\), etc.](https://nifa.usda.gov/resource/sf-425-ezfedgrants-frequently-asked-questions-for-information-about-how-to-access-ezFedGrants-submit-the-SF-425-Federal-Financial-Report-(FFR)-etc)

- (1) All drawdowns must be made within 90 days after the expiration date of the award and before the final SF-425, Federal Financial Report (FFR), is submitted.
- (2) The SF-425, Federal Financial Report (FFR), is to be completed on a single award basis.
- (3) The financial status information (lines 10(a) through 10(o) as well as line 11) on the SF-425, Federal Financial Report (FFR), are to be completed.
- (4) 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.
- (5) When submitting a SF-425, Federal Financial Report (FFR), the total matching contribution, if required, must be shown on lines 10i, 10j, and 10k.
- (6) Final Financial Report - The final SF-425, Federal Financial Report (FFR) must **not** display any unliquidated obligations. If the awardee still has valid obligations which remain unpaid (i.e., unliquidated) when the SF-425, Federal Financial Report (FFR), is due; the awardee must request an extension of time to submit the report. See Article 4. An extension of time to submit the final SF-425, Federal Financial Report (FFR), allows the awardee to continue to draw funds during the extension period to satisfy allowable costs under the award unless the appropriation is due to expire (see Article 6.). Further, when a final report is overdue (beyond the 90-day period following the award expiration date **and not covered by an approved extension of the due date for submission of the report**), the award is placed on “manual review,” which restricts the awardee's ability to draw funds by requiring NIFA staff to review and approve all payment requests manually. If any remaining funding is needed by the awardee, the awardee must contact AMD and request a draw providing AMD with justification and documentation to support the draw. Such draw requests will only be approved in extenuating circumstances, as determined by NIFA, and when the appropriation is not due to expire.

REReport Project Financial Report

A REReport Project Financial Report is due annually by February 1 for all projects under this award that were active any portion of the previous fiscal year (e.g. a project which began on July 1 was active for 3 months during the fiscal year, and a REReport Project Financial Report would be due the following February 1 to identify what funds were expended on that project during that three month period). A Final REReport Project Financial Report is due on Feb 1 following the fiscal year in which the project ended. Detailed instructions for submitting REReport Project Financial Reports through the REReport system can be found at <https://nifa.usda.gov/resource/rereport-financial-report-manual>.

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

ARTICLE 8. PLAN OF WORK REQUIREMENT

The Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) requires that states submit Plans of Work (POWs) and Annual Reports of Accomplishments and Results in order to receive federal funding under the Smith-Lever Act, the Hatch Act, and the National Agricultural Research, Extension, and Teaching Policy Act of 1977, which are the capacity grant funding authorities for Extension and Research activities at 1862 and 1890 Land Grant Universities (LGUs). The AREERA POWs pertain only to the Smith-Lever 3(b) and (c), Hatch (including Hatch Multistate), Evans-Allen, and 1890 Extension funds. Note the following schedule for POW related requirements. The chart below provides how NIFA is transitioning from the current POW data collection and reporting systems for capacity grants (i.e., POW planned programs and AREERA integrated and multistate activities) into REEport (for initiation and progress reporting activities) for a more comprehensive and integrated data collection and reporting system for NIFA federal assistance awards:

Reporting Activity	FY2019 Reporting Period	FY2020 Reporting Period	FY2021 Reporting Period
Plan of Work	Waived	Due June 1, 2019	Due April 1, 2020
Multistate and Integrated Activities	Waived	Waived	Waived
Initiations in REEport	Required for Hatch, Hatch Multistate, Evans-Allen	Required for Hatch, Hatch Multistate, Evans-Allen, Smith-Lever 3(b) and 3(c), 1890 Extension . One active project/program required for disbursement*	Required for Hatch, Hatch Multistate, Evans-Allen, Smith-Lever 3(b) and 3(c), 1890 Extension . One active project/program required for disbursement.
Project/Program Financial Report in REEport	Required for Hatch, Hatch Multistate, Evans-Allen Due February 1, 2020	Required for Hatch, Hatch Multistate, Evans-Allen** Due February 1, 2021	Required for Hatch, Hatch Multistate, Evans-Allen Due February 1, 2022
Progress/Final Reports in REEport	Required for Hatch, Hatch Multistate, Evans-Allen Due March 1, 2020	Required for Hatch, Hatch Multistate, and Evans-Allen Due March 1, 2021 Required for Smith-Lever 3(b) and 3(c), 1890 Extension. Due date to be issued separately by NIFA PARS.	Required for Hatch, Hatch Multistate, and Evans-Allen Due March 1, 2022 Required for Smith-Lever 3(b) and 3(c), 1890 Extension. Due date to be issued separately by NIFA PARS.

Annual Report of Accomplishments and Results (will incorporate progress reporting from REEport)	Due April 1, 2020	Due April 1, 2021	Due April 1, 2022
AREERA Supplemental forms (OGFM)	Due April 1, 2020	Due April 1, 2021	Due April 1, 2022

**NIFA reserves the right to request Extension program information throughout the year but will determine a reasonable schedule for data entry into REEport once the new features are available.*

*** Final guidance on submitting a REEport financial report for Extension will be issued separately.*

The NIFA Planning, Accountability, and Reporting Staff (PARS) distributes policy updates and provides guidance to LGU partners in the states concerning their annual submissions of Plans of Work and Annual Reports of Accomplishments and Results (also referred to as “Annual Reports”) on the [NIFA Plan of Work web page](#). The [Institutional Profile reporting system \(the new POW\)](#) is developed, maintained, and monitored by PARS in conjunction with the Office of Information Technology (OIT). This system, which is being integrated into the REEport system, is used by all LGUs to complete AREERA reporting requirements including submitting their POWs and Annual Reports. Following the FY2019 reporting cycle, the current POW system will be retired.

The 5-Year Plan of Work must address capacity grants authorized under the Hatch Act (both Regular Hatch Formula Grants and Hatch [Multistate Research](#) Funds) for research activities at the 1862 land-grant institutions and the University of the District of Columbia, section 3(b) and (c) of the Smith-Lever Act (regular "3(b) and (c)," and special needs) for extension activities at the 1862 land-grant institutions, and sections 1444 and 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA) for research and extension activities at the 1890 land-grant institutions, including Tuskegee University.

For 1890 land-grant institutions receiving agricultural extension and research funds under sections 1444 and 1445 of NARETPA, multistate and integrated research and extension activities should be reported under the Planned Programs section of the 5-Year Plan of Work. Under section 225 of AREERA, they are required to report on multistate and integrated research and extension activities in their plans of work. However, since 1890 LGUs are not required to expend a specified percentage of their section 1444 and 1445 funds on multistate extension and integrated research and extension activities, they should not report "Multistate Activities," or "Integrated Research and Extension Activities" in the financial report portion of the Plan of Work or Annual Report under section 105 of AREERA (for multistate extension activities) or section 204 of AREERA (for integrated research and extension activities).

The 1862 land-grant institutions in American Samoa, Guam, Micronesia, Northern Marianas, Puerto Rico, and the Virgin Islands must report Multistate and integrated research and extension activities under the Planned Programs section of the 5-Year Plan of Work. Under section 202 of AREERA, they are required to report on multistate and integrated research and extension activities in their plans of work. However, since they are not required to expend a specified percentage of Hatch Act and Smith-Lever Act formula grants on multistate extension activities and integrated research and extension activities, these 1862 land-grant institutions should not report "Multistate Activities," or "Integrated Research and Extension Activities" in the financial report portion of the Plan of Work or Annual Report under section 105 of AREERA (for multistate extension activities) or section 204 of AREERA (for integrated research and extension activities).