United States Department of Agriculture

National Institute of Food and Agriculture

National Institute of Food and Agriculture (NIFA) Federal Assistance Policy Guide

NIFA Office of Grants and Financial Management

July 23, 2020

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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Acronyms

The following are abbreviations used throughout this document.

ADO	Authorized Departmental Officer
AFRI	Agriculture and Food Research Initiative
AHDR	Continuing Animal Health and Disease Research Program
AMD	Awards Management Division (NIFA)
AO	Authorizing Official (ASAP)
AR	Authorized Representative (formerly Authorized Organizational Representative)
AREERA	Agricultural Research, Extension, and Education Reform Act
ASAP	Automated Standard Application for Payments system
CES	Cooperative Extension Service
CFDA	Catalog of Federal Domestic Assistance
CSREES	Cooperative State Research, Education, and Extension Service
DCPPERA	District of Columbia Public Postsecondary Education Reorganization Act
DUNS	Dun and Bradstreet Universal Numbering System
EFNEP	Expanded Food and Nutrition Education Program
FAIN	Federal Award Identification Number
FMD	Financial Management Division (NIFA)
FOIA	Freedom of Information Act
HSACU	Hispanic-Serving Agricultural College or University
HSI	Hispanic-Serving Institution
IACUC	Institutional Animal Care and Use Committee
iEdison	Interagency Edison
IHE	Institution of Higher Education
IRB	Institutional Review Board
MOU	Memorandum of Understanding
NARETPA	National Agricultural Research, Extension, and Teaching Policy Act of 1977
NLGCA	Non-Land-Grant Colleges of Agriculture
NIFA	National Institute of Food and Agriculture
NOA	Notice of Award
NPL	National Program Leader
OGFM	Office of Grants and Financial Management (NIFA)
OMB	Office of Management and Budget
PARS	Planning, Accountability, and Reporting Staff (NIFA)
PD/PI	Project Director/Principal Investigator
POD	Policy and Oversight Division (NIFA)
POW	Plan of Work
PRA	Paperwork Reduction Act
PRS	Peer Review System
REEport	Research, Education, and Extension Project Online Reporting Tool
RFA	Request for Application
RREA	Renewable Resource Extension Act
SAES	State Agricultural Experiment Station
SAM	System for Awards Management
UG	Uniform Guidance
USDA	U.S. Department of Agriculture
VMLRP	Veterinary Medicine Loan Repayment Program

Glossary of Frequently Used Terms

This glossary is a navigation aid to the definitions or explanations of common terms and subjects within the Policy Guide. *This is not an index*. Below is a list of common terms; click on the page number to be taken to the applicable place within the Policy Guide where the definition or role is located. Where applicable, the statutory or regulatory citation is also included with a hyperlink to the statute or regulation.

Term	Page Number	Citation and hyperlink (if available)
1862 Land-Grant Institution	190	7 CFR 3430.2, 7 U.S.C. 301 *et seq.*
1890 Extension Administrator and Research Director	21	
1890 Land-Grant Institution	190	7 U.S.C. 7601(2) and 7 CFR 3430.2
1994 Land-Grant Institution	190	7 CFR 3430.2 and 7 U.S.C. 301
Administrative Technical Representative (ATR)	22	
Agricultural Research	190	7 CFR 3430.2
Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA)	191	7 U.S.C. 7626 and 7613
Authorized Departmental Officer (ADO)	19, 191	7 CFR 3430.2
Authorized Representative	19	7 CFR 3430.2
ASAP	58, 59, 191	ASAP TOOL
Award	191	7 CFR 3430.2
Budget	34, 91, 191, 192	2 CFR 200.308
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Carryover Funds	62, 143, 192	
Closeout	134, 192	2 CFR 200.16
College or University	193	7 CFR 3430.2
College of Veterinary Medicine	193	AVMA COE
Cooperative Agreement	25, 193	2 CFR 200.24
Cooperative Extension Director	21	
Cooperative Extension Service	202	
Cost Sharing or Matching	35, 90, 194	2 CFR 200.29
Custodian of Funds or Legal Custodian	21	
Debarment and Suspension	178, 194	2 CFR part 180 and Part 417
Disallowed Costs	150, 194	2 CFR 200.31
EFNEP Coordinator	23	
Equipment	95, 143, 151, 194, 196, 201	2 CFR 200.33
ezFedGrants	28, 57, 195	

Term	Page Number	Citation and hyperlink (if available)
Fiscal Year	195	31 U.S.C. 1102
General Purpose Equipment	196	2 CFR 200.48
Insular Areas	196	7 CFR 3430.2
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Intangible Property	96, 187	2 CFR 200.59
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Land-Grant Institution	197	7 CFR 3430.2
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National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA)	198	7 CFR 3430.1, P.L. 107-293
No-Cost Extension	63, 199	
Notice of Award	x, 19, 55, 56, 57, 199	
Obligations	199	2 CFR 200.71
Peer Reviewer	48, 198, 199	7 CFR 3430.2
Period of Performance	60, 199	2 CFR 200.77
Personally Identifiable Information	84, 199	2 CFR 200.79
Plan of Work	122	
Prior Approval	93, 142, 201	7 CFR 3430.2
Project Director/Principal Investigator	20	7 CFR 3430.2
REEport	98, 116, 121, 200	REEport Reporting Portal REEport Guide for Project Directors
Request for Applications (RFA)	26	7 CFR 3430.12
Site Visit/Desk Review/Compliance Review	130	
Special Purpose Equipment	93, 151, 201	2 CFR 200.89
State Agricultural Experiment Station (SAES) Director	22	
Subaward	202	2 CFR 200.92
Subrecipient	202	2 CFR 200.93
Supplies	96, 202	2 CFR 200.94
Unliquidated Obligation	202	2 CFR 200.97
Unobligated Balance	203	2 CFR 200.98

Using the Guide

This Policy Guide was updated in 2018 to reflect changes in statute, new Executive Orders; new regulations; updates to existing regulation; the implementation of OMB's Uniform Administrative Requirements; Cost Principles and Audit Requirements (Uniform Guidance); and changes to NIFA's processes, policies, and procedures. Additionally, the Policy Guide structure was modified to better align with the Uniform Guidance and to improve navigability for users.

In this update, NIFA's Office of Grants and Financial Management (OGFM) has used a system to denote whether the provisions apply to all awards **(ALL AWARDS),** Competitive Awards **(COMPETITIVE AWARDS),** or Capacity Awards **(CAPACITY AWARDS)**. We will note if the general requirements do not apply to a particular program or type of financial assistance. In limited cases, NIFA makes noncompetitive awards. We will note within the text any information specific to these awards.

The Notice of Award (formerly NIFA Form 2009 Award Face Sheet) will include, along with other provisions, the NIFA Policy Guide as an award provision. Specific requirements and regulations applicable to a particular funding opportunity will be noted directly in the RFA and the grant terms and conditions attached to the Notice of Award. The Policy Guide provides general information for NIFA staff and grantees; however, the requirements for each particular funding opportunity must be followed as indicated in the Request for Applications (RFA) and award terms and conditions.

The NIFA Policy Guide links to many resources and additional program information on the NIFA website. It is not intended to provide detail on every grant process (pre-award through closeout) but, rather, be a compendium of policies and requirements. In particular, information about open NIFA federal assistance opportunities is available on the NIFA website. Application details, requirements, and deadlines appear in individual RFAs. The NIFA website is the most comprehensive source of information on NIFA's program institutes (including contact information), programs, and funding opportunities. NIFA grants are also posted to www.Grants.gov when the application period is open. Additional information on Grants.gov is available online.

The NIFA Policy Guide is available online from the NIFA. The Office of Grants and Financial Management (OGFM) maintains this document.

I. NIFA Policy Guide Overview and Purpose

NIFA's Federal Assistance Policy Guide (NIFA Policy Guide) provides information about the NIFA grant and financial assistance process, its associated authorities, and NIFA's responsibilities. NIFA is a Federal agency within the U.S. Department of Agriculture (USDA) and is part of USDA's Research, Education, and Economics (REE) mission area. The agency administers Federal funding to address agricultural issues that impact people's daily lives and the nation's future. NIFA is USDA's primary extramural research agency, funding institutions and public, private, and non-profit organizations. Our grants enable researchers to address problems critical to our nation's farmers and ranchers, consumers, and communities.

NIFA provides leadership and funding for programs that advance agriculture-related sciences. NIFA's investments support initiatives that ensure the long-term viability of agriculture and apply an integrated approach to ensure that groundbreaking discoveries in agriculture-related sciences and technologies reach the people who can put them into practice. NIFA's mission is to advance knowledge for agriculture, the environment, human health and well-being, and communities by supporting research, education, and extension programs in the land-grant institution system and other partner organizations. NIFA does not perform actual research, education, or extension. National program leadership and funding are two key mechanisms NIFA uses to advance knowledge. NIFA provides financial assistance in the form of capacity grants to land-grant universities and competitive grants for research, education, extension, and outreach to land-grant universities, other institutions of higher education, individuals, non-profit organizations, private entities, and consortiums.

Since the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill) authorized its creation, NIFA has taken significant strides toward enhancing the impact of agriculture, natural resources, and human sciences. NIFA collaborates with leading scientists, policymakers, experts, and educators in organizations throughout the world to find innovative solutions to the most pressing local and global problems. Scientific progress, made through discovery and application

- Advances the competitiveness of American agriculture,
- Bolsters the U.S. economy,
- Enhances the safety of the nation's food supply,
- Improves the nutrition and well-being of American citizens,
- Sustains natural resources and the environment, and
- Builds energy independence.

In partnership with other Federal science agencies, NIFA also serves as a vital contributor to science policy decisionmaking.

A. Scope **ALL AWARDS**

The NIFA Policy Guide is the central source of NIFA's administrative guidance for recipients of NIFA grants and partners in cooperative agreements. Other policy guidance documents are linked throughout the Policy Guide, when applicable.

Certain conventions are followed throughout this document. The term "grant" is used to mean both grants and cooperative agreements; however, for clarity, certain sections mention both grants and cooperative agreements. The term "grantee" is generally used to refer to recipients of grants and awardees of cooperative agreements and means the same non-Federal entity (NFE) used in the Uniform Guidance; however the terms "recipient" or "awardee" also are used interchangeably. "NIFA" may be used in this document to refer to the entire organization or to its component offices.

B. Supersession and Applicability **ALL AWARDS**

1. Supersession

   The NIFA Policy Guide supersedes all prior administrative guidance documents. This Policy Guide does not replace the terms and conditions of the award or any of the applicable regulations in Title 7 of the Code of Federal Regulations or other titles and legislation. The NIFA Policy Guide does not supersede the Administrative Guidance for Multistate Extension Activities and Integrated Research and Extension Activities (75 F.R. 48921, Aug. 12, 2010).

   The following manuals are superseded:

   - Administrative Manual for the McIntire-Stennis Cooperative Forestry Program (March 2000)
   - Administrative Manual for Evans-Allen Cooperative Agricultural Research (March 2000)
   - Administrative Manual for Continuing Animal Health and Disease Research Program (September 1992)
   - Administrative Manual for the Hatch (Experiment Station) Act as Amended (March 2000)
   - Expanded Food and Nutrition Education Program Policies (October 1983)
   - Administrative Handbook for Cooperative Extension Work, Chapter III (May 1994)
   - NIFA Policy Guide (October 2014)

   The NIFA Policy Guide should be referenced in conjunction with any available program guidance documents. When applicable, program guidance documents are linked throughout the Policy Guide.

2. Applicability and Order of Precedence
   Recipients of NIFA grants are not directly subject to all of the requirements of the NIFA Policy Guide. The general policies and procedures included in the NIFA Policy Guide apply to all NIFA awards, unless there are statutory, regulatory, or award-specific requirements to the contrary as indicated throughout the Policy Guide and specified in individual RFAs, the Notice of Award, and/or award terms and conditions. The Policy Guide also articulates various provisions and their applicability (i.e., whether it applies to all awards (**ALL AWARDS**), Competitive (**COMPETITIVE AWARDS**), or Capacity Awards (**CAPACITY AWARDS**). If the general requirements do not apply to a particular program or type of financial assistance, it is noted.

   The function of this NIFA Policy Guide is to assist in the interpretation of statutory and regulatory requirements. The Policy Guide does not replace the regulatory and statutory language and is intended to be compliant with governing statutes and the requirements of 2 CFR parts 200, 400, 415, and 416 and 7 CFR parts 3419 and 3430. However, in the case of a conflict, the statutes and regulations govern. If there is a perceived conflict between or among these three categories of requirements—statutory and regulatory requirements, the NIFA Policy Guide, and award terms and conditions—or if the grantee has other questions concerning award terms and conditions, the grantee should request written clarification from the Authorized Departmental Officer (ADO).[1] Once a recipient accepts an award, the contents of the Notice of Award are binding on the recipient and NIFA unless and until modified by a Notice of Award signed by the ADO.

C. Sources of Requirements in Policy Guide **ALL AWARDS**

This Policy Guide is based on:

- Generally applicable public laws and Executive orders, OMB circulars, the Uniform Guidance regulation, and Federal regulations;
- NIFA-specific policies and procedures applicable to capacity and non-capacity grants and cooperative agreements;
- USDA and NIFA regulations;
- USDA and NIFA program authorizing and appropriations legislation; and
- Federal appropriations law.

The Notice of Award and Award Terms and Conditions contain applicable authorizing legislative citations as well as applicable Federal regulations.

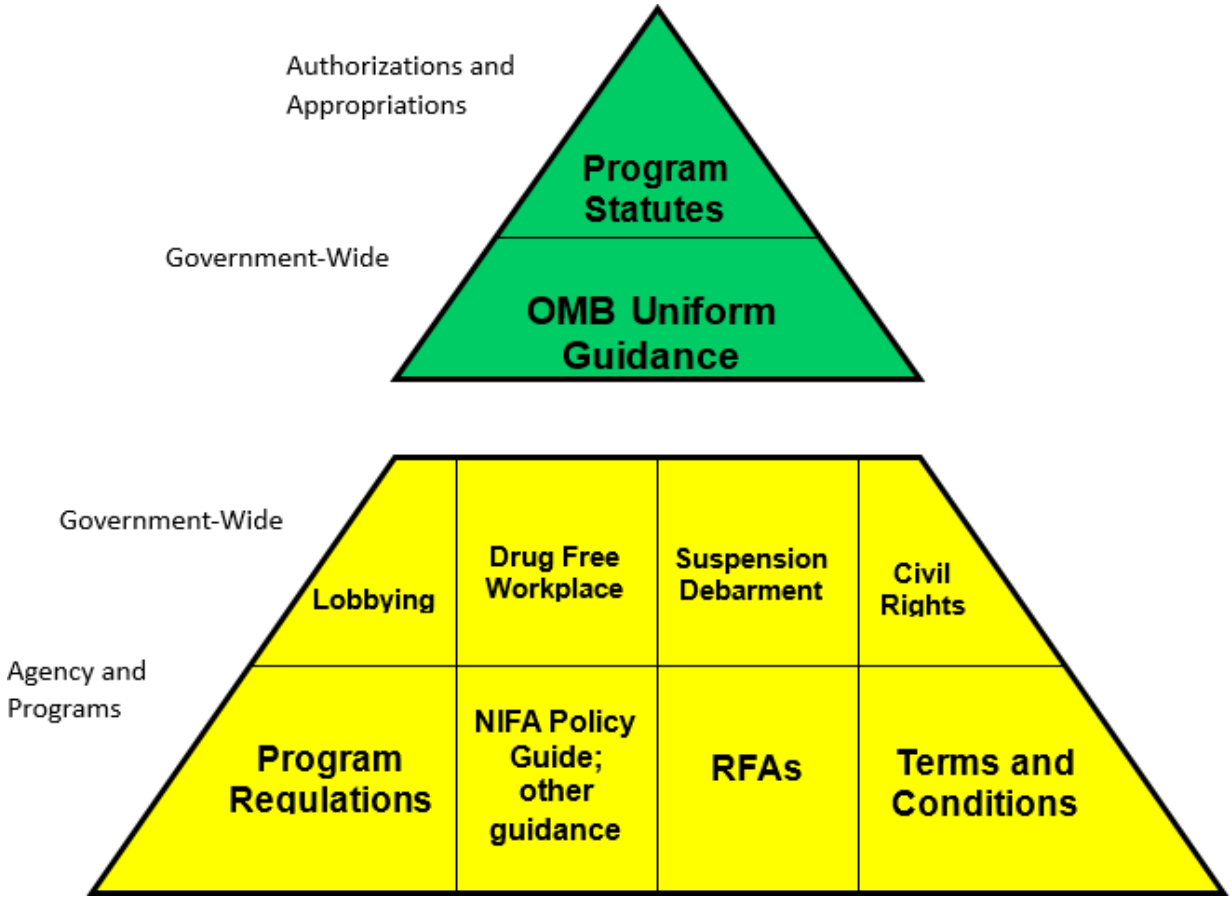
D. Effect **ALL AWARDS**

The NIFA Policy Guide supplements, but does not replace, governing statutory and regulatory requirements. The requirements of the NIFA Policy Guide apply in addition to governing statutory and regulatory requirements and award-specific

[1] The Authorized Departmental Officer (ADO) is the individual, acting within the scope of delegated authority, who is responsible for executing and administering awards on behalf of the U.S. Department of Agriculture.

terms and conditions. Requirements not specified in the NIFA Policy Guide will generally be provided in the Notice of Award, but such notice is not required for the award to be subject to the requirements of applicable statutes and regulations. The award provisions will indicate the applicable general award terms and conditions and the NIFA agency-specific terms and conditions. NIFA's terms and conditions are located on the NIFA website. Note that an individual award also may contain award-specific terms and conditions. Certain NIFA programs may also have program-specific terms and conditions. When questions or conflicts arise, the Notice of Award and Award and award Terms and Conditions have precedence.

Where there are conflicting requirements in statutes and regulations, there is a generally recognized hierarchy, illustrated below. Program statutes and appropriations law are at the top and trump all requirements as no changes can be made to statutory requirements without Congressional authorization. Below that are the layers of requirements, but these are not hierarchical. They include government-wide regulations, such as those issued by OMB, as well as agency and programmatic regulations and guidance.



E. Roles and Responsibilities **ALL AWARDS**

The following articulates the roles and responsibilities associated with NIFA-issued Federal financial assistance.

1. NIFA Roles and Responsibilities

   NIFA is responsible to Congress and the U.S. taxpayer for carrying out its mission in a manner that results in the support of meritorious science (research, education, extension, and/or outreach) that is in compliance with applicable legislation and regulations. NIFA seeks to ensure integrity and accountability in the award and administration of grants by relying on a system of checks and balances, conducting routine monitoring and oversight of awards, and by establishing a set of expectations for grantee organizations consistent with the provisions in the Uniform Guidance.

   NIFA is one of four USDA agencies that make up the REE mission area (the other agencies are the Agricultural Research Service (ARS), Economic Research Service (ERS), and the National Agricultural Statistics Service (NASS)). REE agencies provide Federal leadership in creating and disseminating knowledge that spans the biological, physical, and social sciences related to agricultural research, economic analysis, statistics, extension, and higher education. Congress established NIFA through the Food, Conservation, and Energy Act of 2008. NIFA succeeded the former Cooperative State Research, Education, and Extension Service (CSREES), which had existed since 1994.

   NIFA is organized into four Institutes (Institute of Food Production and Sustainability (IFPS); Institute of Bioenergy, Climate, and Environment (IBCE); Institute of Food Safety and Nutrition (IFSN); and Institute of Youth, Family, and Community (IYFC)), each with its own programmatic science portfolios. The scope of any one program or grant might encompass the mission of multiple Institutes. NIFA institutes and offices provide science leadership (i.e., develop programs and RFAs) for and oversee many of the capacity and competitive grants pre-award and post-award processes. Subunits of institutes are typically divisions. NIFA also has a Center for International Programs, which works with the four Institutes to advance U.S. agriculture through global engagement. The NIFA organization chart can be found on the NIFA website.

   Various offices and individuals at NIFA are involved throughout the grant process, from funding opportunity development and recipient selection, to fund distribution and post-award management. In carrying out NIFA's primary mission of facilitating research, education, and extension, NIFA interacts on a continuing basis with academic and non-academic institutions, private industry, state and local governments, and other Federal agencies. The roles and responsibilities of NIFA offices and individuals as they relate to grant oversight and management are as follows:

a. NIFA Institutes. Institutes address broad programmatic areas and may be divided into divisions based on related science or function. The institute is led by a Deputy Director and the divisions are led by a Division Director. The four NIFA institutes are largely organized by science emphasis areas and bring together professionals with expertise in various scientific disciplines. NIFA institutes function as multi-disciplinary, outcome-based teams that address stakeholder needs and enhance the overall performance of programs.

i. Institute Deputy Director: The Deputy Director provides leadership for the administration of programs and the day-to-day operational management of each institute. The Deputy Director is also responsible for compliance with policies, regulations, and legislative authorities in the administration of all programs assigned to the institute. Institute Deputy Directors collectively provide leadership for the agency's science priorities, budget, programs, policies, and processes.

ii. Division Director: The Division Director supervises the management of programs and staff within the division and provides the oversight for the science emphasis areas associated with the divisions. Division offices are responsible for scientific, technical, and programmatic review; recommendations for award; and the evaluation of proposals and programs.

iii. National Program Leader: National Program Leaders (NPLs) are senior scientific staff members who:

- Network and collaborate with partners and stakeholders to identify the mission-relevant problems, opportunities, and issues that require Federal attention and support;
- Conceive, formulate, and direct programs and activities to respond to existing or emerging problems, opportunities, and issues through the development and application of science-based knowledge;
- Administer and manage programs and activities to develop and apply science and knowledge; and
- Evaluate and assess the quality, outcomes, and impacts of these programs.

The NPL identified in the award letter monitors the scientific, educational, and outreach aspects of an award. NPLs are the agency's programmatic contacts on RFAs and are responsible for the day-to-day management of a portfolio of grants, projects, and programs.

iv. Center for International Programs. NIFA supports global engagement that advances U.S. agricultural goals. The Center for International Programs (CIP) works with NIFA's four institutes to develop program opportunities for international collaboration or activity in agricultural research, education, and

extension to apply the best science to solve problems, increase our global competitiveness, and promote U.S. scientific leadership in food and agriculture.

b. Planning, Accountability, and Reporting Staff. As a program unit within NIFA, the Planning, Accountability, and Reporting Staff (PARS) provides leadership in planning, evaluation, accountability, and reporting. NIFA uses these activities to support program leadership, management, resource allocation, and program success. Activities include: strategic planning, portfolio assessments, program evaluation consulting, REEport Grant Reporting System, State Plan of Work and Annual Report, Multistate Research Fund, Capacity Grant approval coordination, data query and report generation, data systems requirements consulting, EPSCoR co-leadership, intellectual property reporting compliance, institutional/program review coordination, and performance sections of the Agency budget. For more PARS information, visit the NIFA website.

c. Office of Grants and Financial Management. The Office of Grants and Financial Management (OGFM) is responsible for business and financial processes, audit coordination and resolution, compliance reviews, and administrative assistance across the continuum of awards from pre-award through closeout. OGFM ensures that all assistance awards are consistent with applicable policies, regulations, directives and fund certifications. OGFM responsibilities include:
    - Evaluate grant applications for administrative content and compliance with statutes, regulations, and guidelines;
    - Negotiate grants and indirect cost rates;
    - Provide consultation and technical assistance to applicants and grantees, including interpretation of grants administration policies and provisions;
    - Administration and oversight of active grants, including grant modifications, site visits, and desk reviews;
    - Coordinate audits with oversight offices such as the Office of Inspector General and the Government Accountability Office;
    - Obligate and de-obligate funds; and
    - Manage the Automated Standard Application for Payments (ASAP); and closing out grants.

d. Budget Office. The Budget Office is responsible for the formulation, execution, and review of the Agency's annual budget. As such, the Budget Office is accountable for NIFA's role in each of the three interrelated phases of the Federal budget process:
    i. Formulation of the Agency's budget, from submission of the President's Budget Proposal through Congressional development and passage of appropriations;

ii. Execution of the Agency's budget by allotting and allocating to the various NIFA Federal assistance programs in accordance with appropriations and authorizing legislation; and
iii. Review of the financial performance reports to determine the effective and efficient use of Federal appropriations in support of NIFA's Federal assistance programs.

The Budget Office works closely with the USDA Office of Budget and Program Analysis (OBPA) and OMB throughout the budget cycle. The Budget Office ensures that budget authorities for NIFA-administered programs are properly established in USDA's Financial Management Modernization Initiative (FMMI) financial management module. The Budget Office also works closely with the OGFM's Financial Management Division (FMD). FMD records and reconciles all agency transactions and prepares various accounting reports for NIFA's Federal assistance programs. This close relationship is key to the effective and efficient management of Federal financial resources in support of NIFA's Federal assistance programs in the food and agricultural sciences.

2. Land-Grant Institutions – Cooperative Extension and Research
The First and Second Morrill Acts established the 1862 and 1890 land-grant universities, respectively. The Equity in Educational Land-Grant Status Act of 1994 established the 1994 land-grant universities, while the Food, Conservation, and Energy Act of 2008 established the Hispanic-Serving Agricultural Colleges and Universities (HSACUs). Many NIFA grant programs, capacity and competitive, support the agricultural extension and experiment station work of the land-grant universities.

a. Cooperative Extension
All capacity funds allotted for cooperative extension must be used in accordance with the purpose of the authorizing legislation and the terms and conditions of the award. All institutions receiving funds to support cooperative extension work must maintain a definite and distinct administrative division for management and conduct of all cooperative extension work in agriculture and home economics. Institutions must have a Director of cooperative extension.

b. Hatch/Experiment Station
All capacity funds allotted to support state agricultural experiment stations must be used in accordance with the purpose of the authorizing legislation and the terms and conditions of the award. Each agricultural experiment station must have a Director and Treasurer. The Treasurer, or the equivalent thereto, is responsible for accounting for all allotted funds (7 U.S.C. 361e)[2].

[2] This language comes from the statute. Institutions are not required to have a Treasurer so long as there is an equivalent position to account for grant funds. Generally, NIFA terms this position the "custodian of funds."

c. Section 1444 and 1445
All capacity funds allotted to support 1890 land-grant universities must be used in accordance with the purpose of the authorizing legislation and the terms and conditions of the award. Each 1890 land-grant university must have an Extension Administrator and Agricultural Research Director as well as a custodian of funds.

3. Recipient Roles and Responsibilities During the Grant Period
The grantee or recipient is the entity receiving financial assistance directly from NIFA to carry out a project or program. The Project Director/Principal Investigator (PD/PI), Authorized Representative (AR), National Program Leader (NPL), Authorized Departmental Officer (ADO), and Awards Management Division (AMD) Grant Specialist are key members of the grant team, coordinating and carrying out the scientific and administrative aspects of the grant. Applicants and grantees may communicate with the NPL and other NIFA staff; however, NIFA conducts official business with only the designated PD/PI(s) and ARs, not subrecipients. The NIFA Certifying Official is another key official in the administration of a Federal grant. The NIFA Certifying Official, who is located in the Financial Management Division (FMD), is responsible for certifying Federal funds for individual grants in ASAP.

The Notice of Award is the official award document and will identify the contact information for a NIFA administrative and programmatic contact for that award.

Below is a list of roles and responsibilities of grantee participants. This list is not all inclusive, but covers major roles across all grants as well as key roles under major grant programs.

a. Authorized Representative (AR) **ALL AWARDS**
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. The AR:

- Submits proposals on behalf of the institution;
- Receives and accepts awards;
- Commits the awardee's time and other resources to the project;
- Commits the awardee to comply with the terms and conditions of the award instrument;
- Submits post-award actions; and
- Otherwise acts on behalf of the awardee institution.

The AR has an overall responsibility to ensure grant funds are expended for allowable purposes in accordance with Federal authorizing statutes, program regulations, government-wide laws and regulations, required certifications and assurances, and the approved plan of work.

In Grants.gov, the AR's signature is documented as part of the electronic submission process and is authenticated through the Grants.gov registration process. In signing a grant application, the AR certifies that the applicant institution will comply with all applicable assurances and certifications referenced in the request for applications. By accepting a NIFA award, the applicant institution is subject to the provisions noted on the award, which includes being accountable both for the appropriate use of funds awarded and for the performance of the grant-supported project or activities proposed in the application.

Although NIFA requires that the grantee institution designate an AR, NIFA does not specify the institution location or full set of responsibilities for this official. A single individual may have this authority or multiple individuals may share some or all of this authority. The AR is a role of authority, it is not a specific position within an institution. For instance, an Extension Director or Administrator may also act as the AR because he/she has the authority to submit proposals and receive awards on behalf of the institution. Authorized Organization Representative is the previous name of the AR and, for NIFA purposes, the terms are interchangeable. The term AR is used in the NIFA Policy Guide because of its use on the SF-424 and the Notice of Award and is not intended to create a new position or role.

b. Project Director **COMPETITIVE AWARDS**

Project Director (PD) is the single person designated by the awardee in the application and approved by the ADO who is responsible for the direction and management of the project. The PD is also known as the Principal Investigator (PI) for research activities (7 CFR 3430). NIFA uses the term PD to refer to this individual for all types of projects (research, extension, and education). The organization applying for a NIFA grant, or the applicant organization, may designate multiple individuals as PDs who share the authority and responsibility for leading and directing the project, intellectually and logistically. Each PD is responsible and accountable to the organization receiving a NIFA grant, or the grantee organization, or, as appropriate, to a collaborating organization, for the proper conduct of the project or program, including the submission of all required reports. NIFA will recognize all the PD/PIs and co-PD/PIs listed on an application on the resulting award as applicable (e.g., any individual listed as a "co-investigator" is not identified on the award). The presence of more than one identified PD/PI on an application does not diminish the responsibility or the accountability of any individual PD/PI. The PD/PI listed in Box 14 of the Notice of Award will be considered, for NIFA purposes, the contact PD/PI and is responsible for communicating information to other PD/PIs.

NIFA encourages PD/PIs to maintain contact with the NIFA NPL or NIFA program staff with respect to the programmatic aspects of the project and with OGFM about the business and administrative aspects of the award. The NIFA staff contacts list is available online.

c. 1890 Extension Administrator and Agricultural Research Director **CAPACITY AWARDS**
The 1890 Extension Administrator and Agricultural Research Director are responsible for: extension or research activities; funds at the 1890 land-grant college or university; and compliance with the applicable rules and regulations. They assume obligations imposed by the NIFA capacity award and should report directly to the university governing board (President, Provost, etc.). The Administrator/Director authorizes distribution and expenditure of award funds and ensures expenditures are consistent with the approved plan of work. The governing body of the institution may designate the 1890 Extension Administrator and Agricultural Research Director to serve as the AR for the award and NIFA strongly encourages 1890 institutions to do so with their applicable 1890 NIFA capacity awards.

d. Custodian of Funds (Legal Custodian) **CAPACITY AWARDS**
All recipients of NIFA capacity awards must designate a Custodian of Funds. The governing body of the institution appoints a Custodian of Funds to receive and account for all NIFA grant funds (Smith-Lever, Section 1444, Section 1445, McIntire-Stennis, EFNEP, RREA, etc.) allocated to the institution. For Hatch Act grants, this person is the Treasurer or equivalent, as references in Section 2.b. above. The Custodian of Funds certifies and submits the annual and final SF-425 financial reports. NIFA strongly encourages the Comptroller of the University to certify SF-425, however, it is not required. Under 2 CFR 200.303, internal controls and separation of duties are required elements in administration of grant awards and institutional controls/separation of duties may vary. The Custodian of Funds must be someone other than the person who authorizes and/or approves expenditures.

e. Cooperative Extension Director **CAPACITY AWARDS**
Under the Smith-Lever Act, each 1862 land-grant institution must designate one administrator to have overall control and authority over the allocation and use of Federal Cooperative Extension Service (CES) funds within their institution. (In some states, the same person will have ultimate authority of Agriculture Experiment Station (AES) funds and CES funds). The individual charged with control and authority for Federal CES Funds is designated to USDA as “The Cooperative Extension Director” (CES Director), but may hold a working title consistent with the institutions administrative title system. The designated CES Director may assign other representatives or roles to assist with administering Federal CES funds within their organization, however the CES Director remains

the exclusive chief administrative officer authorized to receive and allocate Federal CES funds and to certify compliance with all corresponding CES obligations.

f. Insular Area Extension Administrator and Experiment Station Director **CAPACITY AWARDS**
The Insular Area Extension Director and Agricultural Research Director are responsible for extension or research activities, funds at the insular area land-grant college or university, and compliance with the applicable rules and regulations. They assume obligations imposed by the NIFA capacity award and should report directly to the university governing board (President, Provost, etc.). The Directors authorize distributions and expenditures of award funds and ensure expenditures are consistent with the approved plan of work. The governing body of the institution may designate the Administrator or Director to also serve as the AR for the award. NIFA strongly encourages institutions to designate the Extension Director Agricultural Research/Experiment Station Director as the AR for the applicable NIFA insular area capacity awards.

g. Agriculture Experiment Station Director **CAPACITY AWARDS**
The Directors of Agricultural Experiment Stations (AES Directors) are the chief administrative officers for AES at the 1862 land-grant institutions. In certain integrated states, the AES Director and CES Director hold a single, consolidated position (AES/CES Director). Per the Hatch Act, Federal law assigns to the AES Directors ultimate control and authority over the allocation and use of AES funds within the institution. AES Directors may designate other representatives or roles to assist with administering grant monies within organization, however the AES Directors remain the exclusive chief administrative officers authorized to receive and allocate Federal AES grant funds and to certify compliance with all corresponding AES obligations.

h. Administrative Technical Representative (AT-R) **CAPACITY AWARDS**
The Administrative Technical Representative (AT-R) is the official responsible for forestry research under the McIntire-Stennis Act at the certified institution eligible to participate in the McIntire-Stennis Cooperative Forestry Research Program. The AT-R is appointed by the highest executive officer of the participating institution and is not a Federal employee. The responsibilities of the AT-R within the administrative framework that prevails at his/her institution, include:

- Determine the research to be conducted by the institution using McIntire-Stennis funds and matching funds;
- Manage McIntire-Stennis funds and matching funds for carrying out the purposes of the Act;
- Ensure timely submission of required reports; and

- Comply with the rules and regulations applicable to the conduct of the McIntire-Stennis Cooperative Forestry Research Program.

i. EFNEP Coordinator **CAPACITY AWARDS**
Each land-grant university has an Expanded Food and Nutrition Education Program (EFNEP) coordinator who 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.

At many universities, EFNEP Coordinators 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. In situations where others are responsible for paraprofessional supervision and evaluation, we strongly encourage that mechanisms are in place for EFNEP Coordinators to provide input and to ensure that program requirements and expectations are understood and met.

II. Pre-Award

A. Types of NIFA Financial Assistance **ALL AWARDS**
NIFA financial assistance is generally classified by the type of funding mechanism. The primary funding mechanisms are competitive grants, capacity grants, and non-competitive grants and agreements. The various funding mechanisms establish the nature of the relationship that will exist between NIFA and the recipient throughout the duration of funding. Different funding mechanisms also carry different application and eligibility requirements. However, the RFA will communicate all applicable requirements to potential recipients; award recipients will receive this information through the RFA, Notice of Award, and award terms and conditions.

1. Competitive grants
NIFA awards grants for fundamental and applied research, extension, and higher education activities, as well as for projects that integrate research, education, and extension functions on a competitive basis. Competitive programs enable NIFA to attract a large pool of applicants to work on agricultural issues of national interest, and to select the highest quality proposals submitted by highly qualified eligible individuals, institutions, or organizations. Competitive grant awards are made following a rigorous peer-review process. Eligibility, administrative rules, and procedures vary for each specific program according to its authorizing statute. Although NIFA typically enters into grants and cooperative agreements only after competition in accordance with the applicable regulations, there are certain situations in which NIFA will issue a non-competitive award (see Item 3 in this section). A list of NIFA's competitive programs is available online.

2. Capacity grants
   Capacity grants are formula-funded grants awarded to: 1) land-grant institutions (1862 and 1890 institutions), as defined in Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA); and 2) schools of forestry; colleges of veterinary medicine; and funds provided for research, education, and extension. In addition, 1994 institutions, as defined in Section 532 of the Equity in Educational Land-Grant Status Act of 1994, and Hispanic-Serving Agricultural Colleges and Universities, as defined in Section 1404 of NARETPA, are authorized to receive established amounts of money through endowments. The amount of funds each institution receives is determined by statutorily-defined formulae that may include variables such as the rural population, farm population, and population living at or below the poverty level. NIFA is required by statute to distribute funds to eligible recipients.

   Capacity programs are arranged by the applicability of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA), which imposes specific reporting requirements on certain programs. Reporting is discussed in Section V.J of this Policy Guide.

AREERA Capacity Programs	Non-AREERA Capacity Programs
Smith Lever 3(b) & (c), including the District of Columbia	Renewable Resources Extension Act (RREA)
Hatch Act (Regular and Multistate)	McIntire-Stennis Cooperative Forestry Research Program
Extension at 1890 Land-Grant Colleges, Including Tuskegee University, Central State University, and West Virginia State University (NARETPA Section 1444)	Smith-Lever Special Needs
Evans-Allen (Agricultural Research at 1890 Land-Grant Colleges, Including Tuskegee University, Central State University, and West Virginia State University) (NARETPA Section 1445)	Expanded Food and Nutrition Education Program (EFNEP)
Animal Health and Disease Research*	Animal Health and Disease Research*

* Animal Health and Disease Research (AHDR) falls under AREERA Capacity Programs and Non-AREERA Capacity Programs.

3. Non-Competitive Grant Programs
   Projects that are directed by Congress to specifically support a designated institution or set of institutions for particular research, education, or extension on topics of importance to a state or region are included in the Non-Competitive Grants

Program. These projects receive funds through Special Research Grants or Direct Federal Administration Research or Education Grants. Non-Competitive RFAs might also be available when competition for a particular program has been waived by NIFA in accordance with 2 CFR 415.1. Under 2 CFR 415.1, NIFA has authority to waive the competitive review process for awards of less than $75,000. NIFA can also waive the competitive process for:

- Nonmonetary awards of property or services,
- Awards to fund continuing work already started under a previous award,
- Awards that cannot be delayed due to an emergency or a substantial danger to health or safety, when it is impracticable to secure competition, or
- When the award will fund a unique and innovative unsolicited application (2 CFR 400.1(d)).

4. Cooperative Agreements
When NIFA will be substantially involved in carrying out the project or program for which funds are awarded, NIFA awards a cooperative agreement rather than a grant. Substantial involvement pertains to programmatic involvement. The NIFA Policy Guide pertains to grants and cooperative agreements; however, NIFA may apply specific terms and conditions to cooperative agreements consistent with the nature of its involvement under cooperative agreements.

B. Application Information **ALL AWARDS**
NIFA publishes funding opportunity announcements, called Requests for Applications (RFAs), for capacity and competitive grant programs on Grants.gov. NIFA's RFA Schedule, a listing of the competitive programs and the anticipated publication date of the RFAs is available online. NIFA's open RFAs are posted on the NIFA website, as well as on the government-wide Grants.gov site. Capacity grants RFAs are posted to the "Capacity Grants" section of the NIFA website.

RFAs will be published in the Federal Register when required by legislation. Potential applicants may also subscribe to Grants.gov and NIFA listservs (via the NIFA website) to receive notification of RFAs that meet the specified criteria. NIFA may also issue press releases to announce when a new funding opportunity is accepting applications.

1. Catalog of Federal Domestic Assistance **ALL AWARDS**
The Catalog of Federal Domestic Assistance (CFDA) is a government-wide publication by the General Services Administration (GSA) and the Office of Management and Budget (OMB) that is available to the public. The CFDA provides general information about Federal assistance programs, organized by grantor agency.[3] The CFDA is the basic reference source of Federal financial and non-financial assistance programs, projects, services, and activities. Programs included in the CFDA are defined as any

[3] The CFDA is published pursuant to the requirements of 31 U.S.C. § 6104 and OMB Circular No. A-89, *Federal Domestic Assistance Program Information* (Aug. 17, 1984).

function of a Federal agency that provides assistance or benefits for a state or states, territorial possession, county, city, other political subdivision, grouping, or instrumentality thereof; any domestic for-profit or non-profit corporation, institution, or individual, other than an agency of the Federal government. The CFDA is updated twice a year. The most recently updated print edition and the frequently updated online version are both available through the CFDA website. Although the CFDA does provide a general description of NIFA-funded programs, Grants.gov and the NIFA website are updated more frequently with program information.

2. Request for Applications **ALL AWARDS**

An RFA is a formal statement used to solicit grant or cooperative agreement applications. An RFA may include all or a portion of the following items:

a. Contact information;
b. Directions for interested stakeholders or beneficiaries to submit written comments in a published program solicitations or RFA;
c. CFDA number;
d. Legislative authority and background information;
e. Purpose, priorities, and fund availability;
f. Program-specific eligibility requirements;
g. Program-specific restrictions on the use of funds;
h. Matching requirements;
i. Acceptable types of applications;
j. Types of projects to be given priority consideration, including maximum anticipated awards and maximum project lengths;
k. Program areas;
l. Funding restrictions;
m. Information about how to obtain application forms and the instructions for completing such forms;
n. Information and requirements for submitting applications, including submission deadline(s);
o. Explanation of the application evaluation process;
p. Specific evaluation criteria used in the review process; and
q. Type of Federal assistance awards (i.e., grants and/or cooperative agreement, 7 CFR 3430.17).

NIFA issues RFAs for all competitive and capacity awards on Grants.gov; in addition, all applications must be submitted through Grants.gov. NIFA also issues RFAs for non-competitive awards, however, those RFAs may not be listed on Grants.gov.

3. Grants.gov **ALLAWARDS**

Grants.gov is an Internet site established by the General Services Administration (GSA), as the single site for giving the public access to posted opportunities for financial assistance awards and submitting applications for such awards. On Grants.gov, VIEW GRANT OPPORTUNITY provides a synopsis of each funding

opportunity, the minimum information people need in order to quickly decide whether they want to review the full announcement for that opportunity; a way to access the full announcement electronically; and a link to Grants.gov APPLY. Grants.gov APPLY is the portion of Grants.gov applicants access to submit applications. You must have Adobe Reader software to apply through Grants.gov. This software, including system requirements and other information, is available for download at the Grants.gov "Adobe Software Compatibility" page.

a. Grants.gov Registration **ALL AWARDS**
All prospective applicants for NIFA grants must register with Grants.gov prior to applying to a funding opportunity. Failure to register with Grants.gov will prevent the submission of an application from a potential applicant. Potential applicants should ensure that they are registered with Grants.gov prior to preparing an application. Visit Grants.gov for additional information on the registration process. The registration process may take as long as four weeks to complete. Grants.gov registration needs to be completed only once, and there is no separate registration required with NIFA.

The registration process includes obtaining a Data Universal Numbering System (DUNS) number and registering with the System for Awards Management (SAM), and registering in Grants.gov. PDs do not need to register with Grants.gov unless they are also the Authorized Representative, the person authorized to submit an application on behalf of their organization.

b. NIFA Grants.gov Application Guide **ALL AWARDS**
This guide includes general guidelines for submission via Grants.gov as well as NIFA general guidelines for submission via Grants.gov. Applicants must follow the guidelines associated with the applicable funding opportunity. A sample version of the NIFA Grants.gov is available online. Application Guides for specific RFAs will be located in Grants.gov.

The guide contains formatting requirements for attachments to an application. All attachments must comply with the specified font, spacing and margin, and PDF requirements of the guide unless stated otherwise in the RFA. NIFA recommends producing the documents electronically using text or word-processing software and then converting the document to PDF. This will allow the text to be searched electronically (i.e., do not scan files that have text as an image, scan as text file only).

4. DUNS Number **ALL AWARDS**
All applicant organizations must obtain a Data Universal Numbering System (DUNS) number as part of the Grants.gov registration process. The DUNS number serves as the Universal Identifier when applying for Federal grants or cooperative agreements. The DUNS number is a unique nine-digit number assigned by Dun and Bradstreet

Information Services (D&B). Organizations without a DUNS number may obtain one free online. The DUNS number is an identifier for organizations and is not a number specific to a particular PD/PI. All subrecipients must also provide a DUNS number to the grantee organization.

5. System for Awards Management **ALL AWARDS**
GSA's Office of Government-wide Policy consolidated the government-wide acquisition and award support systems into one new system – the System for Award Management (SAM). Unless exempted under 2 CFR 25.110, applicant organizations must register in SAM and ensure their information remains current when they have an application under consideration for NIFA funding. If an award is made, SAM registration must remain current until a final financial report is submitted or the final payment is received, whichever is later (2 CFR part 25.200).

SAM will send automated notifications to registrants when registration is set to expire. All applicants should confirm their institutional information is in SAM and is current before submitting their application. A current, valid email address is required for each SAM account. This email address serves as a primary means of communicating features such as notifications, alerts, and password resets. Information for a specific institution is available in SAM by searching by name or DUNS number. SAM will also note if an entity's status is as a small business. All SAM users will have access to public information.

SAM registration is required for all entities being considered for Federal subawards and contracts. All NIFA grantees entering into subawards and contracts in furtherance of a NIFA grant must confirm an active contractor registration with SAM.

All parties not eligible to receive a Federal award are listed in SAM. Exclusions are now categorized into four Exclusion Types: (1) ineligible (proceedings pending), (2) ineligible (proceedings completed), (3) prohibition/restriction, and (4) voluntary exclusion. Entity types include: Firm, Individual, Vessel, and Special Entity Designation. Additional information on registering with and using SAM is available online.

Effective July 11, 2018, there is a new login process for SAM.gov.
Institution logging in to SAM.gov for the first time after June 29, 2018, must create a login.gov user account (if it doesn't already have one). Institutions will use their login.gov username and password every time they log in to SAM.gov. Previous SAM.gov usernames and passwords will no longer work. More information is available online.

6. ezFedGrants **CAPACITY AWARDS**
In 2013, NIFA launched a grants modernization initiative to streamline its grant application and award processes. This business transformation initiative will increase

efficiency and reduce costs for NIFA grantees and staff. One main component of this initiative is to transition to a new grants and financial management system offered by USDA, called ezFedGrants. NIFA staff began using ezFedGrants in fall 2016 to process all FY 2017 capacity program applications. Capacity grantees may now use ezFedGrants to check application and agreement status and submit Federal Financial Reports (SF-425). For more information and updates, visit the NIFA Grants Modernization webpage or email NIFA. In the future, NIFA anticipates adding competitive grants; the NIFA website and RFAs will be updated accordingly.

7. Applicant Eligibility **ALL AWARDS**

Authorizing legislation and annual appropriations law determines eligibility for all NIFA grant programs. NIFA awards are made only to eligible applicants. Capacity grant eligibility is determined by statute and specified in the RFA. For competitive awards, eligible organizations generally include all levels of government (state, local, and Indian tribal governments), including Federal institutions, institutions of higher education, other non-profit organizations, hospitals, and, in rare occasions, individuals. RFA and program guidelines will specify any special criteria imposed by NIFA for applicant eligibility, such as the qualifications of the PD/PI or other staff or participants and/or limitations to the number or types of applications that may be submitted by an institution.

Applicants must review the eligibility requirements included in the RFA and make their own assessment whether the requirements are met and whether to submit an application. As noted in Part V of the RFA, the application review process includes a check to see if administrative requirements have been met. NIFA will closely review applications recommended for funding to determine if the eligibility requirements have been met. During the pre-award administrative review process, NIFA may request additional information (e.g., organizational management information) and make a preliminary assessment of applicant organization eligibility. The applicant may be required to provide proof of its status by submitting documentation to determine applicant eligibility.

Unless stated otherwise in an RFA, or where the grant programs' authorizing legislation sets particular limits, acceptable evidence of non-profit eligibility includes the following:

- A copy of a currently valid Internal Revenue Service tax exemption certificate
- A statement from a state taxing body, State Attorney General, or other appropriate state official certifying that the applicant organization has a non-profit status
- A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status or
- Any of the above proof for a state or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

In addition to reviewing organizational eligibility, NIFA may consider other factors relating to the applicant's ability to responsibly handle and account for Federal funds and to carry out the project. These factors include the applicant's intended role in the project, the location where the project will be performed, and the role of the PD/PI in the project, and the PD/PI's employment and citizenship status. NIFA will not make an award to an applicant that does not have a substantive role in the project and would simply serve as a conduit for another entity.

8. Organizational Management Information **ALL AWARDS**
Before an award can be made, certain information is required from applicant to ensure eligibility, assure compliance with the civil rights laws, and to effectively assess the potential recipient's capacity to manage Federal funds, which is necessary for NIFA's pre-award risk assessment. The type of information gathered are the legal name of the grantee, articles of incorporation, bylaws, certification that the organization has the legal authority to accept Federal funding, identification and signatures of the key officials of the organization, the organization's practices in regard to compensation rates and benefits of employees, insurance for equipment, subcontracting with other organizations, etc., as well as the financial condition of the organization. This information is provided on a one-time basis and updated as necessary.

9. Applicant Citizenship **ALL AWARDS**
Any requirements, such as citizenship, affecting the eligibility of the PD/PI, grant funded employees, or others (e.g., Fellows, trainees) will be specified in the RFA. In most cases, individuals must have the required citizenship status when the award is made, rather than when the application is submitted.

NIFA's 7 CFR 3430, Competitive and noncompetitive non-formula Federal assistance programs – general award administrative provisions, includes provisions for citizenship for individual applicants and participants. These provisions govern competitive awards. 7 CFR 3430 states that eligible participants must be a citizen or national of the United States. Further, unless otherwise specified in the RFA, only United States citizens, non-citizen nationals of the United States, and lawful permanent residents of the United States are eligible to apply for and receive NIFA awards to individuals, which typically applies to Fellows. If the RFA is silent on citizenship of grant-funded employees not covered by 7 CFR 3430, e.g., PD/PI, or if employees are funded by capacity grants, then the institution must follow its own internal policies and procedures regarding citizenship of its employees.

For purposes of applicant citizenship, NIFA follows the U.S. Customs and Immigration Service (USCIS) definitions, unless otherwise stated in the RFA. U.S. citizens are individuals born in the United States, Puerto Rico, Guam, Northern Mariana Islands, and U.S. Virgin Islands, (persons born in American Samoa, or Swains Island are generally considered nationals of the United States); foreign-born

children, under age 18, residing in the United States with their birth or adoptive parents, at least one of whom is a U.S. citizen by birth or naturalization; and individuals granted citizenship status by USCIS.[4]

The term "national of the United States"[5] means a person who, though not a citizen of the United States, owes permanent allegiance to the United States (for example, persons born in American Samoa or Swains Island).[6]

C. Submitting an Application **ALL AWARDS**

The RFA will include all instructions on how to complete an application referring, where appropriate, to the NIFA Grants.gov Application Guide. The RFA will specify that all applications are to be submitted through Grants.gov and will include instructions on how to access the electronic application forms and how to apply through Grants.gov. The RFA also will specify what forms are to be submitted, which generally include forms from the following:

- R&R SF424 Cover Sheet
- R&R Project/Performance Site Location(s)
- R&R Other Project Information
- R&R Senior/Key Person Profile (Expanded)
- R&R Personal Data
- R&R Budget
- R&R Subaward Budget Attachment
- Supplemental Information
- AFRI Project Type Form
- SBIR/STTR Information
- Key Contact Form
- Attachment Form

All attachments to an application must comply with NIFA font, spacing and margin requirements, and must be in PDF format. NIFA recommends producing the documents electronically using text or word-processing software and then converting the document to PDF. This will allow the text to be searched electronically (i.e., do not scan files that have text as an image, scan as text file only).

1. Competitive Types of Applications **COMPETITIVE AWARDS**
The RFA will specify the types of applications that may be submitted in response to the RFA, which may include any of the following:

a. New
An application being submitted to NIFA for the first time (7 CFR 3430.14).

[4] https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartA-Chapter2.html
[5] 8 USC 1101 (a)(22)
[6] https://www.uscis.gov/tools/glossary?topic_id=n#alpha-listing

b. Continuation

A continuation award is an award instrument by which NIFA agrees to support a specified level of effort for a predetermined period of time with a statement of intention to provide additional support at a future date, provided that performance has been satisfactory, appropriations are available for this purpose, and continued support would be in the best interest of the Federal government and the public. A continuation award is issued for the subsequent years of a new award. Using a streamlined process implemented in FY 2018, recipients of a continuation award no longer need to apply for subsequent year funding by submitting a noncompeting application for an additional funding/budget period within the previously approved project scope and objectives. Instead, to provide the next allotment of funding, NIFA only needs to 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.

c. Resubmission

A resubmission is an application that was submitted to a program for consideration under the same program, but was not funded, and is being submitted again to the program for consideration. For competitive programs, this type of application is evaluated in competition with other pending applications in the area to which it is assigned. In addition, applicants must respond to the previous panel review summaries, unless waived by NIFA. When reviewing a resubmission application, the panel will evaluate the application as now presented, taking into consideration the responses to comments from the previous scientific review group and changes made to the project (7 CFR 3430.14).

d. Renewal

A renewal is an application requesting additional funding for a period beyond that provided by a current award. These applications must contain the same information as required for new applications; they also must contain a Progress Report. For competitive programs, a renewal application will be considered in competition with all other applications for the award and must be fully developed, as though the applicant is applying for the first time. Unless otherwise provided, a progress report for each year the project was already active must be submitted via REEport for a renewal application to be considered (7 CFR 3430.14).

e. Resubmitted Renewal

A resubmitted renewal application is an application that has been previously funded and previously submitted for renewal but not funded for renewal. Review panels will consider resubmitted renewals in competition with all other applications submitted. Reviewers will review the applicant's response to the comments from the unsuccessful review (7 CFR 3430.14).

f. Supplement
Supplement awards provide small amounts of additional funding under a standard, renewal, or continuation award and may involve a short-term (usually six months or less) extension of the project period beyond that approved in an original or amended award, but in no case may the cumulative period of the project, including short term extensions, exceed any statutory time limitation of the award. Supplemental awards are for needs or opportunities not present at the time of original application. Needs or opportunities may be identified by the awardee or the program. Supplements must be less than $75,000, except in extremely rare instances. Supplemental awards are given on a non-competitive basis (7 CFR 3430.14) to assure adequate completion of the original scope of the work. Award of supplemental funding requires sufficient justification. Competition may be necessary for the award of a supplemental grant and if so, all applicants will be so notified.

g. Revision Applications
A revision application is an application that proposes a change to NIFA's financial obligations or contingent liability or the changes to the award terms and conditions of an existing award (7 CFR 3430.14).

h. Fixed Amount Awards
A fixed amount award is a type of grant agreement under which the Federal awarding agency or pass-through entity provides a specific level of support without regard to actual costs incurred under the Federal award. This type of Federal award reduces some of the administrative burden and record-keeping requirements for both the non-Federal entity and Federal awarding agency or pass-through entity. Accountability is based primarily on performance and results. 2 CFR 200 Subpart E does not apply to fixed amount awards. See 2 CFR 200.201 for additional information on use of grant agreements including fixed amount awards and subawards.

2. Capacity Types of Applications **CAPACITY AWARDS**
All capacity applications are submitted annually to NIFA via Grants.gov; the designation is for a new award. RFAs are announced and posted to the NIFA website with updated application instructions.

3. Letters of Intent **COMPETITIVE AWARDS**

A NIFA RFA for a competitive program (not applicable to noncompetitive or capacity RFAs) may require submission of a letter of intent (LOI) in advance of submission of a full proposal. There are two types of LOIs: optional and required. In the case of optional, submission of an LOI does not require the applicant to submit a full application and does not require NIFA to fund the project. Optional LOIs help NIFA program staff gauge the size and range of the competition, enabling earlier selection and better management of reviewers and panelists. Furthermore, the information contained in an LOI is used to help avoid potential conflicts of interest in the review process. Required LOIs are used to determine if the potential applicant's proposal is suitable for the program in light of the specific program priorities, needs, and scope; those that address the program priorities and are deemed suitable will be invited to submit a full application. Applicants who are discouraged from submitting a full application can still submit the full application but are encouraged to contact the NIFA NPL to discuss the LOI decision. When an LOI is required, NIFA will only accept a full application from those applicants that submitted a LOI by the LOI deadline. If submission of an LOI is required, applications submitted without prior submission of the letter of intent by the NPL are returned without review (7 CFR 3430.13)

The solicitations identify all submission requirements and provide direction on developing an LOI. The LOI, usually a 1-2 page document, generally contains a descriptive title of the proposed project, names and roles of the PDs and other key personnel, along with the institution, and a brief statement of approaches and objectives, including the program priority to which the project is responding.

LOIs are submitted directly to the NPL or to a specific email address. LOIs are reviewed by NIFA program staff. LOIs are evaluated for how well they address the project or program goals and priorities. LOIs are not externally evaluated or used to make the funding decisions. However, program staff may use LOIs to communicate to the author whether or not a proposed project appears to be within program scope. The NIFA response to an LOI will be "encourage" or "discourage." If the project appears to be outside of program scope, submission of a full application is discouraged.

4. Application Budget **COMPETITIVE AWARDS**

A budget must be submitted with the application if required to do so by the RFA. Preparation of a budget requires determining costs in accordance with the applicable cost principles, indirect cost rate, and any matching requirements. Applicants must consult the Uniform Guidance, 2 CFR 200, and prepare their application budget in accordance with the applicable cost principles. The RFA will include any further cost restrictions/unallowable costs or requirements that need to be considered (e.g., indirect cost limitation, tuition remission is unallowable, matching is required.) A budget will include a single set of figures. For additional information on cost considerations, please see 2 CFR Part 200, Part E, Cost

Principles. For information and definitions of Direct and Indirect costs, see Section XI.F of this Policy Guide. For information on Fixed Amount award budget, please see 2 CFR 200.201.

5. Matching or Cost Sharing **ALL AWARDS**

a. Definition **ALL AWARDS**

Matching or cost sharing means the portion of project costs not paid by Federal funds (unless otherwise authorized by Federal statute, 2 CFR 200.29). Matching and cost sharing requirements will be identified in the RFA. If matching or cost sharing is required, the applicant must contribute non-Federal funds in support of the project for which they are requesting NIFA funds. If the RFA specifies that matching or cost sharing is required, it also will specify the following:

- The nature of the requirement, e.g., whether it is a fixed percentage or NIFA cannot fund more than a specified percentage of costs;
- Whether match must be cash, or can be cash and/or in-kind

Authorizing legislation governs matching requirements. If there is no matching requirement in the authorizing legislation, a statement will be included in the RFA to convey that there is no matching requirement (i.e., NIFA does not require matching support for this program and matching resources will not be factored into the review process as evaluation criteria). For grants that require matching funds, the RFA will specify, for example, that the Budget Justification must list the overall match amount as well as break out the overall match by the individual sources the identifies the entity that is providing the match and the amount being provided.

Matching requirements are covered in the Uniform Guidance, 2 CFR 200.306. All matching or cost sharing contributions must be:

- Verifiable from the recipient's records;
- Not included as contributions for any other Federally-assisted project or program;
- Necessary and reasonable for proper and efficient accomplishment of project or program objectives;
- Allowable under the applicable costs principles;
- Not paid by the Federal government under another award, except where authorized by Federal statute[7] to be used for cost sharing or matching;
- Provided for in the approved budget when required; and
- Conform to other provisions of the Uniform Guidance, as applicable.

b. Competitive awards

[7] 1994 Endowment funds are authorized to be used for match on other Federal programs.

For competitive awards, the source and amount of costs and/or the value of third-party in-kind contributions proposed by the applicant to meet a matching or cost sharing requirement must be identified in the application budget. Allowability of costs for cost sharing and matching purposes is determined by the applicable cost principles. The classification of a contributed cost as either direct or indirect must be consistent with the classification of other costs incurred by the recipient for the same purpose in like circumstances. Guidance on the valuation of in-kind contributions is located in 2 CFR 200.306.

To be allowable as a matching cost, the cost must be an allowable cost under the grant. If grant funds cannot pay for the cost, then match cannot pay for the cost. Compliance with match is determined at the end of an award and is based on the overall grant award amount.

The Agricultural Act of 2014 (Pub. L. 113-79) § 7128 requires a one-to-one cash or in-kind match for all covered programs. The RFA will identify if the program is subject to this particular matching requirement. For covered programs, this requirement affects all awards made after Oct. 1, 2014. More information on matching requirements under the Agricultural Act of 2014 is available online.

Agricultural Act of 2014 matching requirements do not apply to grants awarded:

i. To a research agency of the U.S. Department of Agriculture (USDA); or
ii. To an entity eligible to receive funds under a capacity and infrastructure program (as defined in section 251(f)(1)(C) of the Department of Agriculture Reorganization Act of 1994, 7 U.S.C. 6971(f)(1)(C)), including a partner (see Part VIII, D, Definitions, of applicable RFAs for definition of partnership) of such an entity.
iii. Entities eligible to receive funds under a capacity and infrastructure program and exempt from the matching funds requirement include:
    a. 1862 land-grant institutions, including State Agricultural Experiment Stations receiving funding under the Hatch Act of 1887;
    b. 1890 land-grant institutions;
    c. 1994 land-grant institutions;
iv. Entities eligible to receive funds under the of Continuing Animal Health and Disease, Food Security, and Stewardship Research, Education, and Extension Program Funds — Capacity and Infrastructure Program (CIP);
v. Hispanic-Serving Agricultural Colleges and Universities (HSACU);
vi. Insular area schools eligible to receive funds from the Distance Education/Resident Instruction Grant Programs;
vii. Entities eligible to receive funds under the of McIntire-Stennis Cooperative Forestry Program Funds;
viii. Non-Land Grant Colleges of Agriculture (NLGCA) – (for exemption from the new matching requirement, these applications must include NLGCA

certification, see instructions for requesting certifications and for attaching the certification, in Part IV, B of applicable RFA);

ix. Entities eligible to receive funds under a program established under Section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)), including: (1) 1890 Institution Teaching, Research, and Extension Capacity Building Grants Program; (2) Higher Education Challenge Grants Program; (3) Higher Education Multicultural Scholars Program; and (4) Food and Agricultural Sciences National Needs Graduate and Postgraduate Fellowship Grants Program; and

x. Individual public or private, nonprofit Alaska Native-Serving and Native Hawaiian-Serving Institutions of higher education (see 20 U.S.C. 1059d).

A proposal submitted in response to an RFA for a covered program may indicate that the work will be completed by multiple entities as a collaborative partnership. All partners must have a substantial involvement in the project throughout the life of the project. If a partnership among multiple entities is proposed, the proposal must clearly identify the following:

- A narrative of each entity's clearly established role in the project;
- How each entity involved as a partner on the project will contribute to execution of project objectives, determination of experimental design, development of the project work plan and time table, and submission of collaborative, timely reports; and
- A comprehensive project budget that reflects each entity's financial or third party in-kind contribution (as defined in 7 CFR 3430.2 or 2 CFR 200.96) to the total project budget costs.

If a proposal indicates that the work on the project will be completed by multiple entities as partners, and at least one entity is exempt from the matching requirement, the entire project will be exempt from the matching requirement regardless of whether all entities involved are otherwise exempt. Any partner entity can serve as the lead entity on the project. All partners must be significantly involved in the project.

After proposals have been recommended for award, NIFA will determine if the submitted proposal and proposed division of work reflects substantial involvement of all entities involved. If a proposal is recommended for award to a lead entity not otherwise exempt from the matching requirement and the proposal does not reflect substantial involvement of at least one partner that is exempt, then the matching requirement will apply. Exemption from the matching requirement for an entity not otherwise exempt is limited to the project for which it is a partner.

Waiver of Match. NIFA may waive the matching funds requirement for a recipient for one year with respect to a competitive grant that involves research or extension activities that are consistent with the priorities established by the National Agricultural Research, Education, Extension and Economics Advisory Board for the year involved.

c. Capacity Matching requirements
The capacity RFA will outline the program's matching requirements. The required match amount is listed in the RFA. Compliance with match is measured at the end of the award and is based on the total amount allocated for the program. Match is not measured at the project level beneath overall annual program allocation.

For 1890 land-grant universities and 1862 land-grant universities in insular areas, 7 CFR 3419 addresses requirements related to matching funds requirements.

6. Application Requirements **COMPETITIVE AWARDS**
The RFA will provide instructions on how to access the application and what is required for submission. Application information to be submitted typically includes a project narrative, with objectives and methods, budget and budget justification, biographical sketches of senior/key personnel, and other information specified in the RFA and/or in program guidelines, if any. Capacity program RFAs may differ and the RFA should be consulted for applicable submission requirements. Applicants should consult the cost principles and general administrative requirements to prepare the budget and complete other parts of the application. This section describes NIFA policies that affect application preparation and/or submission. For all programs, specific details on application requirements are addressed in application instructions and specific RFAs. NIFA officials should be consulted regarding any significant changes to the proposed project post-submission.

7. Resubmitting an Application **COMPETITIVE AWARDS**
An application is a resubmitted application if the application was previously submitted to the program but was not funded. A resubmitted application must include the following information:

- The NIFA-assigned proposal number of the previously submitted application
- A summary of the previous reviewers' comments
- Explanation of how the previous reviewers' comments or previous panel summary have been addressed in the current application. Please note that responding to the comments from a previously unsuccessful review will not guarantee funding.

A resubmitted application must be received by the relevant due dates, will be evaluated in competition with other pending applications in the appropriate area to

which they are assigned, and will be reviewed according to the same evaluation criteria as new applications.

8. Previously Funded Applications and Substantially Similar Efforts **COMPETITIVE AWARDS**
NIFA will not fund efforts that duplicate or overlap substantially with efforts already funded (or to be funded) by another organization or agency. NIFA programs generally do not support multiple projects that are essentially the same. NIFA staff check every recommended award for duplication against all current and previously funded projects. PDs who have had their projects funded previously are discouraged from resubmitting identical applications for further funding that are not sufficiently unique for a new project. This does not apply to continuation funding.

9. Assurances **ALL AWARDS**
Applicants must assure: 1) that the information submitted within the application is true, complete, and accurate to the best of the AR or PI's knowledge; 2) that any false, fictitious, or fraudulent statements or claims may subject the PI to criminal, civil, or administrative penalties; and 3) that the AR and/or PI agrees to accept responsibility for and ensure the scientific integrity and ethical conduct associated with the project and to provide the required progress reports if a grant is awarded as a result of the application**.**

By submitting an application, the applicant is also providing the following required assurances for:

- The protection of human subjects,
- Humane treatment of animals,
- Monitoring the use of recombinant DNA,
- Compliance with the Federal Information System Security Management Act of 2002 (FISMA), Pub. L. 107-347, if it will collect, store, process, transmit, or use information on behalf of NIFA,
- Ensuring, unless exemption under 2 CFR 25.110, they: (1) are registered in SAM prior to submitting an application or plan; (2) maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency; and (3) provide its DUNS number in each application or plan it submits to NIFA, and
- Unless excepted under 2 CFR. 170.110(b), ensuring that they have the necessary processes and systems in place to comply with the reporting requirements identified in Appendix A to Part 170 should they receive funding.

10. Certifications and Representations **ALL AWARDS**
When signing an application (electronic submission through Grants.gov), the AR is providing the certification for the accuracy and completeness of statements contained in the application, as well as certifying that the organization (or individual)

agrees to accept the obligation to comply with award terms and conditions and that he/she is aware that any false, fictitious, or fraudulent statements or claims may subject them to criminal, civil, or administrative penalties (18 USC 1001). By signing the application, other certifications also are provided including:

- Drug-Free Workplace;
- Debarment and Suspension;
- Civil Rights Compliance;
- Prohibition on Certain Internal Confidentiality Agreements; and
- Industrial Hemp.

More information regarding certifications and representations is available on the NIFA website.

a. Lobbying **ALL AWARDS**
By submitting the application package through Grants.gov, the applicant certifies the institution's compliance regarding disclosure of all lobbying activities. In the event that a recipient pays or agrees to pay any lobbying entity for influencing an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action, the applicant must submit a Disclosure of Lobbying Activities form to NIFA as soon as possible. Failure to report lobbying activities is punishable by fines from $10,000 to $100,000, for each failure, and/or imprisonment.

b. Felony and Tax Certification **ALL AWARDS**
In order to meet the requirements of Sections 745 and 746 of the Consolidated Appropriations Act, 2016, Pub. L. 114-113, Division E, Title VII, General Provisions Government-wide, applicants are to indicate whether they are a corporation and, if so, must certify that: 1) they have not been convicted of a felony criminal violation under Federal [or state law (applies if any funds from FYs 2012 or 2013 are used to fund the project)] in the 24 months preceding the date of signature, [nor has any officer or agent, (applies if any funds from FYs 2012 or 2013 are used to fund the project)], and 2) they do not have 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. A suggested template for accomplishing the felony and tax requirement is available on the NIFA website. Information is to be included in Field 12 as an "Other Attachment," to the R&R Other Project Information Form, of the application.

11. Post-Submission Grant Application Materials **ALL AWARDS**
If an application is submitted and an applicant needs to change, correct, or submit additional information, applicants must contact the appropriate NIFA program contact.

For competitive programs, the program contact may accept a changed/corrected application to modify an application ALREADY submitted through Grants.gov if it is submitted PRIOR to the established deadline. Following the deadline, additional materials are not accepted prior to the competitive review process. Following the competitive review process, NIFA may accept additional materials as part of the negotiation and administrative review process that precedes issuance of an award.

12. Capacity Grant Application Documents **CAPACITY AWARDS**
All capacity grant applications are submitted to NIFA electronically through Grants.gov. The RFA will include instructions on how to access the electronic application forms and how to apply through Grants.gov. The Grants.gov application package includes general instructions and NIFA-specific instructions for the SF-424 (R&R), NIFA-specific forms, and assurances and certifications. The RFA will indicate which forms are necessary for completion and inclusion in an application in response to the RFA as well as any additional instructions necessary for completion of an application.

Similar to the competitive requirements, all attachments to an application must comply with NIFA font, spacing and margin requirements, and must be in PDF format. Further information is contained in the RFA or review the competitive sections above.

13. Key Contacts Form **CAPACITY AWARDS**
Each land-grant university is required to submit Key Contact forms once a year with the submission of the SF-424 R&R in response to the Request for Application and each time the institution's points of contact changes. This information will be used to transmit important information such as the annual allocation amounts, the availability of funds, and the need for documents to be submitted before funds can be released. NIFA further requires this information as part of its contingency plan to maintain communications in the event of a business disruption. Key Contact records will not be revised without an updated Key Contacts form and an official request. For capacity awards, the Contacts form requires an updated name, address, telephone number, fax number, and email address for certain key positions (e.g. the Experiment Station Director, Extension Director/1890 Extension Administrator, 1890 Research Director, Administrative-Technical Representative (McIntire-Stennis), State EFNEP Coordinator, treasurer/custodian of funds, the business manager, accountant, the person responsible for drawdowns, and additional staff as needed).

14. Non-Land Grant College of Agriculture Designation **COMPETITIVE AWARDS**
NIFA maintains an official list of certified Non-Land Grant Colleges of Agriculture (NLGCA). Application to some NIFA grant programs may require proof of certification as an NLGCA. Institutions can electronically request designation as an NLGCA at any time. Visit the NIFA website to request designation, please visit.

Eligible institutions are public colleges or universities offering a baccalaureate or higher degree in the study of food and agricultural sciences, as defined in 7 U.S.C. 3103(9). Land-grant institutions are not eligible for this designation. Prior to Sept. 30, 2018, Hispanic-Serving Agricultural Colleges and Universities (HSACUs) and state-certified non-land grant institutions eligible to receive funds under the McIntire-Stennis Cooperative Forestry Act of 1962 can opt out of their respective designation to qualify as an NLGCA. For these institutions to be considered for NLGCA designation, an Authorized Representative of one of these institutions must submit a declaration of the institution's intent not to be considered a HSACU or Cooperating Forestry School, as applicable, prior to submitting the request for NLGCA status. Requests to opt out of their current status must be submitted by December 30[8]. Designation as an NLGCA is effective until Sept. 30, 2018. Should an institution need to be recertified as a NLGCA, their point of contact will be notified by NIFA, in keeping with the authorizing language.

15. Submission **ALL AWARDS**

a. Electronically Submitted Applications **ALL AWARDS**

All competitive and capacity applications for NIFA grants must be received by the published deadline. An RFA might indicate several submission dates if an LOI and/or preliminary proposal are part of the application requirements.

Please note that Grants.gov will time stamp the submission of an application. NIFA will only accept applications submitted after the published deadline, in accordance with its late submission policy, available on the NIFA website. Subsection 16 of this Policy Guide (below) contains further details about late applications.

If a submission date falls on a weekend, it will be extended to the following Monday. Any time the date falls on a Federal holiday,[9] the submission date will be extended to the following business day. The application will be on time if it is submitted on or before the following business day.

Within two days of submitting a grant application, Grants.gov will send two email messages to the applicant. The first will confirm receipt of the application by the Grants.gov system. The second will indicate that the application has either been successfully validated by the system prior to transmission to the grantor agency or has been rejected due to errors. If the application was successfully validated, Grants.gov will send a third email that the application has been sent to NIFA for review. Grants.gov-registered applicants can check the status of an application at any time in Grants.gov.

[8] Dependent on reauthorizing language included in the 2018 Farm Bill.

[9] The ten Federal holidays are: New Year's Day; Birthday of Martin Luther King, Jr.; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; and Christmas Day.

b. Similar or Identical Applications **COMPETITIVE AWARDS**
Applications may only be submitted to NIFA one time. The submission of duplicate or substantially similar applications concurrently for review for more than one program in the same funding cycle will result in the exclusion of the redundant application from NIFA consideration. However, concurrent submission of an application to other organizations or agencies for simultaneous consideration will not prejudice an application's review. Applications submitted to another Federal agency, as well as NIFA, must be disclosed on the current and pending form.

c. Application deadline **ALL AWARDS**
Specific application and submission instructions will be provided in the RFA. RFAs generally will allow applicants a minimum of 60 days to prepare and submit applications (2 CFR 200.203(b)). Applications must be submitted to Grants.gov by 5 p.m. Eastern Time (ET) on the due date indicated on the RFA. An application received at 5:01 p.m. ET is considered late on the due date.

d. Meeting the deadline **ALL AWARDS**
A date and time stamp is attached to the application when the "Submit" button is clicked and the application sent to electronically send the application to Grants.gov. The date and time stamp determines whether the application was received by Grants.gov before the deadline, which is 5:00 p.m. Eastern Time (ET) on the date identified in the applicable RFA. An application submitted or resubmitted after the deadline is late (an application is considered on time at 5:00.59 p.m. ET, but it is late at 5:01 p.m. ET). For competitive awards, consideration of late applications is only given in extenuating circumstances (e.g., natural disasters, confirmed Grants.gov outage) with proper documentation and support of the Agency Contact (see the RFA for Agency contact information). See Section 17 below, as well as the NIFA website for additional information.

i. Successful Grants.gov validation: The Grants.gov system performs a limited check of the application and Grants.gov will notify applicants of the outcome of the initial review. The Grants.gov validation process includes a check for an active SAM registration **(applicants with expired SAM registrations will be rejected)**. The System for Award Management conducts SAM registration activities.

ii. Grants.gov sends applications that are successfully validated to NIFA for further processing. Applications that fail Grants.gov validation may be resubmitted to Grants.gov if NIFA's deadline has not passed. (Note that the Grants.gov system may allow applications to be submitted after the deadline, but the application is considered late by NIFA).

iii. Successful agency validation: NIFA staff perform precursory review of the application. The agency validation process includes meeting eligibility requirements and following NIFA application guidelines (e.g., formatting, page limitations, limits on budget requests, etc.). NIFA will notify applicants of the outcome of this review.

For competitive awards, an applicant must complete all of the above steps for an application to be considered for competitive peer review.

16. Application Signature **ALL AWARDS**

The signature of an AR on the application certifies that the organization will comply with all applicable assurances and certifications referenced in the application. The applicant organization is responsible for verifying conformity with the most current guidelines for all administrative, fiscal, and scientific information in the application, including the facilities and administrative cost (F&A) or indirect cost, rate. The AR's signature further certifies that the applicant organization has the ability to provide appropriate administrative and scientific oversight of the project and agrees to be fully accountable for the appropriate use of any funds awarded and for the performance of the grant-supported project or activities resulting from the application. Applicants for, and recipients of, NIFA grant funds, whether such funds are received through a grant, indirectly under a contract or consortium agreement, or by a fiscal agent acting on another organization's behalf, or as student assistance, are responsible for, and must adhere to, all applicable Federal statutes, regulations, and policies, including income tax regulations. Applicants are also expected to be in compliance with applicable state and local laws and ordinances. Applicants may be required to provide proof of organizational eligibility (such as proof of non-profit status), trainee or fellow eligibility and citizenship, or other eligibility information. Applications also must demonstrate compliance (or intent to comply), through certification or other means, with a number of public policy requirements.

17. Late Applications **ALL AWARDS**

NIFA will only accept applications submitted after the published deadline in accordance with NIFA's late submission policy, which is available on the NIFA website.

Any grant application submitted after the deadline specified in the RFA for a competitive review is rejected unless the applicant provides documentation to establish an extenuating circumstance (e.g., natural disaster, confirmed Grants.gov outage, Grants.gov programming error) that prevented timely submission of the application. If technical problems arise with submission of an application, the problem must be documented and a case number obtained from Grants.gov to support any problems with submissions.

Late applications will only be accepted in extenuating circumstances. Applicants must follow the instructions in Part IV, 1.9 of the NIFA Grants.gov Application Guide to inform NIFA of extenuating circumstances that gave rise to a late application. Applicants may request reconsideration of their application in light of extenuating circumstances and NIFA will determine if reconsideration will be granted.

D. Public Access to Application Information **ALL AWARDS**

Information contained in grant applications submitted to NIFA that does not result in an award is not considered public information. Once an award is made, certain information may be considered proprietary or private information and will not be released, in accordance with applicable laws. Statutes and policies that require the release of award-related information are intended to foster an open system of government and accountability for governmental programs and expenditures and, in the case of research, to provide information about Federally-funded activities.

III. Application Evaluation

A. Capacity Grants **CAPACITY AWARDS**

Capacity grant applications are reviewed to determine if all program, financial, and administrative requirements have been met and are current. All institutions receiving Smith-Lever 3(b) and (c), Smith-Lever Special needs, Hatch Act, Evans-Allen research, and 1890 Extension capacity grants must have an active and approved Plan of Work (POW) on file with NIFA. NIFA will notify the institutions when all requirements have been met or approved. If the eligible institution has met all programmatic and administrative requirements, capacity funding will continue to be released.

B. Competitive Grants **COMPETITIVE AWARDS**

NIFA evaluates competitive grant applications through a competitive process that is fair, equitable, timely, and conducted in an unbiased manner. Applications for NIFA competitive grants and cooperative agreements, including renewals, revisions, and continuations, are subject to peer review as required by the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA), and 7 CFR 2.21. NIFA solicits advice of peer scientists and other recognized specialists in the specific program areas to carry out the peer review process. A general overview of NIFA's competitive grant application process is available on the NIFA website

C. Initial Competitive Application Review **COMPETITIVE AWARDS**

NIFA's competitive review process consists of two parts: first, NIFA program staff conducts an initial review. A peer review panel conducts a second review. In the initial review, the application's responsiveness to the requirements of the RFA and all other administrative requirements are evaluated. Proposals that do not comply with the stated guidelines in the RFA may be rejected and not reviewed by the peer review panel. The Panel Manager may also participate in the initial review.

NIFA program staff receives all grant applications submitted to NIFA through Grants.gov. The program contact (typically a National Program Leader (NPL)) for a particular program is identified in the RFA. Program staff conducts the initial review of the application for compliance with all administrative requirements in the RFA. Applicants are notified of the review status of their application through email. Once the application is under review, application status updates will not be available through Grants.gov. Applications are also reviewed for applicant eligibility. It is the responsibility of the applicant organization to select the individuals who have the appropriate expertise to manage the scientific and administrative aspects of the project. The qualifications of these individuals to complete the project will be evaluated during peer review and by the NPL and ADO.

NIFA program staff reviews applications to determine:

- Administrative compliance with all RFA requirements, including but not limited to required attachments;

- Whether the planned activities and expenditures are within the scope of the RFA and program; and
- Whether the institution's stated matching contribution meets the RFA requirements.

After the initial review, the NPL will convene a panel of peer reviewers to review the applications for compliance with the statutory requirements of the program and the scientific validity of the proposed project (7 CFR 3430.31-37).

NIFA will reject the application without further review if an applicant is found to be ineligible or if the application does not meet published responsiveness criteria. When a grant is awarded, NIFA continues to monitor changes in recipient and project status to ensure continued eligibility throughout the duration of the award.

All incomplete and late applications and applications determined to be nonresponsive to RFA requirements will not be peer reviewed. An applicant may withdraw an application from consideration at any time before an award is issued. Successful applicants will be notified of additional information that may be required before an award decision is made.

D. Peer Review of Competitive Applications **COMPETITIVE AWARDS**

After the initial review by NIFA program staff, applications undergo a peer review. The peer review process ensures that NIFA funds proposals with high scientific merit that address the goals and requirements of the program. The NIFA peer review process uses independent reviewers with the appropriate skills, expertise, and experience necessary to evaluate applications. NIFA selects reviewers based upon their training and experience in relevant scientific, extension, or education fields, taking into account the following factors:

- The level of relevant formal scientific experience, technical education, or extension experience of the individual, as well as the extent to which an individual is engaged in relevant research, education, or extension activities;
- The need to include experts from various areas of specialization within relevant scientific, education, or extension fields;
- The need to include other experts (e.g., producers, range or forest managers/operators, and consumers) who can assess relevance of the applications to targeted audiences and to program needs;
- The need to include experts from a variety of organizational types (e.g., colleges, universities, industry, state and Federal agencies, and private profit and non-profit organizations) and geographic locations;
- The need to maintain a balanced composition with regard to minority and female representation and an equitable age distribution; and
- The need to include reviewers who can judge the effective usefulness of each application to producers and the general public.

Reviewers use the NIFA-established review criteria and make written recommendations on each application. Applicants receive de-identified reviewer feedback at the end of the review process.

1. Peer Review System (PRS)

   Peer reviewers and potential peer reviewers use the Peer Review System (PRS) to update their personal information. Once selected to serve as panelists, PRS is used to complete and submit reviews. PRS can be accessed on the NIFA website. First-time users of PRS are prompted to create an account after receiving an invitation to review. The PRS system maintains a database of reviewers' educational information, areas of expertise, and availability to review. If selected as a panelist, PRS provides information on NIFA's conflict of interest and confidentiality policy, the program's evaluation criteria, submitted reviews, review scores of other panel members, and ad hoc reviews. Once complete, reviews are submitted to the NPL through the PRS system.

   Visit the NIFA website for additional information.

2. Reviewer Selection

   The NPL for the applicable program will assemble a panel of peer reviewers based on their knowledge, expertise, and experience in the program area. For most grant programs, a Panel Manager assists the NPL in panel organization and facilitation. For more details on the NIFA peer review process, visit the NIFA website.

3. Types of Review Panels

   Peer review panels may be conducted onsite, virtually, or as a combination of the two. If a virtual panel is conducted, panelists will convene by telephone, internet, or both to discuss their reviews and provide recommendations on proposals to be funded. Panels may be conducted as a combination of on-site reviews and virtual reviews. Submitted applications for review will be available to reviewers who do not have a conflict of interest through the PRS system. Virtual panels will be used when it is the best method of review for the particular program.

4. Operation of the Review Panel

   The NPL and Panel Manager screen proposals carefully for completeness and assign them to panel reviewers for review who do not have a conflict of interest with the proposals and, when additional expertise is needed, to ad hoc reviewers. A minimum of three, but generally three to five panelists review each proposal. If needed for additional expertise, up to three ad hoc reviewers may also evaluate a proposal. In most cases, each panelist is assigned 12 to 20 proposals, for which they provide written reviews. During the review panel meeting, each panelist also provides an oral evaluation of the assigned proposals (7 CFR 3430.31-37). The

operation of the review panel is covered in the NIFA Peer Review Process for Competitive Grant Applications Fact Sheet.

Reviewers will assess all proposals in accordance with the Evaluation Criteria identified in the RFA.

When U.S. Department of Health and Human Services (HHS) approval of research with human subjects is required, the recipient institution must ensure that those subject to HHS approval comply with the HHS regulations incorporated by reference into 7 CFR 1c, as well as the provisions not incorporated.

Other evaluative criteria, as required by the authorizing legislation or applicable regulations, may also be used in the review of applications. Following the evaluation and final ranking of each proposal, panel members write a "panel summary" for proposals they reviewed which reflects the panel consensus. It details the salient points of the panel's assessment of the strengths and weaknesses of the proposal. This review will be available to applicants, but the identity of individual reviewers are not disclosed.

At the conclusion of the panel, the NPL and/or Panel Manager review the final panel ranking to determine the proposals to recommend for funding. The NPL and/or Panel Manager also review the budgets of the top applications to determine if all funding requests are appropriate. Generally, proposals are funded according to the panel recommendations until program funds are exhausted. For AFRI, there is also a statutory set-aside of funding to enhance or strengthen institutional capacity under the Food and Agricultural Science Enhancement (FASE) program. Visit the NIFA website for more details on the FASE program.

Throughout the paneling, the Panel Manager and NPL enforce the conflict of interest rules and ensure confidentiality is maintained. They ensure that panelists leave the room during review and discussion of applications submitted from their own institutions or from individuals with whom they have a conflict of interest. The Panel Manager and NPL also emphasize confidentiality regarding all matters concerning applications, review, recommendations, ranking, and panel composition, and that confidentiality must be maintained outside the panel meeting room and after the panel meeting has adjourned.

5. Confidentiality
   Confidentiality is critical to ensuring the integrity of the peer review process. The identities of reviewers will remain confidential to the maximum extent possible. The names of reviewers will not be released to applicants or to the public. Reviewer comments and discussions are not released. Names of institutions and individuals submitting applications, as well as application content and peer evaluations, will be

kept confidential, except to those involved in the review process, to the extent permitted by law.

6. Conflict of Interest
   During the evaluation process, extreme care is taken to prevent any actual or perceived conflicts of interest that may impact review or evaluation. For the purpose of determining conflicts of interest, the academic and administrative autonomy of an institution shall be determined. Reviewers are expected to be in compliance with NIFA Conflict of Interest Guidelines. A conflict of interest might arise when the reviewer, or an immediate family member of the reviewer: has been associated with the applicant or applicant organization within the past 2 years as an advisor or advisee, co-author or collaborator, owner, partner, officer, director, employee, or consultant; has any financial interest in the applicant or applicant organization; is negotiating for, or has an arrangement, concerning prospective employment (2 CFR 200.318(c)(1)).

   Individuals involved in the review process may not participate in any aspect of the proposal evaluation if they have a spouse, child, sibling, parent, partner, close friend, or otherwise have a relationship that might affect judgment, or could be seen as doing so by a reasonable person familiar with the relationship.

   These rules apply to everyone involved in the review: the agency's program staff, the Panel Manager, panelists, and ad hoc reviewers. When a proposal comes up for discussion during panel, any panelist with a conflict of interest must leave the panel room or exit the discussion forum and not participate in review, discussion, or ranking of that proposal. Similarly, a Panel Manager or NPL who has a conflict of interest with a proposal may not participate in any aspect of the review for the proposal, including assigning reviewers or being present during panel discussion. Reviewers can identify a conflict of interest issue in the PRS system prior to the review of proposals.

   During the peer evaluation process, NIFA takes extreme care to prevent any actual or perceived conflicts of interest that may impact review or evaluation. See the Peer review process for competitive grant applications document on the NIFA website for further information about conflicts of interest as related to the peer review process.

E. Evaluation Criteria **COMPETITIVE AWARDS**

1. Application evaluation criteria
   To ensure any project receiving funds from NIFA is consistent with the broad goals of the funding program, the content of each proposal/application submitted to NIFA will be evaluated based on the set of review criteria specific to each program that is detailed in the RFA. The NPL develops, adopts, adapts, or otherwise establishes the criteria used to evaluate proposals. It may be appropriate for the NPL to involve other scientists or stakeholders in the development of criteria, or to extract criteria

from legislative authority or appropriations language. The review criteria are described in the RFA and will not include criteria concerning any cost sharing or matching requirements, per section 103(a)(3) of AREERA (7 U.S.C. 7613(a)(3)). All reviewers use the evaluation criteria listed in the RFA to evaluate applications.

2. Other review criteria
   Before a final funding decision is made, the following factors will also be considered:
   - Commitment of sufficient effort to the project
   - No scientific, budgetary, or commitment overlap. Scientific overlap occurs when the same research is proposed in more than one application or a specific research objective and the research design for accomplishing the objective are the same or closely related in two or more applications or awards. Budgetary overlap occurs when duplicate or equivalent budgetary items (e.g., equipment, salaries) are requested in an application but already are provided by another source. Commitment overlap occurs when an individual's time commitment exceeds 100 percent (i.e., 12 person months), whether or not salary support is requested in the application. Overlap, whether scientific, budgetary, or commitment, is not permitted. Any overlap will be resolved by NIFA with the applicant and the PD/PI at the time of award. NIFA will not make awards in support of projects that are already funded.
   - Certification of Institutional Review Board (IRB) Approval. If the proposed project involves human subjects' research, the certification date of IRB review and approval must be submitted. Pending or out-of-date approvals are not acceptable.
   - Verification of Institutional Animal Care and Use Committee (IACUC) Approval. If the proposed project involves research including live vertebrate animals, the verification date of IACUC approval along with any IACUC-imposed changes must be submitted.
   - Human Subjects Education Requirement. If the proposed project involves human subjects in research, certification that any person identified as senior/key personnel involved in human subject's research has completed an education program in the protection of human subjects must be submitted.
   - Human Embryonic Stem Cells (hESCs). If the proposed project involves hESCs and the applicant did not identify a hESC line from the NIH Human Embryonic Stem Cell Registry in the application, the information should be submitted to the Registry.
   - Other information as requested by NIFA.

F. Non-competitive application review
   A NIFA grant program may be established by either authorizing legislation and/or appropriations to specifically support a designated institution or set of institutions for particular research, education, or extension topics of importance to the nation, a state, or region. Although funding for these projects or activities is awarded noncompetitively,

they are subject to the same application process, award terms and conditions, Federal assistance laws and regulations, reporting and monitoring requirements, and post-award administration and closeout policies and procedures as competitive Federal assistance programs, unless otherwise provided. All noncompetitive applications recommended for funding must be reviewed by the NPL and, as required, other Departmental and NIFA officials (7 CFR 3430.35).

The panel's proposal rankings are advisory to NIFA and do not constitute the ultimate funding decision. Favorably ranked proposals recommended for funding are submitted by the NPL to OGFM for further review prior to an award determination being made.

G. Pre-award Review and Risk Assessment **ALL AWARDS**

Pre-award review may include (as applicable): review of OMB-designated repositories of government-wide data; assessment of risk, including cost analysis of the project/program budget, assessment of the applicant's management systems, review of the project budget, and history of performance; the applicant's ability to effectively implement statutory, regulatory, or other requirements, and confirmation of applicant eligibility or ensuring continued application eligibility (continuation awards). Pre-award reviews also follow the Uniform Guidance, 2 CFR 200.205.

Although these reviews and determinations occur before NIFA makes an award, recipients must continue to comply with eligibility and public policy requirements and maintain adequate management systems. The pre-award process for non-competing continuation awards is a streamlined version of this process.

1. Review of OMB-designated repositories of government-wide data **ALL AWARDS**
   NIFA's Office of Grants and Financial Management (OGFM) will review SAM and the Federal Awardee Performance and Integrity Information System (FAPIIS) web databases prior to making an award to determine whether an entity is registered in SAM, as well as whether there are any reports in FAPIIS and to ensure the entity is not on the excluded parties/suspension and debarment list.

2. Cost Analysis **COMPETITIVE AWARDS**
   Cost analysis is the review and evaluation of each element of an applicant's costs to determine reasonableness, allocability and allowability. Cost analysis involves obtaining cost breakdowns, validating cost data, evaluating specific elements of cost, and examining data to determine the necessity for, and the reasonableness and allowability of, the costs included in the application budget. The extent of cost analysis will depend on the type of funding instrument and award mechanism, the complexity of the project, prior experience with the applicant, and other factors. The amount of NIFA funding is based on reasonable and allowable costs consistent with the principles of sound cost management, considering the program priorities, constraints on the growth of average grant costs, and available funds.

3. Financial and Other Management Systems Analysis **COMPETITIVE AWARDS**
In addition to considering the specific information provided in the application, the Authorized Department Officer (ADO) determines the adequacy of the applicant's financial and business management systems that will support the expenditure of, and accountability for, NIFA funds. When an applicant has had no prior Federal grants or cost-reimbursement contracts, the ADO may review the applicant's financial management and other management systems before an award is made, or within a reasonable time after the award, to determine their adequacy and acceptability. For an applicant with prior NIFA or other Federal cost-reimbursement awards, the ADO may review recent audit reports and other available information to determine whether the applicant's management systems meet the standards established in 2 CFR 200.302 and 7 CFR 3430.42, as appropriate.

For grants to institutions of higher education, hospitals, and other non-profit organizations, recipients must relate financial data to performance data and develop unit cost information when practical. The recipient's financial management system must meet the following requirements (2 CFR 200.302):

- Accurate, current, and complete disclosure of the financial results of each Federally-sponsored project or program in accordance with the reporting requirements set forth in 2 CFR 200.327. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records in a manner other than on an accrual basis, the recipient is not required to establish an accrual accounting system. These recipients may develop such accrual data for required reports on the basis of an analysis of the documentation on hand.
- Records that identify adequately the source and application of funds for Federally-sponsored activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.
- Effective control over and accountability for all funds, property, and other assets. Recipients must adequately safeguard all assets and make sure they are only used for authorized purposes.
- Comparison of outlays with budget amounts for each award. Whenever appropriate, financial information should be related to performance and unit cost data.
- Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants, or payments by other means for program purposes by the recipient.
- Written procedures for determining the reasonableness, allocability, and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.

- Accounting records including cost accounting records that are supported by source documentation.

The ADO will advise the applicant if additional information is required. On the basis of the review results, the ADO will determine the need for any corrective action and may impose special conditions on the award. The ADO also will oversee the recipient's systems as part of its routine post-award monitoring.

4. Submitting Revised Documents **COMPETITIVE AWARDS**
The applicant may be asked to submit additional information (such as an updated budget or "other support" information or verification of IACUC review) or to undertake certain activities (such as negotiation of an indirect cost rate) in anticipation of an award. However, even at this point in the process, such requests do not guarantee that an award will be made. Following review of all applicable information, NIFA approving and business management officials will determine whether an award can be made, if special conditions are required, and what level of funding is appropriate.

When requested by NIFA as part of the pre-award process, PD/PIs and the AR should discuss potential changes in scope with the NIFA NPL and revise the Project Summary/Abstract, Specific Aims, and/or other sections of their application, as appropriate. Once all issues are resolved, applicants should submit the revised document, as permitted, to the appropriate NIFA individual as a PDF file. All revised application information submitted to NIFA must be approved by an AR.

IV. Award Issuance

NIFA will determine which applications will be funded after all required pre-award reviews have been conducted in accordance with the applicable legislation, regulations, and NIFA procedures. OGFM will issue an award to all successful applicants. All applicants will be notified of the funding decision made on their application. The Notice of Award is the legal document indicating an award has been made and establishing the amount of funds granted. The effective date of an award will be no later than September 30 of the Federal fiscal year for which the funds were appropriated, unless there is another date specified by law.

A. Notification **ALL AWARDS**

The Notice of Award (previously Award Face Sheet) is the legal document issued to the recipient organization that indicates an award has been made and that funds may be requested from the designated NIFA payment system, ASAP.[10] A Notice of Award showing the amount of Federal funds authorized for obligation and any future-year commitments, is issued for each budget period in the approved project period. Any costs incurred by the applicant for the project prior to issuance of the Notice of Award are incurred at the recipient's own risk. The Notice of Award will contain any special conditions applicable to that particular award. A revised Notice of Award may be issued during a budget period resulting in a change in the period or amount of support or other change in the terms and conditions of award. For example, once the condition that prompted an additional requirement to be added has been met, the Notice of Award will be amended. However, an awarding office generally will not issue a revised Notice of Award to reflect a recipient's post-award rebudgeting.

The Notice of Award sets forth pertinent information about the grant, including, at a minimum, the following:

- Unique Federal Award Identification Number (FAIN)/Award Number
- Amendment FAIN/Number
- Proposal/Application Number
- Period of Performance
- Type of Action
- CRIS Number
- REEport Accession Number
- Type of Instrument
- Awardee/Recipient Organization Name and Address
- Total Amount of NIFA Funding
- Legal Authority(ies) Under Which the Grant or Cooperative Agreement is Awarded
- Agency Name and Addresses
- Title of the project/proposal

[10] Grants to Federal agency/entity recipients are processed via the Intra-Agency Payment and Collection (IPAC) system, not ASAP.

- Method of Payment
- Approved budget (may be referenced)
- Funds Chargeable
- Name(s) and Institution(s) of Project Director(s)
- Administrative and Program Points of Contact
- Total Cost Share or Matching, Where Applicable
- Catalogue of Federal Domestic Assistance Number (CFDA)
- Name of ADO Signature of ADO
- Date
- Other information or provisions (including the terms and conditions) deemed necessary by NIFA to carry out its respective awarding activities or to accomplish the purpose of a particular grant or cooperative agreement.

A recipient indicates acceptance of an award and its associated terms and conditions by drawing or requesting funds from the designated NIFA payment system (ASAP) or office. For cooperative agreement awards and awards that have required match, NIFA may require the recipient to formally accept the award by signing and returning the Notice of Award or a separate document. When a signature is required, the AR must be the signatory of the Notice of Award. If a recipient cannot accept the award, including the legal obligation to perform in accordance with award terms and conditions, the organization should notify the ADO immediately upon receipt of the Notice of Award. Recipients will be asked to relinquish the award if the award has been made and the recipient determines that they can't carry out the project; if necessary, NIFA will terminate the award due to noncompliance. NIFA's determination of applicable terms and conditions of award or an ADO's denial of a request to change the terms and conditions is discretionary and not subject to appeal. Once the recipient accepts the award, the contents of the Notice of Award are binding on the recipient unless and until modified by a revised Notice of Award signed by the ADO (7 CFR 3430.41-42).

1. Competitive Notice of Award Issuance **COMPETITIVE AWARDS**
Grantees are notified via email when an award has been issued. To ensure proper electronic delivery of the Notice of Award, the applicant organization must be sure to enter a valid email address in the application on Grants.gov. Organizations are encouraged to use a unique email address that is not specific to an individual in order to avoid communication problems when personnel change. It is the responsibility of the grantee organization to notify NIFA of personnel changes in order to maintain a current and accurate email address for Notices of Award.

When NIFA issues the Notice of Award, the document is made available to grantee officials and corresponding PD/PIs via email. Notices of Award include information informing the grantee if a requirement is not met and that "funds are not authorized" pending receipt of the required document(s) or if a significant grant-related issue is unresolved.

2. Capacity Award Notification **CAPACITY AWARDS**
A Notice of Award will be issued after NIFA approves the action on an award. The award notification includes an itemization of funds to be distributed through ASAP, by award, as applicable. The Notice of Award is generated when OGFM's Financial Management Division approves the action in the FMMI accounting system. The Notice of Award is sent from ezFedGrants to the AR and the PD. It is also accessible in ezFedGrants.

Notices of Award include information informing the grantee if a requirement is not met and that "funds are not authorized" pending receipt of the required document(s) or if a significant grant-related issue is unresolved. NIFA will issue amendments to Capacity grantees quarterly, or as needed, to increase or decrease the FY allocation amount previously authorized, or when requested by the grantee for an internal change.

Any one of the following conditions will require an amendment to be generated. Some amendments are administrative (no new Notice of Award is issued) while some require an amended Notice of Award to be issued.

- A change in the recipient's name or the ASAP-issued account number. The recipient's staff should notify NIFA immediately if this information changes.
- An increase or decrease in the amount authorized. NIFA issues these amendments when revisions are received that increase or decrease the total authorization in ASAP.
- A change in the AR or the PD.
- The recipient organization fails to complete any reports that are required by NIFA (i.e., administrative, financial, and programmatic requirements).

The State Experiment Station Director, Extension Director, 1890 Extension Administrator, 1890 Research Director, Administrative-Technical Representative (McIntire-Stennis), and EFNEP Coordinator will be the primary contacts NIFA will attempt to reach, followed by the Business Manager, and the Accountant, should he or she not be accessible. Awardees should ensure NIFA has all telephone, cellular phone, fax numbers, and email addresses in case a disaster occurs in Washington, DC, and/or the awardees' state. NIFA will rely on the Key Contacts Form submitted through grants.gov for this contact information. Key contacts information and any changes are submitted to OGFM's Awards Management Division – the ADO or grant specialist.

3. Feedback to Applicants **COMPETITIVE AWARDS**
Following the funding decisions, NIFA's general policy is to provide individual written reviews of their proposal (with the reviewers' identifying information removed to

maintain reviewer confidentiality), the panel summary, and information on the relative ranking of their proposal. Please contact the appropriate NPL with questions regarding receipt of reviewer comments (7 CFR 3430.31-37).

B. Payment **ALL AWARDS**

1. General **ALL AWARDS**

The Notice of Award identifies the method of payment that will be utilized for grant payments under the award. NIFA utilizes the U.S. Department of Treasury's ASAP system for all of its grant payments, except for grant payments made to Federal entities. Grant payments made to Federal entities are processed via the Intra-Governmental Payment and Collection (IPAC) system. The NIFA Notice of Award (for a grant to a non-Federal entity) indicates the method of payment (i.e., ASAP) and the ASAP Account ID for the individual grant.

2. Automated Standard Application for Payments (ASAP) System **ALL AWARDS**

To receive grant payments in ASAP, the grantee or recipient organization (RO) must be enrolled in ASAP. All new NIFA grantees receive via email a NIFA Introduction to ASAP Letter, along with the NIFA NOA and the approved budget. However, the enrollment process is shorter for grantees already enrolled with another Federal agency.

If already enrolled in ASAP for a different NIFA award, grantees do not need to re-enroll provided the account remains in active status. Active status is maintained by logging into the system at least once every 90 days.

Within two business days of the NOA email, the Federal Agency Enrollment Initiator, a Financial Management Division staff member on the NIFA ASAP Team, will enter information into ASAP about the Recipient organization (RO), including RO name, DUNS number, Employer Identification Number (EIN), and Point of Contact (POC). NIFA uses the Authorized Representative (AR) identified in the SF-424 R&R Federal Assistance Application for the POC. The POC is then contacted by ASAP to identify the following RO officials: Head of Organization (HOO), Authorizing Official (AO), and Financial Official (FO). The HOO approves the individuals for these ASAP roles while the AO verifies organizational information and identifies at least one Payment Requestor (PR) and the Financial Official provides the banking information. Each official has 45 days to complete their task or the initial enrollment will be deleted in ASAP. ASAP then requires 10 days to validate the banking information. Each RO official will receive an email from ASAP with their ASAP log in and a temporary password via regular mail. RO officials are strongly encouraged to contact the U.S. Treasury's ASAP Help Desk in Kansas City, Missouri, to receive their temporary password earlier at (855) 868-0151 (option 2, option 3); 7:30 a.m. – 6:00 p.m. Eastern (Monday - Friday).

Grantees may provide up to eight bank accounts and indicate whether the account is an Automated Clearing House (ACH) account or a Fedwire account. In both methods, the funds will deposited in the grantee's bank account within three business days. Note, ASAP will be unavailable the last four business days of each month.

3. ASAP Resources **ALL AWARDS**

a. NIFA

- **NIFA ASAP Help Desk** via Email Box (ASAPCustomerService@nifa.usda.gov)
- NIFA Grants Web Page, "Grant Payments" (https://nifa.usda.gov/grantpayments)
    - **Overview** of Payments Process (ASAP) [See three charts]
    - **FAQs** for NIFA Payments Policies and Procedures
    - **NIFA Annual Schedule** for the Monthly Suspension of ASAP Accounts

b. U.S. Department of Treasury's ASAP

- **Help Desk:** kfc.asap@fiscal.treasury.gov or (855) 868-0151 (option 2, option 3); 7:30 a.m. – 6:00 p.m. Eastern (Monday - Friday)
- **Public Website:** www.ASAP.gov
- **ASAP "Help" Menu** after ASAP Log in (e.g., Procedures - Enrollment, Payments)
- **News and Information**
- **ASAP.gov Hours of Operations:**
  Inquiries: 8:00 am – 11:59 pm Eastern (Monday – Friday)
- **Payments:**
  Fedwire Payments (same day settlement) 8:00 a.m. - 5:45 p.m. ET
  ACH Payments (next day settlement) 8:00 a.m. - 11:59 p.m. ET
  Same Day ACH Payments (effective 3/2018) – Check ASAP for details

C. Terms and Conditions **ALL AWARDS**

NIFA awards are based on the application submitted to, and approved by, NIFA and are subject to the terms and conditions incorporated either directly or by reference in the following authorities:

- The program legislation and/or program regulation cited in the Notice of Award
- Other statutes (as incorporated by reference)
- Relevant sections of the Code of Regulations
- The NIFA Federal Assistance Policy Guide
- The award documents including all terms and conditions cited on the document or attachments

Terms and conditions dictate important items related to the grant, including reporting frequency and content, and prior approval requirements. The Notice of Award will reference the terms and conditions applicable to the award. Visit the NIFA website to view NIFA's terms and conditions.

To create greater consistency in the administration of Federal research awards, NIFA utilizes the standard Research Terms and Conditions (RTC) that address and implement the Uniform Guidance (2 CFR part 200). The Research Terms and Conditions apply to all awards to hospitals, institutions of higher education, other non-profit organizations, and for-profit organizations, but not to capacity funded programs, the 1890 Facilities program, the Small Business Innovation Research program, or awards to individuals. The Research Terms and Conditions are available on the NIFA website.

Federal administrative requirements allow agencies to waive certain cost-related and administrative prior approval pursuant to expanded authorities (2 CFR 200.207 and 2 CFR 200.308). The NIFA-Specific Research Terms and Conditions expand on or add to the government-wide terms and conditions. Specific NIFA programs might have additional requirements that will be noted in the RFA and on the Notice of Award.

D. Period of Performance (Project Period) **ALL AWARDS**

"Period of Performance" has the meaning given in 2 CFR 200.77, 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 (d)(2). The period of performance is identified in the Notice of Award. Statutory language or agency policy may limit the maximum potential period of performance (including any awards transferred from another institution or organization). The period of performance will commence on the effective date cited in the award instrument. Any such limitation also applies to sub awards made under awards subject to a period of performance limitation.

1. Competitive Awards **COMPETITIVE AWARDS**

a. Period of Performance (Project Period) **COMPETITIVE AWARDS**

The period of performance, or project period, of a grant or cooperative agreement is the period of time when Federal funding is available for obligation by the recipient. The start and end dates of the period of performance will be included in the Notice of Award. The period of performance will also include any extension of the expiration date of the award. For most grants, NIFA uses the project period system of funding. Under this system, projects are programmatically approved for support in their entirety, but are funded in annual increments called budget periods. The period of performance or project period may be extended by an award action (e.g., continuation or renewal award) or post-award action (no-cost extension).

The length of the project period (whether for one or more competitive segments) is determined by NIFA, in consideration of the following:

- Any statutory, regulatory, or administrative requirements;
- The length of time requested by the applicant;

- Any limitation on the length of the project period recommended by the objective or reviewers;
- NIFA's programmatic determination of the frequency of objective review necessary for managing the project, program, or activity; and
- NIFA's funding principles as specified in the RFA.

b. Budget Period **COMPETITIVE AWARDS**

The initial Notice of Award provides funds for the project during the first budget period or, in some instances, for the entire award. Budget periods usually are 12 months long; however, shorter or longer budget periods may be established for programmatic or administrative reasons. The Notice of Award will show the total approved budget for the applicable budget period, including direct costs and, if applicable, indirect costs as well as any required matching or cost sharing.

The initial Notice of Award, and each subsequent Notice of Award that provides funding, sets forth the amount awarded under that action. The Notice of Award will be amended for any additional funding which then will display amounts previously awarded as well as any additional funds being provided through the amendment. The amount awarded also is generally shown with a categorical (line item) budget breakdown. The recipient has certain re-budgeting flexibility consistent with prior approval waivers, however, the total amount awarded (including direct and indirect costs, where applicable) is NIFA's maximum financial obligation to the recipient under that award. Once an award is made, NIFA is not obligated to make any supplemental or other award or to provide additional funding for indirect costs or other purposes.

Some Notices of Award approve a project period that extends beyond the budget period for which funds are provided, indicating NIFA's intention to provide continued financial support. The amounts shown for subsequent years represent projections of future funding levels based on the information available at the time of the initial award. Such projected levels of future support are contingent on satisfactory progress, the availability of funds, and the continued best interests of the Federal government. There are no guarantees that the project or program will be funded or will be funded at those levels, and they create no legal obligation to provide funding beyond the end date of the current budget period as set forth in the Notice of Award.

Recipients are required to submit a non-competing continuation application and an annual progress report as a prerequisite to approval and funding of each subsequent budget period (continuation award) within an approved project period. A decision to fund the next budget period will be formalized by the issuance of a Notice of Award indicating the new budget period and the amount of new funding.

2. Capacity Awards **CAPACITY AWARDS**

The period of performance for capacity awards varies by statutory authority. Capacity awards are made for 1 year (i.e. fiscal year), but have carryover provisions, as authorized in statute, that extend the period of performance as outlined below:

CAPACITY PROGRAM	TOTAL PERIOD OF PERFORMANCE WITH CARRY OVER PROVISIONS
Smith-Lever 3(b) & (c) Smith-Lever Special Needs	5 years
Hatch and Hatch Multistate	2 years
Research at 1890s (Evans-Allen/Section 1445)*	2 years
Extension at 1890s (Section 1444)	2 years (Carry over to year two limited to 20%)
Animal Health and Disease Research	2 years
McIntire-Stennis	2 years (50% carryover requires NIFA Program approval)
RREA	2 years (50% carryover requires NIFA Program approval)
EFNEP	5 years
UDC	5 years

a. Carry over **CAPACITY AWARDS**

Limits for carryover on capacity funds are legislatively determined or implemented as regulatory or policy decision. Specific carryover limitations established by the authorizing legislation or NIFA regulation or policy are indicated in the annual program RFA. As authorized by the terms and conditions of their award, capacity grantees may carry over unobligated balances to the next fiscal year. An unobligated balance is the portion of the authorized Federal funds not yet obligated by the recipient. It is calculated by subtracting the Federal share of the recipient's cumulative obligations from the cumulative Federal funds obligated. In comparison, an unliquidated obligation is the amount of obligations incurred by the grantee but not yet paid. Unliquidated obligations should not be included in the unobligated balance.

Recipients with a remaining, unobligated balance at the end of the fiscal year of appropriation may carry over those funds for periods of time and amounts dictated by the program-specific legislation or regulation. If the carryover amount exceeds any congressionally imposed limitations, either by percentage or by time, the funds will be considered excess carryover and will be de-obligated and returned to the U.S. Treasury.

Carryover balances are monitored to ensure that funding is used within the permitted time period. Recipients should have in place a method of tracking carryover balances so that funds are used pursuant to a "first in, first out" (FIFO) policy as part of their accounting system. It is not required that earliest funds be used first before drawing down later ones, but rather FIFO is a method to help ensure that funds are spent before they expire.

b. Obligation period **CAPACITY AWARDS**
Awarded NIFA capacity funds must be obligated within the period of performance and liquidated within 90 days of the end of the period of performance. For example, for 1-year awards with 1 year carry over, the period of performance is 2 years and liquidation would occur 90 days after the end of the 2-year period of performance. All funds not carried over or used within the project period must be de-obligated. If unobligated funds remain and the recipient does not intend to spend the unobligated balance, NIFA should be notified and arrangements will be made for any unspent funds to be returned to NIFA. Please refer to closeout section, Section V.O. of this guide, for more details.

E. No-Cost Extensions **COMPETITIVE AWARDS**
If necessary, NIFA can grant a one-time extension of time, for up to 12 months, to complete an award (7 CFR 3430.58(b)). No-cost extensions are typically granted when additional work remains to be completed, and the recipient organization still has resources remaining to complete the work. However, the mere fact that funds remain at the end of the initial project period is not sufficient support for a No-Cost Extension. If NIFA does not permit an extension of an award, the project will end on the original date identified in the Notice of Award. Refusing to extend a project period does not terminate an award. A single extension will not usually be for more than 12 months, and only exceptional circumstances will support deviation from this policy (7 CFR 3430.58(b)). NIFA will not approve any extension request if the primary purpose of the proposed extension is to permit the use of unobligated balances of funds, the terms and conditions of the award prohibit an extension, the extension would require additional Federal funds, or the extension would require changes in the approved objectives or scope (7 CFR 3430.58(b)). All terms and conditions of the initial award apply during the extended period.

Check the applicable terms and conditions to determine if NIFA prior approval requirement for a one-time no-cost extension is waived. If so, the recipient initiates the no-cost extension of time by notifying NIFA in writing with support and a revised expiration date at least 10 days before the original expiration date (7 CFR 3430.58(b)). Recipients must notify NIFA that they are exercising their authority to extend without funds the completion date of an award. Notifications must be submitted as a PDF attachment to an email sent to NIFA. Usually, no more than one no-cost extension is permitted, unless there are exceptional circumstances.

When more than one no-cost extension of time or an extension of more than 12 months is required, the extension(s) must be approved in writing by the NIFA ADO (7 CFR 3430.58(b)(2)). Usually, no more than one no-cost extension or extension of more than 12 months is permitted unless there are exceptional circumstances. For 2nd or subsequent no cost extension(s), which require NIFA prior approval, written requests must be submitted 30 days prior to expiration. The request must contain, at a minimum, the following information:

- The length of the additional time required to complete the project objectives and a justification for the extension;
- A summary of the progress to date (a copy of the most recent Progress Report and, where applicable, the attachment is acceptable provided the information is current);
- An estimate of the funds expected to remain unobligated on the scheduled expiration date;
- A projected timetable to complete the portion(s) of the project for which the extension is being requested; and,
- The signature of the AR and the PD/PI. The necessary signatures must be included or the request will be returned by NIFA.

NIFA may consider and approve requests for no-cost extensions of time up to 120 days following the expiration of the award (7 CFR 3430.58). Requests for extension beyond the standard one-time 12-month extension will only be approved under extenuating circumstances, as determined by NIFA. The awardees' AR must submit the requirements identified above, as well as an ''extenuating circumstance'' justification and a description of the actions taken by the awardee to minimize these requests in the future. All extensions are subject to any statutory term limitations as well as any expiring appropriation limitations under 7 CFR 3430.63.

By extending the final budget period of the project period through a no-cost extension, the grantee agrees to update all required certifications and assurances, including but not limited to those pertaining to human subjects and animal welfare, in accordance with applicable regulations and policies. All terms and conditions of the initial award apply during the extension period.

Once a no-cost extension of time is executed via an amendment to the Notice of Award, OGFM's Financial Management Division processes the no-cost extension of time in ASAP by extending the period of performance. Contact the NIFA ASAP Help Desk in the event the period of performance has not been extended in ASAP after the NOA amendment has been issued for the no-cost extension of time.

F. Capacity Formulas **CAPACITY AWARDS**

NIFA is statutorily required to award capacity funds when applicants meet the legislatively determined eligibility requirements. Eligible recipients do not compete for the Capacity (formerly referred to as Formula) grant funds. Through capacity grants, NIFA provides a broad suite of support activities, including research and extension, to 1982 and 1890 land-grant institutions, schools of forestry, and schools of veterinary medicine. Capacity funds are provided to 1862 institutions and agricultural experiment stations under the Hatch Act of 1887; extension funds are provided to 1862 land-grant institutions under sections 3(b) and 3(c) of the Smith-Lever Act and section 208(c) of the District of Columbia Postsecondary Education Reorganization Act; agricultural extension and research funds are provided to 1890 institutions under sections 1444 and 1445 of NARETPA; EFNEP funds are allocated to eligible 1862 and 1890 institutions under Smith-Lever Section 3(d); research funds are provided to forestry schools under the McIntire-Stennis Act of 1962; and animal health and disease research funds provided to veterinary schools and agricultural experiment stations under section 1433 of NARETPA.

Capacity funds are distributed based on the statutory requirements associated with the particular program. The Smith-Lever Act and Section 1444 of the National Agricultural Research Extension and Teaching Policy Act of 1977, and the Hatch Act provide that payments to the states are to be made on a quarterly basis: October, January, April, and July. Section 208(c) of the D.C. Public Postsecondary Education Reorganization Act adopts the payment procedures of the Smith-Lever Act; however, institutions are encouraged to draw funds on an as-needed basis.

Under a continuing resolution, NIFA may distribute funds on a revised schedule, in accordance with the applicable legislation. NIFA will provide assurances in quarterly communication with heads of units receiving capacity funds regarding pending availability of funds, ensuring that states know what to anticipate in such an environment.

G. Capacity Programs Matrix: Formula, Use of Funds, Limitations, Reporting, Match, Carryover **CAPACITY AWARDS**

Capacity Awards	Cooperative Extension at 1862 Institutions [Smith-Lever 3(b) & (c)] AREERA program
Formula	Smith-Lever 3(b) & (c) funds are allocated to eligible institutions based on a legislatively determined formula. Each state receives a base amount at the 1962 funding level. The University of Guam and University of the Virgin Islands will each receive $100,000 in addition to the sums appropriated to the several states.[11] The remainder is distributed as follows: • 20 percent will be paid to the states in equal proportion • 40 percent will be paid to the several states in the proportion that the rural population of each bears to the total rural population of the several states as determined by the census; and, • The balance will be paid to the several states in the proportion that the farm population of each bears to the total farm population of the several states as determined by the census (7 U.S.C. 343(c)).
Use of Funds	• Smith-Lever Act sections 3(b) and 3(c) Federal funding may only be used for extension programs consistent with the institution's approved 5-year Plan of Work. • Starting in FY 2018, because of the phase out of CSRS and FERS Retirement contribution programs, NIFA will continue to pay the Workers' Compensation benefits of the former Schedule A employees directly to Department of Labor and will charge the 1862 institution by reducing its annual allocation under the Smith-Lever section (b) and (c) statutory formula.
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. • Employer contributions to land-grant college retirement systems 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. See Section VI.H.1 of this guide for additional information. • If any funds are diminished, lost, or misapplied, the state must replace the funds and no additional funds will be awarded to that state until the funds are replaced. • The period of performance may NOT be extended.
Reporting Requirements	• Eligible institutions must have an approved Plan of Work (POW) on file with NIFA. • Plan of Work and Plan of Work Annual Report of Accomplishments and Results (due April 1) • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation* • REEport Annual Progress Report *

[11] The College of Micronesia administers the extension program for the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Capacity Awards	Cooperative Extension at 1862 Institutions [Smith-Lever 3(b) & (c)] AREERA program
	• REEport Financial Report (due February 1 annually) • REEport Final Progress report* * New requirement being implemented during Plan of Work 2019 cycle. Due date to be determined.
Matching Requirement	• 100 percent of total funds available (50 percent for insular areas). Waiver for up to 100 percent of required match for insular areas
Carryover	Sections 3(b) and (c) of the Smith-Lever Act funds are expected to be fully expended in the fiscal year of appropriation; however, any obligated balance of funds which remains at the end of any year, except the final year of the award, will be carried over to the next year, and may be used to defray costs of any year 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 funds. Any unused funds at the end of the period of performance must be returned to the US Treasury.

Capacity Awards	District of Columbia Public Postsecondary Education Reorganization Act (DCPPERA) AREERA Program
Formula	All appropriated funds are allocated to the University of the District of Columbia.
Use of Funds	• Funds must be used in accordance with the Smith-Lever Act. Smith-Lever Act sections 3(b) and 3(c) Federal funding may only be used for extension programs and an activities consistent with the institutions approved 5-year Plan of Work.
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 support indirect costs or tuition remission (7 U.S.C. 3319). • If any funds are diminished, lost, or misapplied, the District of Columbia is responsible for replacing the funds, and until the funds are replaced, no additional appropriations will be paid to the District of Columbia. • Funds cannot be spent, directly or indirectly, on the purchase, construction, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in the Smith-Lever Act. • A portion of DCPPERA funds must support integrated activities, in accordance with the institution's established target percentage. • Employer contributions to land-grant college retirement systems 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. See Section VI.H.1 of this guide for additional information. • The period of performance may NOT be extended.
Reporting Requirements	• Eligible institutions must have an approved Plan of Work (POW) on file with NIFA. • Plan of Work and Plan of Work Annual Report of Accomplishments and Results (due April 1) • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation* • REEport Annual Progress Report *

Capacity Awards	District of Columbia Public Postsecondary Education Reorganization Act (DCPPERA) AREERA Program
	• REEport Financial Report (due February 1 annually) • REEport Final Progress report* * New requirement being implemented during Plan of Work 2019 cycle. Due date to be determined.
Matching Requirement	• As of September 2018, there is no matching or cost sharing requirement for DCPPERA recipients. Section 7417 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246) eliminated any matching requirement for the extension formula funds provided to the University of the District of Columbia, effective Oct. 1, 2008.
Carryover	• DCPPERA funds are expected to be fully expended in the fiscal year of appropriation; however, any obligated 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 project. Since the carryover of unobligated balances is automatic, no separate or specific awarding agency prior approval is required to authorize use of funds. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

Capacity Awards	Agricultural Extension at 1890 Land-Grant Institutions (Section 1444 Program) AREERA Program
Formula	Funds will be appropriated to eligible institutions according to the following formula on a quarterly basis: • Funds will first be allocated at the FY1978 baseline to institutions. • 20 percent will be allocated among institutions in equal proportions. • 40 percent will be allotted among the eligible institutions in the proportion that the rural population of the state in which each eligible institution is located bears to the total rural population of all the states in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated. • The balance is allotted to the eligible institutions in the proportion that the farm population of the state in which each eligible institution is located bears to the total farm population of all the states in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated. • Tuskegee University and Alabama A&M University will be treated as though they are in separate states for purposes of determining the distribution of allocated funds.
Use of Funds	• Section 1444 program funding may only be used to support agricultural extension activities consistent with the approved 5-year Plan of Work.
Limitations	• If any Section 1444 funds are diminished, lost or misapplied, the institution must replace the funds and no additional funds will be allocated until they are replaced. • Funds cannot be applied, directly or indirectly, to the purchase, construction, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college course teaching, lectures in college, or any other purpose specified in section 1444. • Funds cannot be used for indirect costs or tuition remission. • The period of performance may NOT be extended. • Employer contributions to land-grant college retirement systems 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

Capacity Awards	Agricultural Extension at 1890 Land-Grant Institutions (Section 1444 Program) AREERA Program
	exceed the contributions from non-Federal sources made by or on behalf of the individual concerned. See Section VI.H.1 of this guide for additional information.
Reporting Requirements	• Eligible institutions must have an approved Plan of Work (POW) on file with NIFA. • Plan of Work and Plan of Work Annual Report of Accomplishments and Results (due April 1) • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation* • REEport Annual Progress Report* • REEport Financial Report (due February 1 annually) • REEport Final Progress report* * New requirement being implemented during Plan of Work 2019 cycle. Due date to be determined.
Matching Requirement	• Waiver for up to 50 percent of the total funds available.
Carryover	• Section 1444 funds are expected to be fully expended in the fiscal year of appropriation; however, no more than 20 percent of the initial funding may be carried over into the next fiscal year. These carryover funds must be fully expended by September 30 of the following year. Any unused funds at the end of the period of performance must be returned to the U.S. Treasury.

Capacity Awards	Agricultural Research at 1890 Land-Grant Institutions (Evans-Allen/Section 1445) AREERA Program

Formula	Section 1445 funds are allocated to eligible institutions based on a legislatively determined formula. Appropriated funds are allocated according to the following legislatively determined formula:
	• Funds will first be allocated at the FY1978 baseline to institutions.
	• Funds in excess of the FY 1978 baseline are distributed as follows:
	  ○ 20 percent shall be allotted among eligible institutions in equal proportions;
	  ○ 40 percent shall be allotted among the eligible institutions in the proportion that the rural population of the state in which each eligible institution is located bears to the total rural population of all the states in which eligible institution are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated; and
	  ○ the balance of 40 percent shall be allotted among the eligible institutions in the proportion that the farm population of the state in which each eligible institution is located bears to the total farm population of all the states in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated.
	• In computing the distribution of the allocated funds, the allotments to Tuskegee University and Alabama A&M University shall be determined as if each institution were in a separate State.

Use of Funds	• Section 1445 (Evans-Allen Research Programs) funds may only be used on approved Evans-Allen Research program projects.

Capacity Awards	Agricultural Research at 1890 Land-Grant Institutions (Evans-Allen/Section 1445) AREERA Program
	• Evans-Allen funds may be used to pay the necessary expenses of planning, coordinating, and conducting cooperative research with other agencies, institutions, and/or individuals.
Limitations	• Funds cannot be spent on indirect costs and tuition remission. • If any section 1445 funds are diminished, lost or misapplied, the institution must replace the funds and no additional funds will be allocated until they are so replaced. • Employer contributions to land-grant college retirement systems 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. See Section VI.H.1 of this guide for additional information. • The period of performance may NOT be extended.
Reporting Requirements	• Eligible institutions must have an approved Plan of Work (POW) on file with NIFA. • Plan of Work and Plan of Work Annual Report of Accomplishments and Results (due April 1) • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation • REEport Annual Progress Report (due March 1 annually) • REEport Financial Report (due February 1 annually) • REEport Final Progress report (due by March 1 in the fiscal year following the Federal FY in which the project ends)
Matching Requirement	• 100 percent of total funds available. Waiver for up to 50 percent of required match with NIFA approval.
Carryover	• Funds are to be spent in the year of appropriation; however, 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.[12] 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.

[12] If funds are deducted due to unexpended, carried over balances, the deducted amount will be redistributed in accordance with the established formula to eligible institutions whose allocation is not subject to any deductions (7 U.S.C. 3222(a)(5)(B)(ii)).

Capacity Awards	Hatch Act AREERA Program

Formula	Under the Hatch Act, State Agricultural Experiment Stations receive funds based on a legislatively determined formula. Appropriated funds are distributed as follows:
	• Each state receives the previous year's baseline plus the current year increase, if applicable. .
	• The remainder is distributed as follows:
	  ○ 25 percent of funds allotted for the Hatch Multistate Research Fund (which is further allocated according to a separate calculation—see section 5.7
	  ○ 20 percent of funds allotted in equal proportions to eligible institutions
	  ○ 26 percent of funds allotted to eligible institutions in proportion to the rural population within the state in which the institution resides
	  ○ 26 percent of funds allotted to eligible institutions in proportion to the farm population within the state in which the institution resides
	  ○ $100,000 allotted to each eligible institution located in an Insular Area (American Samoa, the Commonwealth of Puerto Rico, Guam, Micronesia, Northern Mariana Islands, and the Virgin Islands of the United States)
	  ○ 20 percent is equally distributed to each state;
	  ○ 26 percent in an amount which bears the same ratio to the total amount to be allotted as the rural population of the state bears to the total rural population of all the states as determined by the last preceding decennial census; and
	  ○ 26 percent in an amount which bears the same ratio to the total amount to be allotted as the farm population of the state bears to the total farm population of all the states as determined by the last preceding decennial census 25 percent is distributed to states for multistate research as part of the "Multistate Research Fund, State Agricultural Experiment Stations."
	• Funds allocated under the Hatch Act shall be paid to each State Agricultural Experiment Station in equal quarterly payments.

Use of Funds	• Agricultural research, printing and disseminating the results of research, administrative planning and direction, and for the purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting research • Hatch funding must be used on approved Hatch projects, including Hatch Multistate Research Funds projects and other allowed activities.
Limitations	• Funds may not be used for indirect costs or tuition remission. • If any allocated funds are diminished, lost, or misapplied, the responsible State must replace such funds. No additional appropriations will be made to that state until the funds are replaced. • Employer contributions to land-grant college retirement systems 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. See Section VI.H.1 of this guide for additional information. • The period of performance may NOT be extended.

Capacity Awards	Hatch Act AREERA Program
Reporting Requirements	• Eligible institutions must have an approved Plan of Work (POW) on file with NIFA. • Plan of Work and Plan of Work Annual Report of Accomplishments and Results (due April 1) • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation • REEport Annual Progress Report (due March 1 annually) • REEport Financial Report (due February 1 annually) • REEport Final Progress report (due by March 1 in the fiscal year following the Federal FY in which the project ends)
Matching Requirement	• 100 percent of total funds available (50 percent for insular areas). Waiver for up to 100 percent of required match for insular areas.
Carryover	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.

Capacity Awards	Hatch – Multistate Research Fund, State Agricultural Experiment Stations AREERA Program
Formula	Not less than 25 percent of the total Hatch Act of 1887 funding is allotted to the states for cooperative research employing multidisciplinary approaches in which a state agricultural experiment station, working with another state agricultural experiment station, the Agricultural Research Service, or a college or university, cooperates to solve problems that concern more than one state. Funds are allocated on a prorata basis and allocations are adjusted to support national and regional projects. These projects and their associated budgets are reviewed and approved annually.
Use of Funds	Hatch Multistate Federal funds may only be used on approved Hatch Multistate projects.
Limitations	• Funds may not be used for indirect costs or tuition remission. • If any allocated funds are diminished, lost, or misapplied, the responsible state must replace such funds. No additional appropriations will be made to that State until the funds are replaced. • Employer contributions to land-grant college retirement systems 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. See Section VI.H.1 of this guide for additional information. • The period of performance may NOT be extended.
Reporting Requirements	• Eligible institutions must have an approved Plan of Work (POW) on file with NIFA. • Plan of Work and Plan of Work Annual Report of Accomplishments and Results (due April 1) • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award)

Capacity Awards	Hatch – Multistate Research Fund, State Agricultural Experiment Stations AREERA Program
	• REEport Project Initiation • REEport Annual Progress Report (due March 1 annually) • REEport Financial Report (due February 1 annually) • REEport final progress report (due by March 1 in the fiscal year following the Federal FY in which the project ends)
Matching Requirement	• 100 percent% of total funds available (50 percent for insular areas). Waiver for up to 100 percent of required match for insular areas.
Carryover	• 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.

Capacity Awards	Continuing Animal Health and Disease Research Program (AHDR)[13]
Formula	Appropriated funds are distributed to eligible institutions in accordance with the following formula: • One half of the state allotment will be distributed among the states in the proportion that the value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in each state bears to the total value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in all the states, based on the most current inventory of all cattle, sheep, swine, horses, poultry, and commercial aquaculture species published by the Department of Agriculture. • The remainder of the state allotment will be distributed among the states in the proportion that the animal health research capacity of the eligible institutions in each state bears to the total animal health research capacity in all the states, as determined by NIFA.
Use of Funds	• ADHR Federal funding may only be used on AHDR-approved research projects.
Limitations	• 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. • NIFA must approve all projects to be funded. Prior to submission to NIFA for approval, the dean or director of the eligible institution must approve of all projects. • The period of performance may NOT be extended. • Employer contributions to land-grant college retirement systems 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

[13] Formal title is: Capacity and Infrastructure Program Part (a) of the Continuing Animal Health and Disease, Food Security, and Stewardship Research, Education and Extension Program

Capacity Awards	Continuing Animal Health and Disease Research Program (AHDR)[13]
	exceed the contributions from non-Federal sources made by or on behalf of the individual concerned. See Section VI.H.1 of this guide for additional information.
Reporting Requirements	• Annual Program of Research • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation • REEport Annual Progress Report (due March 1 annually) • REEport Financial Report (due February 1 annually) • REEport final progress report (due by March 1 in the fiscal year following the Federal FY in which the project ends)
Matching Requirement	• 100 percent match for amount over $100,000
Carryover	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. 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.

Capacity Awards	Expanded Food and Nutrition Education Program (EFNEP)
Formula	EFNEP funds are allocated to eligible 1862 and 1890 institutions based on a legislatively determined formula. Funds are allocated as follows: • 1862 Institutions shall receive a base in an amount equaling their FY 1981 allocation. • $100,000 will be distributed to each 1862 and 1890 land-grant institution, including the University of the District of Columbia. • Revised in (FY) 2014 – 15 percent of funds appropriated for EFNEP in excess of funds appropriated in FY 2007 were allocated to the 1890 institutions in an amount bearing the same ratio to the population living at or below 125 percent of the poverty level (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C.9902(2)) in the state where the 1890 institution is located; bears to the total population living at or below 125 percent of the poverty level in all states where 1890 institutions are located; as determined by the most recent decennial census at the time when the appropriated amount first exceeds levels appropriated for EFNEP in FY 2007. • The remainder will be allocated to each state in an amount that bears the same ratio to the total amount allocated as the population living at or below 125 percent of the poverty level in the state; bears to the total population living at or below 125 percent of poverty level in all states; as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.
Use of Funds	• EFNEP Federal funding must be spent on EFNEP programming in accordance with program policies and the approved budget.

Capacity Awards	Expanded Food and Nutrition Education Program (EFNEP)
Limitations	• EFNEP funds cannot be used, directly or indirectly, for the purchase, construction, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in program legislation. • Funds cannot be used for any purpose(s) other than those in the RFA and the approved in the grant documents. • EFNEP funds cannot be used for indirect costs or tuition remission. • If any funds distributed to states for cooperative agricultural extension work are diminished, lost, or misapplied, the state must replace the funds and no additional funds will be awarded to that state until the funds are replaced. • The period of performance may NOT be extended. • Use of funds for employer contributions to land-grant college retirement systems may be subject to limitations in 7 U.S.C. 331. NIFA is seeking legal guidance and will update this guide with final requirements. See Section VI.H.1 of this guide for additional information.
Reporting Requirements	• EFNEP Annual Update/5-year plan • EFNEP Budget Sheet & Budget Justification • Annual and final SF-425 financial report due December 30 each year. • Year End Data, submitted via WebNEERS, EFNEP's Web-based Nutrition Education Evaluation and Reporting System
Matching Requirement	• No match
Carryover	Funds are to be fully expended in the fiscal year of appropriation; however, 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.

Capacity Awards	Civil Service Retirement System (CSRS) Retirement Contributions Program
Formula	This program was phased out over the previous 10 years, beginning in FY 2006. The final year for separate CSRS allocations was 2015. As of FY 2018, no new funds will be awarded for the CSRS Retirement Contributions Program. Previous CSRS program funds were allocated to the institutions with former Schedule A Appointments based on each institution's relative share of the total payments to the Office of Personnel Management (OPM) during the previous year. Effective Jan. 31, 2003, the USDA's authority to grant Schedule A Excepted Appointments to CES employees was terminated (Pub. L 107-171, Farm Security and Rural Investment Act of 2002, section 7220 (May 13, 2002)). Starting in FY 2018, NIFA will continue to pay the Workers' Compensation benefits of the former Schedule A employees directly to DOL and will charge the 1862 institution by reducing its annual allocation under the Smith-Lever section (b) and (c) statutory formula.
Limitations	• Funds can only be used to support CSRS retirement costs for former Schedule A Appointments. • If any funds are diminished, lost, or misapplied, the institution is responsible for replacing the funds, and until the funds are replaced, no additional appropriations will be paid to the institution.

Capacity Awards	Civil Service Retirement System (CSRS) Retirement Contributions Program
	• Funds cannot be spent, directly or indirectly, on the purchase, construction, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose, unless specifically provided. • Funds cannot be used for indirect costs or tuition remission. • The period of performance may NOT be extended.
Reporting Requirements	• SF-425 financial report annually due December 30 each year.
Carryover	CSRS Retirement Contributions Program funds are expected to be fully expended in the fiscal year of appropriation; however, allocated funds may be carried over for up to 4 years from the year-end for which they were appropriated.

Capacity Awards	Federal Employee Retirement System (FERS) Retirement Contributions Program
Formula	This program was phased out over the previous 10 years, beginning in FY 2007. The final year for separate FERS allocations was 2016. As of FY 2018, no new funds will be awarded for FERS Retirement Contributions Program. Previous FERS program funds were allocated to the institutions with former Schedule A Appointments based on each institution's relative share of the total payments to the Office of Personnel Management (OPM) during the previous year. Effective Jan. 31, 2003, the USDA's authority to grant Schedule A Excepted Appointments to CES employees was terminated (Pub. L 107-171, Farm Security and Rural Investment Act of 2002, section 7220 (May 13, 2002)). Starting in FY 2018, NIFA will continue to pay the Workers' Compensation benefits of the former Schedule A employees directly to DOL and will charge the 1862 institution by reducing its annual allocation under the Smith-Lever section (b) and (c) statutory formula.
Limitations	• Funds can only be used to support FERS retirement costs for former Schedule A Appointments. • If any funds are diminished, lost, or misapplied, the institution is responsible for replacing the funds, and until the funds are replaced, no additional appropriations will be paid to the institution. • Funds cannot be spent, directly or indirectly, on the purchase, construction, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose, unless specifically provided. • Funds cannot be used for indirect costs or tuition remission. • The period of performance may NOT be extended.
Reporting Requirements	• SF-425 financial report annually
Carryover	FERS Retirement Contributions Program funds are expected to be fully expended in the fiscal year of appropriation; however, allocated funds may be carried over for up to 4 years from the year-end of fiscal appropriation. Any unused funds at the end of the carryover period must be returned to the U.S. Treasury.

Capacity Awards	McIntire-Stennis Cooperative Forestry Act

Formula	Funding is provided to the states through a formula-based allocation process which depends on several factors.
	• First, a base amount (approximately $25,000) is allocated to each state; however, this base amount is excluded from the formula. The balance of funding to each state is determined through a ranking process and dependent upon the following three factors:
	  ○ 40 percent of the remaining balance is allocated based on the area of non-Federal commercial forest land;
	  ○ 40 percent is allocated based upon the volume of timber cut annually from growing stock; and
	  ○ 20 percent is allocated based on the total expenditures for forestry research from non-Federal sources. Funds are then distributed to the eligible state-certified Institutions within the state as determined by the Governor's designee.
	• For states with more than one eligible institution, the distribution of funds within the state is determined by the Governor or the Governor's designee.
	• 3 percent of the annually allocated funds are retained by NIFA for administrative costs.
	• Funds are distributed on a quarterly basis.

Use of Funds	McIntire-Stennis Federal funding must be used on approved McIntire-Stennis projects that are within the objectives defined in the McIntire –Stennis Act of 1962: • Forest research related to: reforestation and management of land for the production of crops of timber and other related products of the forest; management of forest and related watershed lands to improve conditions of waterflow and to protect resources against floods and erosion; management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; management of forest lands for outdoor recreation; protection of forest land and resources against fire, insects, diseases, or other destructive agents; utilization of wood and other forest products; development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and such other studies as may be necessary to obtain the fullest and most effective use of forest resources.
Limitations	• Funds cannot be used for indirect costs or tuition remission. • The period of performance may NOT be extended. • Use of funds for employer contributions to land-grant college retirement systems may be subject to limitations in 7 U.S.C. 331. NIFA is seeking legal guidance and will update this guide with final requirements. See Section VI.H.1 of this guide for additional information.
Reporting Requirements	• Annual Program of Research • Annual SF-425 financial report (due December 30 each year) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation • REEport Annual Progress Report (due March 1 annually) • REEport Financial Report (due February 1 annually) • REEport final progress report (due by March 1 in the fiscal year following the Federal FY in which the project ends)
Matching Requirement	• 100 percent of total funds available. *No match for insular areas receiving less than $200,000.
Carryover	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

Capacity Awards	McIntire-Stennis Cooperative Forestry Act
	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.

Capacity Awards	Renewable Resources Extension Act (RREA)
Formula	States are eligible for RREA funds according to the respective capabilities of their private forests and rangelands to yield renewable resources and the relative needs for such resources identified in the periodic Renewable Resource Assessment provided for in 16 U.S.C. 1601 and the periodic appraisal of land and water resources provided for in 16 U.S.C. 2004 (16 U.S.C. 1675). RREA annual funds are allocated to eligible institutions based on a formula that assigns weight to the following factors: acres of private non-corporate forests; acres of private rangeland; timber growth; timber harvesting levels; wood industry employment; total state population; and urban population within a state. • Approximately 6 percent of the funds may be competitively awarded through Renewable Resources Extension Act-National Focus Fund Projects (RREA-NFF).
Use of Funds	RREA Federal funding must be used only on Extension programs that address the forest and rangeland strategic issues from the current RREA strategic plan identified in the institution's REEport project.
Limitations	• Funds cannot be used for any purposes other than those approved in the grant award documents. • The period of performance may NOT be extended. • Use of funds for employer contributions to land-grant college retirement systems may be subject to limitations in 7 U.S.C. 331. NIFA is seeking legal guidance and will update this guide with final requirements. See Section VI.H.1 of this guide for additional information.
Reporting Requirements	• National Quantitative Indicator Data (due December 30 annually) • Popular Report (Due December 30 annually) • SF-425 financial report (due December 30) • Final SF-425 financial report (due 90 days following expiration date of the award) • REEport Project Initiation • REEport Annual Progress Report (due March 1 annually) • REEport final progress report (due by March 1 in the fiscal year following the Federal FY in which the project ends)
Matching Requirement	• No match.
Carryover	• 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. • If there is more than 50 percent carryover, waiver requests to carry over more than 50 percent may be submitted and approved by RREA program staff. Requests must be submitted to NIFA, who will provide the required format for requesting carryover of excess (>50 percent) funds. • Any unused funds at the end of the period of performance must be returned to the US Treasury.

Capacity Awards	Smith-Lever Special Needs
Formula	A portion of the Smith-Lever 3(b) and (c) funds support the Smith-Lever Special Needs capacity program. Funds available for Special Needs will continue to be available at the 1962 funding level. Funds are allocated under this program to a State Cooperative Extension Service to fulfill a purpose or overcome a condition peculiar to the state, as compared to the country as a whole, or for a purpose not normally a part of the continuing extension program.
Use of Funds	• Special needs Federal funding may only be used on extension activities consistent with the institutions approved 5-year Plan of Work.
Limitations	• Smith-Lever funds cannot be used, directly or indirectly, for the purchase, erection, preservation, or repair of any building or buildings, or the purchase or rental of land, or in college-course teaching, lectures in college, or any other purpose not specified in the Smith-Lever Act. • Funds cannot be used for indirect costs or tuition remission. • If any funds distributed to states for cooperative agricultural extension work are diminished, lost, or misapplied, the state must replace the funds and no additional funds will be awarded to that State until the funds are so replaced • The period of performance may NOT be extended. • Employer contributions to land-grant college retirement systems 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. See Section VI.H.1 of this guide for additional information.
Reporting Requirements	• REEport Program Initiation • REEport Annual Progress Report* • REEport Financial Report (due February 1 annually) • REEport Final Progress report* • SF-425 financial report (due December 30) • Final SF-425 financial report (due 90 days following expiration date of the award) *New requirement being implemented during Plan of Work 2019 cycle. Due date to be determined.
Matching Requirement	• 100 percent of total funds available (50 percent for insular areas). Waiver for up to 100 percent of required match for insular areas
Carryover	Smith-Lever special needs funds are to be fully expended in the fiscal year of appropriation; however 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 project. Funds will be carried over for up to 4 years from the 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.

H. Memoranda of Understanding **ALL AWARDS**

A memorandum of understanding (MOU) is an agreement between NIFA and another party(ies) that sets out in broad, general terms a plan for the parties to coordinate their efforts on activities and/or projects of mutual interest. No specific duties and responsibilities are defined in the MOU. The MOU will describe general terms that identify how the parties intend to cooperate. An MOU will not establish a commitment of resources by NIFA or direct transfer of resources, set forth an implied commitment of funding from one party to the other, or be used to enter into an agreement for one party to perform a task for another party. MOUs are used when two or more parties enter into an agreement to carry out activities of interest to all parties in a coordinated and mutually beneficial manner. The parties will utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. MOUs can be extended, modified, or terminated at the request of either party to the agreement. Revisions to an MOU might include changes to the party's duties, purpose, duration, and mutual interests. All revised MOUs must be resigned by both parties. Unless otherwise agreed upon, MOUs will be limited to a duration of 5 years and will expire 5 years from the date of the last signature. A mutually agreed upon extension will keep the MOU effective beyond the 5 years. NIFA has delegated authority from the Secretary of Agriculture to enter into agreements to further research, extension, or teaching programs in the food and agricultural sciences (7 CFR 2.66(a)(23)). This delegated authority permits NIFA to enter into MOUs and other authorized agreements. NIFA will not enter into a MOU to carry out activities for which it does not have legal authority.

I. Availability of Grant Information **ALL AWARDS**

NIFA routinely places information about awarded grants, including project title, the name of the PD/PI, and the project description, on the NIFA website. The information submitted by awardees is extensively used by NIFA for describing the use of NIFA funds in planning and defending its budget, assessing its programs, and communicating project results. Reported information from awards may be used by State scientists and administrators and is available to the public via the Data Gateway website.

For funded research grant applications, NIFA also sends the project description provided by an applicant to the Department of Commerce's National Technological Information Service (NTIS). NTIS disseminates scientific information for classification and program analysis. The public may obtain the project descriptions from REEport or request them from NTIS. Project descriptions are typically sent to NTIS on a quarterly basis. Other information may be released case by case as described in this subsection. NTIS is accessible online.

J. Confidentiality and Retention of Information **COMPETITIVE AWARDS**

Applicants are discouraged from submitting information considered proprietary unless it is deemed essential for proper evaluation of the application. However, if the application contains information that the applicant organization considers to be patentable ideas,

trade secrets, privileged or confidential commercial or financial information, the disclosure of which may harm the application, applicants check yes on Field 3 on the SF-424 R&R, as denoted in the NIFA grants.gov Grant Application Guide and clearly mark each line or paragraph on the pages containing the proprietary/privileged information with a legend similar to:

> *The following pages (specify) contain privileged information that (name of applicant) requests not to be released to persons outside Government, except for purposes of evaluation.*

When such information is included in the application, it is furnished to the Federal government in confidence, with the understanding that the information will be used or disclosed only for evaluation of the application. NIFA will protect application information from unauthorized disclosure, consistent with the need for peer review of the application and the requirements of the Freedom of Information Act and Privacy Acts (discussed below).

An application that does not result in an award will be retained by the Agency for a period of 3 years. Other copies will be destroyed. Such an application will be released only with the consent of the applicant or to the extent required by law. An application may be withdrawn at any time prior to the final funding decision. However, if a grant is awarded as a result of, or in connection with, an application, the Federal government has the right to use or disclose the information to the extent authorized by law. This restriction does not limit the Federal government's right to use the information if it is obtained without restriction from another source. The application information becomes a part of the record of NIFA transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law.

K. Freedom of Information Act **ALL AWARDS**

The Freedom of Information Act (5 U.S.C. 552) (FOIA) and implementing NIFA regulations (7 CFR 3404.1-.6) require NIFA to release certain grant documents and records requested by members of the public, regardless of the intended use of the information. These policies and regulations apply to information in NIFA's possession. Generally, NIFA cannot require grantees or contractors under grants to permit public access to their records. An exception related to certain research data is described in this subsection (5 U.S.C. 552(b)).

Records or information generally disclosed by NIFA in response to a FOIA request	Records or information generally withheld by NIFA in response to a FOIA request
• Funded applications and funded progress reports, including award data • Final reports that have been transmitted to the grantee organization of any audit, survey review, or evaluation of grantee performance	• Pending competing grant applications • Unfunded new, renewal, and revision applications • Financial information pertaining to project personnel, such as institutional base salary information • Information pertaining to an individual, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy • Pre-decisional opinions in interagency or intra-agency memoranda or letters expressed by Federal government officers, employees, or consultants • Evaluative portions of site visit reports and peer review summary statements, including impact/priority scores, and reviewer identities • Trade secrets and commercial, financial, and otherwise intrinsically valuable items of information that are obtained from a person or organization and are privileged or confidential • Information which, if released, would adversely affect the competitive position of the person or organization • Patent or other valuable commercial rights of the person or organization

Requests for information received under FOIA may request information exempt under FOIA. Requests for information submitted to NIFA may require information from grantees. Information will be sought and collected through the Contact PD/PI. The PD/PI will be given 10 working days to identify potentially patentable or commercially valuable information that the PD/PI believes is exempt under FOIA. Any such submission by the PD/PI must be specific as to the nature and type of commercial harm that will result if the requested information is released. General statements by the PD/PI that all information is exempt will not be honored.

The PD/PI must respond to NIFA within the required time period to prevent the release of information to the requester. If the PD/PI identifies commercial or proprietary information, NIFA will review that response. After NIFA consideration of the response, the PD/PI and grantee will be informed if NIFA does not agree with the PD/PI's position. If a document contains both disclosable and non-disclosable information, the non-disclosable information will be redacted and the balance of the document will be disclosed. Please note that personal identifying information is protected under a Certificate of Confidentiality, however the entire related data set will

not be exempt. Recipients of NIFA funds are required to store data for 3 years after the submission of the financial status report.

The USDA and NIFA regulations implementing FOIA provide that only the NIFA FOIA Officer may deny requests for information. Requests for information, the release of which is believed to be exempt under FOIA, are referred to the NIFA FOIA Officer along with written documentation of the rationale for nondisclosure. If the NIFA FOIA Officer determines that the requested information is exempt from release under FOIA, the requester may appeal that determination to the Director of the Office of Chief Financial Officer (OCFO) at the USDA. Additional information on the FOIA process is available at the NIFA FOIA Office website (7 CFR 1.1-1.23 and 2 CFR.315(e)).

L. Public Access to Research Data **ALL AWARDS**

Requests by the public for research data must be submitted to NIFA as a FOIA request. The term "research data" is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings. It does not include preliminary analyses; drafts of scientific papers; plans for future research; peer reviews; communications with colleagues; physical objects (e.g., laboratory samples, audio or video tapes); trade secrets; commercial information; materials necessary to be held confidential by a researcher until publication in a peer-reviewed journal; information that is protected under the law (e.g., intellectual property); personnel and medical files and similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy; or information that could be used to identify a particular person in a research study.

If the data are publicly available, NIFA directs the requester to the public source. Otherwise, the NIFA FOIA coordinator handles the request, consulting with the affected grantee and the PD/PI. This requirement also provides for assessment of a reasonable fee to cover grantee costs and (separately) the NIFA costs of responding, in addition to the standard FOIA requester fees. An investigator's or grantee institution's failure to comply with the request for data will be treated as a material failure to comply with the terms and conditions of award and appropriate enforcement action would be taken. Enforcement actions might include withholding of future support or imposing additional restrictive terms and conditions of award to the grantee institution.

The required release of research data does not apply to commercial organizations or to research data produced by state or local governments. However, if a state or local governmental grantee contracts with an educational institution, hospital, or non-profit organization, and the contract results in covered research data, that data becomes subject to the disclosure requirement.

Additionally, for competitive awards, the research terms and conditions contain additional conditions related to 2 CFR 200.211. The terms and conditions state that 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.

M. Protecting Sensitive Data Used in Research **ALL AWARDS**

Recipients of NIFA funds have a responsibility to protect sensitive and confidential data as part of proper stewardship of Federally-funded research and take all reasonable and appropriate actions to prevent the inadvertent disclosure, release or loss of sensitive personal information. NIFA advises that personally identifiable, sensitive, and confidential information about NIFA-supported research or research participants must not be housed on portable electronic devices. If portable electronic devices must be used, they must be encrypted to safeguard data and information. These devices include laptops, CDs, disc drives, flash drives, etc. Researchers and institutions also must limit access to personally identifiable information (PII) through proper access controls such as password protection and other means. Research data must be transmitted only when the security of the recipient's systems is known and is satisfactory to the transmitter.

N. Privacy Act **ALL AWARDS**

The Privacy Act of 1974, 5 U.S.C. 552a (as amended), and the USDA implementing regulations, 7 CFR 1.110 – 1.123, provide certain safeguards for information about individuals maintained in a system of records (i.e., a system in which information may be retrieved by the individual's name or other identifying information). These safeguards include the rights of individuals to know what information about them is maintained in Federal agencies' files (hard copy or electronic) and how it is used, how they may obtain access to their records, and how to correct, amend, or request deletion of information in their records that is factually incorrect, unless the records are exempt from the Privacy Act. A record, as defined by the Privacy Act, is an item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history that that contains his name, or identifying number, symbol, or other identifying particular assigned to the individual…" (5 U.S.C. 552a(4)).

Records maintained by NIFA with respect to grant applications, grant awards, and the administration of grants are subject to the provisions of the Privacy Act. Pursuant to the Privacy Act, an individual who wishes to know if a NIFA system of records contains information about him/her may make a request to the agency FOIA officer, for a fee. NIFA will respond to the request within 30 days of receipt with an acknowledgment of receipt or a denial.

A System of Records Notice informs the public of the existence of a system of records and describes the type of information that an agency will be collecting, who will be

collecting the information, how it will be safeguarded, the purpose for collecting such information, etc. It is an advanced notice to the public that must be given before an agency begins to collect, is given access to or can retrieve personal information for a new system of records and must be published in the Federal Register. For more information, visit the Office of the Chief Information Officer website.

Parties other than PD/PIs may request the release of Privacy Act grant records. Such requests are processed under FOIA. For example, information requested by co-investigators in grant applications is released to them only when required under FOIA because they have no right of access under the Privacy Act. When releasing information about an individual to a party other than the subject of the file, NIFA will balance the individual's right to privacy with the public's right to know as provided by the FOIA.

O. Paperwork Reduction Act **ALL AWARDS**

The Paperwork Reduction Act (PRA) mandates that all Federal government agencies must obtain a Control Number from OMB before promulgating a form that will impose an information collection burden on the general public. Once obtained, approval must be renewed every 3 years. For a renewal, the agency must explain the reason why the collection is needed and estimate the burden in terms of time and money that the collection will impose upon the persons required to complete it (44 U.S.C. 101).

OMB clearance is required for NIFA "information collections." An information collection is when identical questions are posed to, or identical reporting, recordkeeping, or disclosure requirements are imposed on, 10 or more people, whether the collection is mandatory, voluntary, or required to obtain or retain a benefit. All application or reporting forms, whether paper or electronic, that NIFA requires an applicant or recipient to complete and submit must receive OMB approval before NIFA may collect the information. Information collection under a cooperative agreement award or a grant award, under specified conditions, also requires OMB clearance.

P. NIFA Official Identifier **ALL AWARDS**

Eligible institutions may use the NIFA logo in addition to their own for research-related purposes only. In doing so, they must observe the following requirements:

- The integrity of the complete identifier should be maintained in all uses. Additions and deletions to the identifier are not permitted.
- To maintain clear identification, the identifier should always appear proportionally, isolated from other elements, such as titles or graphic devices. It should not be obscured in any way or reproduced against strongly patterned backgrounds that would tend to impair its recognition.
- When it is used in conjunction with symbols of other public and private sector partners, the NIFA identifier should have equal placement.
- Never enlarge a .jpg file beyond 100 percent.

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.

V. Post-award Federal Requirements

NIFA grant recipients are subject to post-award requirements in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit requirements, adopted by 2 CFR 400, as well as other items noted in the Notice of Award and award terms and conditions.

Grantees must manage and administer their awards to ensure the Federal funds are expended and approved program activities and objectives are implemented in full accordance with U.S. statutes and public policy requirements, including but not limited to, those protecting public welfare, the environment, and prohibiting discrimination.

In addition to cross-cutting requirements that some or all Federal agencies must apply to their grant programs, NIFA grantees are subject to requirements contained in the USDA annual appropriations acts that apply to the use of NIFA grant funds, applicable provisions in other Federal agencies' appropriations acts, including Treasury, and other Federal statutes. Annual appropriations legislation may change or impose additional requirements. A list of USDA and other regulations applicable to NIFA grants is available online.

In post-award management, the grantee is responsible for establishing and maintaining the necessary policies and procedures to monitor its compliance and that of its employees, consortium participants, and contractors with these requirements; taking appropriate action to meet the stated objectives; and informing NIFA of any problems or concerns. If a grant is awarded on the basis of false or misrepresented information, or if a grantee does not comply with these public policy requirements, NIFA may take any necessary and appropriate action. Below subsections align with the sections contained in 2 CFR 200 Subpart D, Post-award Federal Provisions and also contain NIFA specific requirements.

A. Standards for Financial and Program Management (2 CFR 200.300-309) **ALL AWARDS**
   To safeguard Federal funds, NIFA grant recipients must follow the standards for Financial and Program Management in 2 CFR 200 Subpart D. Grantee organizations must implement grants in full accordance with U.S. statutory and public policy requirements, as detailed in the award terms and conditions. Further, grantee organizations must have systems, policies, and procedures in place by which they manage funds and activities. Grantees may use their existing systems to manage NIFA grant funds and activities so long as they are consistently applied regardless of the source of funds and meet the standards and requirements set forth in 2 CFR 200. NIFA may review the adequacy of those systems and may take appropriate action to protect the Federal government's interests, including, but not limited to, the use of special terms and conditions. NIFA also will monitor the grantee's systems as part of its routine post-award oversight The grantee's systems also are subject to audit under 2 CFR 200 Subpart F.

NIFA seeks to foster within grantee organizations an organizational culture committed to compliance, leading to both exemplary research and exemplary supporting systems and use of resources underpinning that research. Actions to achieve this result should include a clear delineation of the roles and responsibilities of the organization's staff, both programmatic and administrative, written policies and procedures, training, management controls and other internal controls, performance assessment, administrative simplifications, and information sharing.

B. Financial Management Systems (2 CFR 200.302) **ALL AWARDS**

Grantees are required to meet the standards and requirements for financial management systems set forth or referenced in 2 CFR 200.302. The standards and requirements for financial management systems are essential to safeguarding Federal funds. NIFA cannot award a grant unless it has assurance that funds will be used appropriately, adequate documentation of transactions will be maintained, and assets will be safeguarded.

Grantees must have in place financial management systems that are sufficient to permit the preparation of required reports and that can trace funds to a level of expenditures adequate to establish that funds have been used in accordance with Federal statutes, regulations, and the terms and conditions of the award. Further, financial management systems must support record retention requirements detailed in 2 CFR 200.334 Requests for transfer of records; 200.335 Methods for collection, transmission and storage of information; 200.336 Access to records; and 200.337 Restrictions on public access to records.

The Uniform Guidance requires that the financial management system of grantees must provide for the following:

1. Identification, in its accounts, of each Federal award received and expended and the Federal programs under which they were received. Federal program and Federal Award Identification must include, as applicable, the CFDA title and number, FAIN and year, name of Federal agency, and the name of any pass-through entity.
2. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in 2 CFR 200.327 Financial Reporting and 200.328 Monitoring and reporting program performance.
3. Records that identify the source and application of funds for Federally-funded activities under each Federal award. These records must contain information pertaining to Federal awards such as: authorizations, obligations, unobligated balances, assets, expenditures, income and interest; and be supported by source documentation.
4. Effective control over, and accountability for, all funds, property, and other assets. Grantees must adequately safeguard all assets and assure that they are used solely for authorized purposes.
5. Comparison of expenditures to the budgeted amounts for each Federal award.

6. Written procedures to implement 2 CFR200.305 Payment including minimizing the time elapsed between the transfer of funds from ASAP and the disbursement by the grantees.
7. Written procedures for determining the allowability of costs in accordance with Subpart E Cost Principles and the terms and conditions of the award.

Failure to establish adequate financial management systems constitutes a material violation of the terms of the award. Under these circumstances, NIFA may include special conditions on awards or take any of the range of permitted enforcement actions specified in the Uniform Guidance, as necessary and appropriate.

C. Grantee Internal Controls (2 CFR 200.303) **ALL AWARDS**

Institutions are responsible for ensuring that effective controls are in place to ensure control and accountability for all Federally-awarded funds and property obtained with Federal monies. Internal controls are defined as a process, implemented by the grantee, designed to provide reasonable assurance regarding achievement of objectives in the following categories: a) effectiveness and efficiency of operations; b) reliability of reporting for internal and external use; and c) compliance with applicable laws and regulations (2 CFR 200.61). The Uniform Guidance significantly increased the importance of and requirements for internal controls. Grantees must establish and maintain effective internal control over their Federal award that provides reasonable assurance that the grantee is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. Further, the Uniform Guidance indicates that the internal controls should be in compliance with "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organization of the Treadway Commission (COSO).

Internal controls must ensure that the grantee: complies with Federal statutes, regulations and the terms and conditions of the award; monitors its own compliance with statutes, regulations and the terms and conditions of the award; takes prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings; and takes reasonable measures to safeguard protected personally identifiable information and other information designated as sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality. Internal control requirements apply to subawards. Grantees are also responsible for ensuring that subrecipients maintain internal controls in accordance with 2 CFR 200, the Uniform Guidance.

D. Payment (2 CFR 200.305) **ALL AWARDS**

A key principle for grantees in managing funds and making payments is to minimize the elapsed between drawdown of funds from ASAP and disbursement of funds, whether payments to subrecipients or subcontractors or paying of invoices, etc.

Under the Uniform Guidance, grantees must be paid in advance, provided that they maintain or demonstrate the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement, and financial systems that meet the standards for fund accountability. The timing and amount of advanced payments must be as close as is administratively feasible to the actual disbursements for direct program or project costs and the proportionate share of any allowable indirect costs. Grantees must make timely payments to contractors in accordance with contract provisions.

If the grantee cannot meet the criteria for advanced payments, NIFA may determine that reimbursement is the preferred method and will set reimbursement as a specific term of the award, in accordance with 2 CFR 200.305(b)(1)).

E. Cost Sharing or Matching (2 CFR 200.306) **ALL AWARDS**
Cost sharing or matching means the portion of project costs not paid by Federal funds (2 CFR 200.29). If the grant has matching requirements, all grantees (capacity and competitive) must follow the requirements for matching funds set forth in 2 CFR 200.306. Matching funds, including cash and third-party in-kind contributions, must be verifiable in the grantee's records; are not included as contributions for any other award; are necessary and reasonable for accomplishment of the project or program objectives; are allowable under 2 CFR part 200 Subpart E – Cost principles; are not paid by the Federal government under another Federal award unless specifically authorized[14]; are provided for in the approved budget when required by NIFA; and conform to other provisions of the Uniform Guidance, as applicable. Valuation of third party in-kind match must follow the requirements set forth in 2 CFR 200.306(d) – (k). Additional detailed information on match specific to competitive and capacity programs is included in Section III.C.5 of this Guide.

F. Program Income (2 CFR 200.307) **ALL AWARDS**
Program income is gross income earned by a recipient that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Program income includes, but is not limited to, income from fees for services performance, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under the award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the award, program income does not include rebates, credits, discounts, and interest earned on any of them (2 CFR 200.80). Program income requirements are governed by 2 CFR 200.307 and 7 CFR 3430.53.

[14] Tribal Endowment funds may be used as match on other Federal awards.

A non-profit or small business grantee has no obligation to NIFA with respect to program income earned from license fees and royalties for copyrighted materials, patent applications, trademarks, and inventions, per 37 CFR 401 "Rights to Inventions Made by Nonprofit Organization and Small Business Firms under Government Awards, Contracts, and Cooperative agreement."

NIFA follows the addition method for treatment of program income. As such, program income earned by grantees during the project period is added to the Federal award. **The program income must then be used for award purposes and under the conditions of the award (2 CFR 200.307(e)(2).** Program income may only be used for allowable costs in accordance with the applicable cost principles and the terms and conditions of the award. Unless a deviation from the general rule is mentioned in the terms and conditions of the specific award, there is no obligation to the Federal government regarding program income after the project period expires (2 CFR 200.307(f)).

Consortium agreements and subawards under grants are subject to the terms of the agreement with the primary recipient with regard to the income generated by the activities, but the terms specified by the grantee must be consistent with the requirements of the grant award from NIFA. Program income must be reported by the grantee as discussed in this subsection.

The amount of program income earned and the amount expended must be reported on the appropriate annual SF-425 financial report. Any costs associated with the generation of the gross amount of program income that are not charged to the grant should be deducted from the gross program income earned, and the net program income should be the amount reported. Program income must be expended for program purposes prior to drawing down additional Federal funds from ASAP. When program income is reported on the SF-425, it is expected that program income expenditures will also be reported.

Grantees are not accountable to NIFA for program income that is earned and expended after the end of the grant period of performance unless specifically provided in the Notice of Award or award terms and conditions.

G. Revision of budget and program plans (2 CFR 200.308) **COMPETITIVE AWARDS**
The permissible program changes by the awardee, PD/PI(s), or other key project personnel in the approved project are limited to changes in methodology, techniques, or other similar aspects of the project to expedite achievement of the approved project goals. Permissible budget changes include shifts between line items EXCEPT for shifting funds to subawards constituting more than 50 percent of the total dollars of the award or a subaward to a Federal agency. If the awardee or the PD(s) is uncertain as to whether a change complies, the question **must** be referred to the ADO for a final determination. The ADO is the signatory of the award document, not the program contact. For a change to take effect, the change in approved goals or objectives must be

requested by the awardee and approved in writing by the ADO prior to effecting such changes.

In accordance with 2 CFR 200.308, grantees must request prior approval from NIFA for certain program or budget-related reasons. These are covered in Section VI.E. of this Policy Guide.

When it is necessary to request NIFA approval for a budget revision, the revised budget must be submitted as a PDF attachment to an email. The request must clearly articulate the changes (i.e., it need not be submitted on the budget form that was used in the application process; the revisions need only be clearly identified) and reflect PD/PI and AR concurrence (i.e., must contain the signature of the PD/PI and AR).

H. Property Standards (2 CFR 200.310-316) **ALL AWARDS**

1. Property Management **ALL AWARDS**

The RFA will indicate whether purchase of real property or equipment is allowable under an award. If a NIFA grant recipient purchases real property or equipment with grant funds, the terms and conditions of the award will indicate the conditions associated with the purchase of real property under the award. Property is comprised of real property, intangible property, equipment, and supplies. Property is governed by the Uniform Guidance, 2 CFR 200.310-316.

Grantees are required to be prudent in the acquisition of property under a grant-supported project. It is the grantee's responsibility to conduct a prior review of each proposed property acquisition to ensure that the property is needed and that the need cannot be met with property already in the possession of the organization. If prior approval is required for the acquisition, the grantee must ensure that appropriate approval is obtained in advance of the acquisition. The grantee also must follow appropriate procurement procedures in acquiring property, in accordance with 2 CFR 200.317-326 and their own policies and procedures.

2. Real Property **ALL AWARDS**

Real property is defined as land, including land improvements, structures, and appurtenances (accessories) thereto, but excludes moveable machinery and equipment. All real property acquired with NIFA grant funds is subject to the USDA property management regulations, as well as regulatory or legislative requirements, or requirements identified in the Notice of Award. Title to real property acquired under a grant or subgrant vests with either the recipient or subrecipient when the property is acquired. Real property must be used for the originally authorized purpose as long as needed, during which time, the grantee must not dispose of it or encumber its title or other interest. When the real property is no longer needed for the original authorized purpose, the non-Federal entity must obtain disposition instructions from NIFA, per 2 CFR 200.311(c).

NIFA will provide for one of the following disposition options:

- Sell the property and compensate NIFA. The amount due to NIFA will be calculated by applying NIFA's percentage of participation in the cost of the original purchase (and cost of any improvements) to the proceeds of the sale after the deduction of any actual and reasonable selling and fixing-up expenses.
- Retain title after compensating NIFA. If title is retained, the Federal government will have a right to an amount computed by multiplying the market value of the property by the Federal share of the property.
- Transfer the title to NIFA or a third-party designated/approved by NIFA. The grantee is entitled to be paid an amount calculated by applying the grantee's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property).

Recipients permitted to acquire real property and equipment must obtain insurance coverage equivalent to insurance coverage for property owned by the grantee; however, Federally owned property need not be insured unless required by the terms and conditions of the award (2 CFR 200.310).

3. Equipment **ALL AWARDS**

a. Definitions **ALL AWARDS**

Equipment is defined as tangible personal property (including information technology systems) having a useful life of more than 1 year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000.

General Purpose equipment is defined as equipment which is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction/duplicating and printing equipment, and motor vehicles (2 CFR 200.48)

Special purpose equipment is defined as equipment that is used only for research, medical, scientific, or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers (2 CFR 200.89)

b. Prior approval **ALL AWARDS**

Equipment purchases are subject to prior approval requirements under the Uniform Guidance.

i. Competitive awards

Proposed equipment is included in the SF-424R&R budget and budget narrative. Upon award, the approved budget for competitive grants

includes prior approval to acquire the equipment unless stated otherwise. Additional prior approval for equipment purchases are waived under the Research Grant Terms and Conditions.

ii. Capacity awards
Prior approval from NIFA is required before expenditures are incurred for:

- General purpose equipment costing $5,000 or more and having a useful life of more than 1 year; and
- Special purpose equipment costing more than the simplified acquisition threshold, currently$250,000, and having a useful life of more than 1 year. (Prior approval is waived for special purpose equipment costing less than $250,000).

Grantees must submit requests in advance of the expenditure. The request must include the item name, description and purpose including alignment with plan of work, estimated or actual cost, and estimated useful life. Grantees can submit prior approval requests via email. Requests will be reviewed and responded to within 30 days from receipt of complete information. Approvals will be sent via email to the AR submitting the request. Expedited review may be requested. More information on capacity grant prior approval for equipment, including templates for submitting requests, is available on the NIFA website.

c. Title **ALL AWARDS**
Title to equipment acquired under a Federal awards vests with the grantee with 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. Not encumber the property without approval from the ADO
iii. Use and dispose of the property in accordance with the Uniform Guidance

If the recipient is a state, a state must use, manage, and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. All other recipient types are to follow 2 CFR 200.313.

d. Use of Equipment **ALL AWARDS**
Use of the equipment is for the authorized purposes of the grant during the period of performance or until it is no longer needed for the purposes of the project, whether or not the Federal award continues to support the project or program. The grantee must not encumber the property without prior approval

from NIFA. When no longer needed for the original purpose or project, the equipment may be used for other activities in the following order or priority:

- Activities under a different NIFA issued award
- Activities under a different USDA award
- Activities under a Federal award
- Activities under Federal awards from other Federal awarding agencies (this includes consolidated equipment for information technology systems)

As long as the equipment is used on the project or program for which it was acquired, grantees may make equipment available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work for which it was originally acquired. First preference for other use must be given to other programs or projects supported by NIFA; second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-Federally-funded programs or projects is also permissible. User fees must be considered, if appropriate and in accordance with 2 CFR 200 and the institution's policies and procedures. If user fees are charged, the income would be considered program income and must be reported on the SF-425 Federal Financial Report and use on allowable grant activities.

e. Management Requirements **ALL AWARDS**

Grantees must maintain property records that include:

- A description of the property;
- A serial number or other identification number;
- The source of funding for the property (including the Federal Award Identification Number);
- The title holder;
- The acquisition date;
- Cost of the property;
- Percentage of Federal participation in the project costs for the Federal award under which the property was acquired;
- The location, use, and condition of the property; and
- Any ultimate disposition data, including the date of disposal and sale price of the property.

At least once every 2 years, grantees must take a physical inventory of the property and reconcile with the property records. Further, grantees must develop:

- A control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated; and
- Adequate maintenance procedures to keep the property in good condition.

Finally, grantees must establish proper sales procedures – if grantees are authorized or required to sell the property – to ensure the highest possible return.

f. Sale and Disposition of Equipment **ALL AWARDS**
Whether during the period of performance or after the period of performance has ended, when equipment acquired under a grant is no longer needed for the original project, a grantee may use it for other activities currently or previously supported by another Federal award. If the grantee has no use for the equipment, before selling or disposing of the equipment, the grantee must request disposition instructions from NIFA if the equipment has a current per unit fair market value of $5,000 or more. To request disposition instructions, contact the ADO or grant specialist listed in the Notice of Award. Items with a fair market value of $5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to NIFA.

When providing disposition instruction, NIFA may direct a grantee to invest the proceeds in other NIFA or Federal award activities or it may request reimbursement by multiplying the current market value or proceeds from sale by NIFA's percentage of participation in the cost of the original purchase. Additional disposition options are detailed at 2 CFR 200.313(e).

g. Supplies and Other Expendable Property **ALL AWARDS**
Ownership of supplies rests with the grantee upon acquisition. Supplies are defined as all tangible personal property other than those that meet the definition of equipment. A computing device is a supply if the acquisition cost is less than $5,000. Items that meet the definition of equipment at acquisition may depreciate such that they become a supply during the life of the award or after, for disposition purposes. No disposition instructions are required for supplies with the following exception: if there is an inventory of unused supplies at the completion or termination of the award that exceeds $5,000 in total aggregate value, and the supplies are not needed for any other Federal award, the grantee, whether they retain or sell the unused supplies, must compensate the Federal government per the calculation method included in 2 CFR 200.313(e)(2).

As long as the Federal government retains an interest in the supplies, grantees must not use supplies acquired under a Federal award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute.

4. Intangible Property **ALL AWARDS**
Intangible property is defined as property having no physical existence, such as trademarks; copyrights; patents and patent applications; and property, such as loans,

notes, and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible). Intangible property under NIFA awards is comprised of research results, publications, data, inventions, and patents. Intangible property is covered in the Uniform Guidance at 2 CFR 200.315 and in NIFA's research terms and conditions.

Title to the intangible property acquired under a Federal award vests upon acquisition with the grantee. The grantee must use the intangible property for the originally authorized purpose and must not encumber the property without approval of NIFA. When no longer needed for the originally authorized purpose, disposition of the intangible property occurs in accordance with the provisions in 2 CFR 200.313(e).

a. Research Results: Publications, Intellectual Property Rights, and Sharing Research Resources **ALL AWARDS**
It is NIFA policy that the results and accomplishments of the research, education, and extension activities it funds be made available to the public. PD/PIs and grantee organizations are expected to make the results and accomplishments of their activities available to the research community and to the public at large. If an organization's NIFA funded research, education, and extension activities result in inventions, Federal legislation and regulations dictate the rights and title to the invention. The results of NIFA funded research are publicly available on the NIFA Data Gateway.

b. Rights in Data **ALL AWARDS**
Grantees generally own the rights in data resulting from a grant-supported project. Special terms and conditions of the award may indicate alternative rights, e.g., special rights under a Small Business Innovation Research (SBIR) grant, under a cooperative agreement or based on specific programmatic considerations as stated in the applicable RFA. NIFA's research terms and conditions state that NIFA does not waive the Federal Government's rights concerning data first produced under the award, as described in 2 CFR § 200.315(d).

Except as otherwise provided in the terms and conditions of the award, any publication, data, or other copyrightable work developed under a NIFA grant may be copyrighted without NIFA approval, unless the project falls under the special provisions found in the authorizing statute of the program. The programs terms and conditions will outline these specific provisions. NIFA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so when data has been developed by an educational institution with NIFA support. For SBIR grants, rights in technical data, including software developed under the award, remain with the grantee. However, NIFA will have the rights as outlined in the Federal Acquisition Regulations (FAR) Clause 52.227-20 for data originating from

an SBIR award. Recipient's rights in inventions and patents are discussed in Section V.H.4.vii of this Policy Guide.

Rights in data also extend to students, fellows, or trainees under awards whose primary purpose is educational, with the authors free to copyright works without NIFA approval. Data developed by a consortium participant also is subject to this policy.

c. Access to Research Data: REEport and NIFA Data Gateway **ALL AWARDS**
All projects supported by NIFA funds must be documented in the NIFA Data Gateway database. Project data are accepted into this system electronically via the REEport data collection software. No funds will be released to grantees until the required initial information has been electronically submitted through REEport. NIFA requires annual progress reporting for both competitive and capacity grants.

Grantees should consult the Notice of Award and award terms and conditions to determine if additional technical reports are required or reports are to be submitted more frequently than annually. Any additional reporting requirements will be included as special terms and conditions of the NIFA award (7 CFR 3430.55). Information submitted via REEport is available to the public in the NIFA Data Gateway. NIFA's Planning, Accountability, and Reporting Staff (PARS) is responsible for maintaining REEport and the Data Gateway. Project information submitted through REEport is also accessible through the Research, Economics, and Education Information System (REEIS) website, and the NIFA website. The Project Initiation form in REEport is required to be submitted before a Project's start date; this information is made public in the above-mentioned systems once submitted through REEport. Awardees can access REEport through the NIFA Reporting Portal.

d. Sharing Research Resources **ALL AWARDS**
NIFA encourages sharing the unique research resources developed with the support of NIFA funds. NIFA believes that data sharing is essential for expedited translation of research results into knowledge, products, and procedures to improve agricultural research, education, and extension. Sharing such unique research resources (also called research tools) is an important means of enhancing the value of NIFA-sponsored research. Restricting the availability of unique resources can impede the advancement of further research. Therefore, when these resources are developed with NIFA funds and the associated research findings have been accepted for publication, or after they have been provided to NIFA, it is important that they be made readily available for research purposes to qualified individuals within the scientific community. In cases where subawards, including consortium agreements, produce research data or tools, the recipient must include a provision

requiring third-party data or research tools to be made available to the recipient and to NIFA, as appropriate. NIFA recognizes the rights of grantees and contractors to elect and retain title to subject inventions developed with Federal funding pursuant to the Bayh-Dole Act. Grantees should note that the applicable RFA and Notice of Award will include any specific data-sharing requirements associated with a particular award.

Data-sharing agreements must reflect the objectives of the Bayh-Dole Act and the Technology Transfer Commercialization Act of 2000 to ensure that inventions and discoveries subject to copyrighting and patents are used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery.

e. Availability of Research Resources **ALL AWARDS**
Documents and/or samples of any material developed during a NIFA-supported project must be provided upon request. If research resources are shared with the research community for a fee, fees must be treated as program income. Since NIFA retains a non-exclusive royalty-free right to all research results from NIFA funded research, no fees will be collected from NIFA.

Investigators are expected to submit unique biological information, such as DNA sequences or crystallographic coordinates, to the appropriate data banks so that they can be made available to the broad scientific community. When distributing unique resources, investigators are to include pertinent information on the nature, quality, or characterization of the materials.

NIFA recognizes that data sharing may be complicated or limited, in some cases, by organizational policies; local Institutional Review Board (IRB) rules; and local, state, and Federal laws, and regulations. The rights and privacy of individuals who participate in NIFA-sponsored research must be protected at all times. Thus, data intended for broader use should be free of identifiers that would permit linkages to individual research participants and variables that could lead to deductive disclosure of the identity of individual subjects. Investigators also must exercise great care to ensure that resources involving human cells or tissues do not identify original donors or subjects, either directly or through identifiers such as codes linked to the donors or subjects.

Applicant organizations unable to comply with these requirements should promptly contact NIFA to discuss the circumstances, obtain information that might enable compliance, and reach an understanding in advance of an award.

f. Publications **ALL AWARDS**
As a means of sharing knowledge, NIFA encourages grantees to arrange for publication of NIFA-supported original research in primary scientific journals.

Grantees also should assert copyright in scientific and technical articles based on data produced under the grant where necessary to effect journal publication or inclusion in proceedings associated with professional activities. Journal or other copyright practices are acceptable unless the copyright policy prevents the grantee from making copies for its own use.

Proper acknowledgement of public funding in published scientific articles, manuscripts, presentations and press releases is critical for the success of the agency's programs.[15] 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]."

The recipient 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.

If the grantee plans to issue a press release concerning the outcome of NIFA grant-supported research, they should notify NIFA in advance to allow for coordination. Publications resulting from work performed under a NIFA grant-supported project must be included as part of the annual or final progress report submitted to NIFA. When publications are available electronically, electronic access information should be provided.

g. Patents and Inventions **ALL AWARDS**
Innovative research conducted by NIFA grantees can result in inventions and data subject to copyright and patent regulations. Inventions developed with the support of a Federal grant or other financial assistance is subject to special legislation and regulations. The primary source of guidance is the Bayh-Dole Act, as amended by the Technology Transfer Commercialization Act of 2000 (P.L.

[15] 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

106-404) and the implementing regulations, located at 37 CFR 401. The principal objectives of these laws and the implementing regulations are to promote commercialization of Federally-funded inventions, while ensuring that inventions are used in a manner that promotes free competition and enterprise without unduly encumbering future research and discovery (37 CFR401). Legislation and regulations related to patent rights in inventions made with Federal financial support also seek to protect the public against nonuse and unreasonable use of Federally-funded inventions (35 U.S.C. 200). Federal laws and regulations only apply to "subject inventions." A "subject invention" is conceived or first actually reduced to practice in the performance of a Federally-supported project (37 CFR 401). The Bayh-Dole Act defined an invention as any invention or discovery that is or may be patentable or otherwise protectable under Title 35 of the United States 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.*).

The awardee, rather than NIFA, retains ownership rights to inventions and patents despite the Federal funding. The purpose of the applicable legislation and regulations is to ensure that Federal agencies support broadening the US technology base by moving new knowledge gained in the research lab into the development of new products and processes (Executive Order 12591, April 10, 1987, 52 FR 13414). NIFA does have the right to periodic reports regarding the use of the invention (37 CFR 401.8). Additionally, USDA reserves a royalty-free, nonexclusive, and irrevocable license to exercise, and to authorize others to exercise, the rights for Federal Government purposes. Subject to this license, the owner is free to exercise, preserve, or transfer all its rights. However, the recipient must ensure that no agreement is entered into for transferring the rights, without requesting prior approval from NIFA, per 2 CFR 200.315(a).

The Bayh-Dole Act of 1980 (Public Law 96-517; 35 U.S.C. 200-212) and the related Executive Order, No. 12591 (April 10, 1987) provide incentives that encourage the practical application of research supported through Federal funding agreements. To be able to retain rights and title to inventions made with Federal funds (i.e., subject inventions), the grantee must comply with a series of regulations that ensure the timely transfer of the technology to the private sector, while protecting limited rights of the Federal government. If the recipient is a small business or non-profit organization (including universities and other institutions of higher education), the allocation of rights in inventions produced under a grant or cooperative agreement will be determined in accordance with the Bayh-Dole Act, 37 CFR 401, 2 CFR 200, and the grant terms and conditions. Notably, scholarships, fellowships, training grants, or other funding agreements made by NIFA, or any other Federal agency, to an awardee for primarily educational purposes cannot contain any provision giving NIFA or any other Federal agency any rights to inventions made by the awardee (35 U.S.C. 212).

Grantees with inventions subject to copyright or patent protections developed during a Federally-funded project are required to make efforts to commercialize the subject invention through patent or licensing, formally acknowledge the Federal government's support in all patents that arise from the subject invention and formally grant the Federal government a limited use license to the subject invention (See Research Terms and Conditions).

NIFA awards are subject to the Patents Rights (Small Business Firms and Nonprofit Organizations) clause at 37 CFR 401.14 and the following:
(1) In each instance where the term "contract" or "contractor" is used in the clause, those terms must be read as "award" and "recipient," respectively.
(2) In each instance where the term "Federal agency," "agency," or "funding Federal agency" is used in the clause, the term must be read to mean the awarding agency for the award.
(3) Under paragraph (g) of the clause, the title must read "Contracts and Subawards Under the Award" and, in that paragraph, "subcontract" and "subcontractor" must be read as "contract" or "subaward."
(4) Under subparagraph (g)(2) of the clause, if a contract or subaward is to be made to any organization other than a non-profit organization or small business firm, as defined in paragraph (a) of the clause, the recipient must contact the cognizant awarding agency official to ascertain the appropriate patent clause.

h. Invention Reporting **ALL AWARDS**
Grantees must disclose to NIFA all subject inventions within two months after disclosing to the individual at the recipient institution responsible for patent matters (37 CFR 401.14). The disclosure to NIFA must be in writing and identify the individuals working on the invention, as well as the grant number or other identifying information (37 CFR 401.14). Technical detail sufficient to convey a clear understanding of the invention should be included in the disclosure (37 CFR 401.14). Grantees are also required to disclose any publications related to the invention and the status of the publication. Grantees also report patent data within each project in REEport and Interagency Edison (iEdison).

Invention disclosure statements pursuant to 37 CFR 401.14(c) shall be made by creating an invention record using iEdison. All supporting documentation must be submitted electronically using iEdison.

Within 2 years of disclosure of the invention, the grantee must determine if they will retain title to the invention or elect to waive their ownership rights. Within 1 year of electing to retain title, grantees must file their initial patent application or non-provisional patent or plant variety protection (PVP) application, for the subject invention, unless otherwise provided (37 CFR 401.14). On the patent and plant variety protection (application, the grantee must include the following statement: "This invention was made with government support under (identify the

contract) awarded by (identify the Federal agency). The government has certain rights in the invention" 37 CFR Part 401.14(f)(4). If necessary, additional patent applications in other countries or international patent offices must be submitted within 10 months of filing the initial patent application, or six months from the date the US Commissioner of Patent and Trademarks grants permission to file a foreign patent application (37 CFR 401.14).

If the grantee fails to elect to retain title within the specified time limits, including any extensions of time granted at NIFA's discretion, the grantee will convey title to NIFA, upon written request to do so (37 CFR 401.14). If NIFA obtains title to a subject invention, the grantee then retains a non-exclusive, royalty-free license in each subject invention (37 CFR 401.14). Additionally, the Federal government will not be entitled to publicly disclose or publish research results except under any one of 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 Part 401.14(c)(2) and (3); or (3) After the award recipient files for a U.S. patent or PVP pursuant to 37 CFR Part 401.14(c)(3). The government is limited to publication of the information on publicly accessible databases, such as Genbank. If a subrecipient, rather than the primary grantee, develops a subject invention with the support of a Federal award, the subrecipient retains the rights to the subject invention and must comply with the same reporting requirements (37 CFR 401.14). A recipient awarding a subgrant is allowed to reserve a nonexclusive license for itself, similar to the one reserved for USDA, with respect to any copyright or rights subject to this section that arise under the subgrant.

Any information that NIFA obtains from grantees related to subject inventions, as well as any information on utilization or efforts to obtain utilization as part of NIFA required reporting will be treated by NIFA as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under FOIA (35 U.S.C. 202). Grantees with subject inventions are not permitted to grant to any person an exclusive right to use or sell the subject invention unless the purchaser agrees that any product embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. Deviation from this requirement must be approved by NIFA. A grantee's failure to comply with invention reporting requirements and/or associated NIFA policies on intellectual property and resource sharing may result in the loss of patent rights or a withholding of grant funds or other enforcement actions (37 CFR 401.14).

NIFA's website has a page dedicated to Intellectual Property Reporting. Refer to the table below for Invention Reporting (37 CFR 401).

Invention Reporting Requirement	Action Required	When Action Must be Taken	Notes	Regulatory Reference (37 CFR 401)[16]
Employee Agreement to Disclose All Inventions	Employees of the grantee institution supported by the Federal award (e.g., PD/PI) must sign an agreement to abide by the terms of the Bayh-Dole Act and the grant terms and conditions as they relate to intellectual property rights.	At time of employment.	Grantee organizations and consortium participants must have policies in place regarding ownership of intellectual property, including conflict of interest issues.	401.14, Standard Patent Rights Clause (f)(2)
Invention Report and "Disclosure"	The grantee organization must submit to NIFA a report of any subject invention. This includes a written description (the "invention disclosure") of the invention with complete technical detail.	Within two months of the inventor's initial report of the invention to the grantee organization.	Grantees must report via iEdison (www.iedison.gov).	401.14(a)(2) 401.14(c)(1)
Rights to Consortium Participant Inventions	Consortium participants under NIFA grants retain rights to any subject inventions they make.	Within two months of the inventor's initial report of the invention to the consortium participant.	The grantee cannot require ownership of a consortium participant's subject inventions as a term of the consortium agreement.	401.14(g)(1) 401.14(g)(2)
Election of Title to Invention	The grantee must notify NIFA of its decision to retain or waive title to invention, patent, and PVP rights.	Within 2 years of the initial reporting of the invention to NIFA.	Grantees must report via iEdison.	401.14(b) 401.14(c)(2) 401.14(f)(1)

[16] Please note, all references to sections in 37 CFR 401.14 are two sections within the Standard Patent Rights Clause, reproduced in its entirety in that section.

Invention Reporting Requirement	Action Required	When Action Must be Taken	Notes	Regulatory Reference (37 CFR 401)[16]
Confirmatory License	For each invention, the grantee must provide a user license to NIFA.	When the initial non-provisional patent and PVP application is filed.	Grantees must report via iEdison.	401.14(f)(1)
Patent and PVP Application	The grantee must inform NIFA of the filing of any non-provisional patent and PVP application. All patent and PVP applications must include a Federal government support clause.	Within 1 year after election of title, unless there is an extension.	An initial patent application is defined as a non-provisional U.S. application. The patent and PVP application number and filing date must be provided. The following language is to be used on patent and PVP application: "This invention was made with government support under (identify the funding award) awarded by NIFA. The government has certain rights in the invention." Grantees must report via iEdison.	401.14(c)(3) 401.2(n) 401.14(f)(4)
Assignment of Rights to Third Party	If the grantee is a non-profit organization, it must request NIFA approval to assign invention or U.S. patent rights to any third party, including the inventor(s).	All com-munication for such requests must be sent to NIFA's intellectual property primary contacts, as identified on NIFA's intellectual property reporting webpage.	Grantees that are for-profit entities (including small businesses) do not need to ask approval, but ongoing reporting remains a requirement for each invention.	401.14(k)

Invention Reporting Requirement	Action Required	When Action Must be Taken	Notes	Regulatory Reference (37 CFR 401)[16]
Issued Patent and PVP	The grantee must notify NIFA that a patent or PVP has been issued.	When the patent or PVP is issued.	The patent or PVP issue date, number, and evidence of Federal government support clause must be provided. Grantees must report via iEdison.	401.5(f)(2)
Extension of Time to Elect Title or File Patent or PVP	The grantee may request an extension of up to 2 years for election of title, or an extension of up to 1 year for filing a patent of PVP application.	As needed.	Requests for extension of time require prior approval. Grantees must make the request via iEdison.	401.14(c)(4)
Change in Patent or PVP Application Status	The grantee must notify NIFA of changes in patent or PVP status in iEdison.	Not less than 30 days before any pending protection office deadline.	This notification allows NIFA to consider continuing the protection action.	401.14(f)(3)
Invention Utilization Report	The grantee must submit information about the status of commercialization of any invention for which title has been elected.	Annually.	This report gives an indication of whether the objectives of the law are being met. Specific reporting requirements can be found in iEdison.	401.14(h)
Final Invention Statement and Certification (DD Form 882)	The grantee must submit to NIFA a summary of all Inventions made during the entire term of each grant award. Email the DD Form 882 to the NIFA Intellectual Property contacts.	Within 90 days after the project period (competitive segment) ends.	Required information is specified on the required form. If no inventions occurred during the project period, a negative report must be submitted to NIFA's primary Intellectual Property contacts. .	401.5(f)(1) And 401.14(f)(5)

i. Plant Variety Protection **ALL AWARDS**

The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety is entitled to plant variety protection for the variety, subject to certain conditions and requirements. Similar to development of inventions that are subject to patent and copyright registration, the Plant Variety Protection Act facilitates a system for breeders of protectable plant varieties to register their development. A plant variety is eligible for registration if it is new, distinct, uniform, and stable.

The plant the grantee is seeking to protect must be new. A plant is considered new if on the date of filing the application for plant variety protection, propagated or harvested material of the plant variety has not been sold or otherwise disposed of to other persons, by, or with the consent of, the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety in the United States, more than 1 year prior to the date of filing. A plant variety is also considered new if the plant has not been sold or otherwise disposed of in any area outside of the United States more than 4 years prior to the date of filing, except in the case of a tuber propagated plant variety subject to USDA waiver of the limitations. The plant variety must be distinct, in the sense that the variety is clearly distinguishable from any other variety publicly known to exist or known as a matter of common knowledge at the time of the filing of the application. The variety must also be uniform, in the sense that any variations are describable, predictable, and commercially acceptable. The plant variety must also be stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed (7 U.S.C. 2402).

The owner of the plant variety is the party eligible to file an application for a certificate of Plant Variety Protection with the USDA Agricultural Marketing Service (AMS) Plant Variety Protection Office (PVPO). The PVPO will determine if the variety submitted is in fact new, distinct, genetically uniform, and stable. Grantees must comply with PVPO's application requirements.

All pending application contents are confidential and information on the application contents will not be distributed (7 U.S.C. 2426). Grantees should note that plants subject to protection under the Plant Variety Protection Act are also eligible for protection under a utility patent.

Each certificate of plant variety protection certifies that the breeder has the right, during the term of the protection, to prevent others from selling the variety, offering it for sale, reproducing, importing or exporting, conditioning, stocking, or using the variety in producing a hybrid or different variety, as

provided by the Plant Variety Protection Act (7 CFR 97.1). Grantees should note that if the USDA determines that a protected plant variety should be declared open to use by the public, the USDA will give the owner of the variety appropriate notice and an opportunity to respond (7 CFR 97.700).

j. Interagency Edison (iEdison) **ALL AWARDS**
Pursuant to the requirement that all recipients of Federal grants or contracts report details of inventions and patents made through such awards, the National Institutes of Health (NIH) developed an on-line Extramural Invention Information Management System; Edison. The Edison system was deployed in October 1995, becoming the first Web-based electronic system in the government to support administrative requirements. iEdison assists with managing the required reporting on subject inventions and maintains the confidentiality of the information. Access to iEdison is available on-line.

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 iEdison 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 20892-798

Telephone: (301) 435-1986
Facsimile: (301) 480-0272
Email: edison@od.nih.gov

The invention report 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.

NIFA grantees should use iEdison to make 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. iEdison also supports electronic submission of documents required for several other aspects of the Bayh-Dole reporting process. 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. The 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 that can be submitted via fax. NIFA's website contains step-by-step instructions for entering PVP data into iEdison.

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.

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 NIFA Intellectual Property webpage. The signed certification including a detailed justification, must be emailed to the NIFA intellectual property contacts, named on the NIFA Intellectual Property webpage.

k. Royalties and Licensing Fees from Copyrights, Inventions, and Patents **ALL AWARDS**

Grantees can earn royalties, license fees, and other income from a copyrighted work developed under a NIFA grant or subgrant. The grant or subgrant agreement governs the disposition of income from copyrighted work. NIFA's research grant terms and conditions state that recipients have no obligation to NIFA with respect to program income from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions made under a NIFA award. A recipient is not prohibited from imposing disposition requirements on sub-recipients earning income from royalties, license fees, and other copyrighted work. Disposition requirements imposed on sub-recipients must be in addition to, and not inconsistent with, any requirements imposed by the provisions of the grant award.

In accordance with the standard patent rights clauses to be included in grant agreements, as appropriate, NIFA requires reporting on the use of subject inventions and other information that NIFA reasonably determines must be reported (37 CFR 401.14(h)). As part of the annual subject invention utilization report, recipients must report income generated by all subject inventions to which title has been elected, including inventions that have been patented and those that are licensed but not patented.

l. Transfer of Rights to the Inventor **ALL AWARDS**

Subject to certain conditions in 37 CFR 401.9, employee-inventors may request to retain title to their inventions to which the grantee/contractor does not elect

to retain title. USDA requires that an inventor certification form be completed by the inventor(s) before NIFA will consider an inventor's request to retain title to an invention. This is to ensure that inventors who are permitted to retain title to inventions made with NIFA funding understand their obligations to the government to file for patent protection and carry out other responsibilities set forth by 37 CFR 401.9 and to initiate USDA consultation with the grantee/contractor. It is USDA policy that its approval of the inventor's request to retain title is equivalent in effect to election of title to the invention by the grantee/contractor.

Among the responsibilities under 37 CFR 401, the inventor(s) has 1 year from the date of approval by USDA to seek patent protection as set forth by 37 CFR 401.14(c)(3). Rights to the invention will revert to the government after 1 year unless an extension of time is requested from NIFA following the procedures on NIFA's Intellectual Property web page. Inventors who wish to retain title to their invention(s) should complete the inventor certification form. The responsible official at the grantee/contractor organization must then complete and sign the lower portion of the certification.

m. Special Provisions for Grants with Non-Profit Organizations **COMPETITIVE AWARDS**

Non-profit organization grantees with subject inventions that are licensing their invention must make a reasonable effort to attract small business firms and must give such firms preference in licensing. Licensing decisions of small business are subject to NIFA review (37 CFR 401.14).

Non-profit organizations receiving NIFA funds are not permitted to transfer the rights of a subject invention without NIFA prior approval, unless the assignment of rights in the invention is made to an organization with its primary function being invention management (subject to the above requirements for transfer of an invention). The grantee non-profit will also be required to share royalties with the inventor (35 U.S.C. 202(a)(7)). Grantees should review existing agreements with third parties and revise them, as appropriate, to ensure consistency with the terms and conditions of their NIFA award and proper representation of the objectives and requirements of the Bayh-Dole Act. Non-profit grantees should contact NIFA and consult the Bayh-Dole Act and 37 CFR 401 for further guidance on the transfer of rights in inventions.

The central point of contact at 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: USDA NIFA PARS at bayhdole@nifa.usda.gov.

I. Procurement (2 CFR 200.317-326) **ALL AWARDS**

This policy guide contains the standards from the Uniform Guidance. Grantee will follow the terms and conditions of their grant award as well as the documented procurement practices, outlined by OMB.

1. General procurement standards **ALL AWARDS**
Consistent with the Notice of Award sheet and the award terms and conditions, recipients may use Federal award money to procure property, real property, equipment, and services. When entering into a procurement transaction, certain standards must be followed, in accordance with 2 CFR part 200. State and local government recipients follow the same policies and procedures used as procurements with non-Federal funds (2 CFR 200.317). All other types of grantees, including subrecipients of a state, follow 2 CFR 200.318 General procurement standards through 2 CFR 200.326 Contract provisions (2 CFR 200.317).

All recipients of NIFA grants must have written procurement procedures which reflect applicable state, local, and tribal laws and regulations, provided that the procedures conform to applicable Federal law and the standards identified in 2 CFR 200. Additionally, grantees must maintain written standard of conduct covering conflicts of interest and governing the actions of their employees engaged in the selection, award, or administration of a contract supported by a NIFA award if the employee has a real or apparent conflict of interest.

Conflict of interest may occur when an employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the above parties, has a financial or other interest in or a tangible personal benefit from a form considered for a contract.

A grantee's written procedures must include provisions to avoid acquisition of unnecessary or duplicative items and consideration should be given to consolidating or breaking out procurement to obtain more economical purchases. To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, grantees are encouraged to enter in state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

Grantees must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Considerations will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Where applicable or where required in the award terms and conditions, procurements must be in accordance 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.

Time and materials contracts may only be used after a grantee makes the determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.

Grantees must be responsible, in accordance with good administration practices and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include source evaluation, protests, disputes, and claims. These standards do not relieve the grantee of any contractual responsibilities under its contracts. NIFA will not substitute its own judgment for that of the grantee unless the matter is primarily a Federal concern. Violations of the law will be referred to the local, state, or Federal authority having proper jurisdiction.

Grantees' policies and procedures must be in compliance with any additional requirements contained in 2 CFR 200.318.

2. Competition **ALL AWARDS**

Once it is determined that procurement is necessary to carry out the purpose of the Federal award, all procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of the Uniform Guidance. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statement of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies; noncompetitive contracts to consultants that are on retainer contracts;
- Organization conflicts of interest;
- Specifying a brand name product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurements; and
- Any arbitrary action in the procurement process.

Grantees must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where Federal statutes expressly mandate or encourage geographical preference. Grantees

must have written procedures for procurements that ensure that all solicitations meet the criteria specified in 2 CFR 200.319(c).

3. Methods of Procurement **ALL AWARDS**
The Uniform Guidance, 2 CFR 200.320, specifies methods of procurement that must be used. These methods include micropurchase, small purchase procedures, sealed bids, competitive proposals, and noncompetitive proposals. The frequently asked questions on the Uniform Guidance, issued by OMB, contains clarifications regarding procurement methods.

On June 20, 2018, the Office of Management and Budget issued Memorandum M-18-18, which raises the threshold for micropurchases under Federal financial assistance awards to $10,000. Further, it implements an approval process for certain institutions that was to request micropurchase thresholds higher than $10,000.

4. Contracting with small and minority-owned and women-owned businesses and others **ALL AWARDS**
Grantees must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: placing qualified small and minority businesses and women's business enterprises on solicitation lists; assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises; establishing delivery schedules where the requirement permits which encourage participation by small and minority businesses, and women's business enterprises; using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above (2 CFR 200.321).

5. Contract Cost and price **ALL AWARDS**
Grantees must perform a cost or price analysis in connection with EVERY procurement action in excess of the Simplified Acquisition threshold, including contract modifications. The method and degree of the analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point the grantee must make independent estimates BEFORE receiving bids or proposals (2 CFR 200.323). The simplified acquisition threshold means the dollar amount below which a grantee may purchase property or services using small purchase methods. The simplified acquisition threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definition) and in accordance with 41 U.S.C. 1908 (2 CFR 200.88). On June 20, 2018, the Office of Management and Budget issued

Memorandum M-18-18, which raises the simplified acquisition threshold to $250,000 for all recipients.

Grantees must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under NIFA awards are allowable only to the extent that costs incurred or cost estimates included in the negotiated prices would be allowable for the grantee under the Cost Principles (2 CFR 200 Subpart E).

Cost plus a percentage of construction cost method of contracting must not be used.

6. NIFA review **ALL AWARDS**

Grantees must make available, upon request by NIFA, technical specifications on proposed procurements where NIFA believes such review is needed to ensure that the item or the service specified is the one being proposed for acquisition. This review will generally take place prior to the time the specification is incorporated into a solicitation document. However, if NIFA desires to have the review accomplished after solicitation has been developed, it may still review the specification, with such review usually limited to the technical aspects of the proposed purchase.

Grantees must make available to NIFA, upon request, pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates when:

- The grantee's procurement procedures or operation fails to comply with the procurement standards in the Uniform Guidance;
- The procurement is expected to exceed the simplified acquisition threshold and is then being awarded without competition or only one bid or offer is received in response to a solicitation;
- The procurement, which is expected to exceed the simplified acquisition threshold, specifies a brand name product;
- The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

Grantees are exempt from pre-procurement review if NIFA determines that its procurement systems comply with the standards in 2 CFR 200.324.

7. Contract Provisions **ALL AWARDS**
Grantee contracts must contain the applicable provisions described in Appendix II to 2 CFR 200 – Contract provisions for non-Federal Entity Contracts Under Federal Awards.

J. Performance and Financial Monitoring and Reporting (2 CFR 200.327-329) **ALL AWARDS**
The reporting requirements identified in this Policy Guide are general requirements. Each Notice of Award will contain the specific reporting requirements for that grant and additional detail on how to submit all required reports. NIFA's monitoring of a project or activity will continue for as long as NIFA retains a financial interest in the project or activity.

NIFA's responsibility is to ensure proper stewardship of Federal funds. NIFA will monitor grants to identify potential problems and areas where technical assistance might be needed. Progress reports, site visits, desk audits, and other required reports assist NIFA in the monitoring and oversight of grants.

NIFA requires grantees to submit progress and financial reports throughout the life of the grant. Other required reports may include annual invention utilization reports, lobbying disclosures, conflict of interest reports, audit reports and specialized programmatic reports. NIFA uses the iEdison system for submission of all reports related to inventions. Grantees should refer to their Notice of Award and award terms and conditions for all applicable reporting requirements.

Required financial and final progress reports must be submitted within the time period specified in the award documents. Failure to submit complete, accurate, and timely reports may indicate the need for closer monitoring by NIFA or may result in possible award delays or enforcement actions. Grantees must obtain the necessary reports from subrecipients. If the report due date falls on a weekend or holiday, the report is due the next business day.

1. Financial Reporting **ALL AWARDS**
NIFA requires all grantees to submit a Federal Financial Report Form SF-425, on an annual basis. Additionally, recipients submit an annual REEport Project Financial Report. All grantees must submit a **final** Federal Financial Report Form SF-425 within 90 days of the expiration of the award, in compliance with 2 CFR 200.343(a) and NIFA's research terms and conditions.

a. SF-425 Annual reports **ALL AWARDS**
i. General requirements:

a) The report must be completed on a single award basis.
b) The cash management information (lines 10(a) through 10(b)) do not have to be completed.
c) The financial status information (lines 10(d) through 10(o) as well as line 11) on the form MUST be completed, if applicable.
d) 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.
e) When submitting a financial report, the total matching contribution, if required, must be shown on lines 10i, 10j, and 10k.

ii. Submission

a) Competitive grants: The report must be submitted as a PDF attachment to an email sent to awards@nifa.usda.gov.
b) Capacity grants: For FY 2017 awards and later, the report must be submitted through the ezFedGrants portal. For awards prior to FY 2017, reports are submitted to formulagrantforms@nifa.usda.gov.

b. Final SF-425 Financial Report **ALL AWARDS**

All grantees must submit a **final** Federal Financial Report Form SF-425 within 90 days of the expiration of the award, in compliance with 2 CFR 200.343(a). The final SF-425 report must not show any unliquidated obligations. If, in the unlikely event that the awardee still has valid obligations that remain unpaid when the SF-425 is due, it must request an extension of time due to extenuating circumstance, to submit the report. After review of documentation, the ASAP account may be reopened to make the final payments.

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 will be placed on "manual review," which restricts the awardee's ability to draw funds. If any remaining funding is needed by the awardee, the awardee must contact AMD and request a draw providing AMD with justification and documentation to support the draw. Such draw requests will only be approved in extenuating circumstances, as determined by NIFA. Regardless of extensions given for the submission of the SF-425, funds will not be available for any drawdowns that exceed statutory limits as well as any expiring appropriations.

c. REEport Project Financial Report **ALL AWARDS**

The REEport Project Financial Report replaced the AD-419 financial report that was previously done in CRIS webforms. It is a project level report that details all expenditures by funding source, as well as all Full Time Equivalents (FTEs), for the most recently completed Federal fiscal year. The report is used for research planning and is not an auditable document. The REEport Financial report manual contains information and requirements for the project financial reports

that are submitted through REEport. Please consult the REEport Financial Report manual on NIFA's website for additional details regarding project financial reports.

i. Competitive awards. A Project Financial Report must be submitted through the REEport system for each year the project is active. It is due on an annual basis (See REEport Manual and Notice of Award/Award terms and conditions for due dates). Failure to submit an annual REEport Project Financial Report may result in grant funds being withheld until the report has been submitted as specified.
   a) Expenditures reported on the Project Financial Report are not auditable by NIFA.
   b) 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.
   c) The final REEport Project Financial Report covers only the last, most recent period of performance of the project; unlike the Final Technical Report, it does not cover the life of the project from start to end date.

ii. Capacity awards. A REEport Project Financial Report is due annually (See REEport Manual and Notice of Award/Award terms and conditions for due dates). Detailed instructions for submitting REEport Project Financial Reports through the REEport system are available on the NIFA website.

2. Program Performance Reporting **ALL AWARDS**

a. Competitive awards **COMPETITIVE AWARDS**

All grant reporting must be completed using the Research, Education, and Extension project online reporting tool (REEport). Reporting consists of initial reporting, annual progress reports, and final reports. Information on REEport is available on NIFA's website and the REEport software is available on NIFA's Portal. Please consult the REEport Guide for Project Directors manual for additional details regarding reports.

i. Project Initiation Report. 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 Program Manager. Grantees submit data electronically. Technical questions regarding the online completion of the reports should be directed to NIFA at (202) 690-0009 or via email at electronic@nifa.usda.gov. Questions regarding report content should be directed to the programmatic contact person identified in in RFA or, if the award has been made, Block 14 of the Notice of Award (Award Face Sheet). NIFA WILL NOT RELEASE FUNDS FOR A PROJECT UNTIL

THE REQUIRED INFORMATION HAS BEEN RECEIVED ELECTRONICALLY BY REEport.

ii. Annual Progress Report

All projects must report annually into REEport. Annual progress reports are submitted to REEport. 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 system will notify the awardee or designated contact electronically of upcoming reporting requirements for REEport reports.[17] An annual Progress Report must be completed in accordance with instructions accompanying the request and/or those provided on the REEport data entry website referenced in item d. 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., 1 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 1-year period. Failure to submit an annual Progress Report within 90 calendar days after the award's anniversary date may result in grant funds being withheld until the report has been submitted as specified.

The following information, when applicable, must be included in the Project Modifications section of the annual Progress Report.

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.

iii. Final Report. In the month that an award is due to expire, a request notification for the Final Progress Report will be sent electronically to the award contact designated in REEport. The Final Progress Report is required within 90 calendar days after the expiration or termination of the award. The 90 calendar days is in compliance with 2 CFR 200.343(a); NIFA is not

[17] REEport does not provide reminders for the SF-425 Federal Financial Reports or other programmatic reports outside of REEport.

implementing the 120 days mentioned in the Research Terms and Conditions (2 CFR 200.343(a)).

The Final Progress 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. The Final Progress Report must include, when applicable, equipment purchased with any Federal funds under the award and indicate subsequent use of such equipment.

Failure to submit an acceptable Final Progress Report within 90 calendar days after the award's anniversary date may result in funds being withheld for other active NIFA grants for which the PD(s) under this award are also named, as well as prevent the award of future NIFA grants until the required report has been received in the REEport system and approved by NIFA.

iv. Non-Competing Continuation Progress Reports
Continuation awards support a specified program or project for a predetermined period of time with a statement of intention to provide additional support at a future date, provided that the grantee's performance has been satisfactory, appropriations are available for this purpose, and continued support would be in the best interest of the Federal government and the public. Progress reports are typically required to be submitted annually, or more frequently, as required by NIFA. Progress reports will be submitted through REEport (7 CFR 3430.14).

b. Capacity grant performance reporting **CAPACITY AWARDS**
Capacity grant recipients must submit a project initiation report annually as well as an annual progress report, and a final progress report. Hatch and Evans-Allen grants must submit a financial report (different than the SF-425).

i. Project Initiation. For capacity funded research, Project Initiation needs to be completed by any LGU PD who has been granted authority by their parent LGU to use a portion of its (the institution's) allocated capacity dollars (Hatch, Hatch Multistate, Evans-Allen, McIntire-Stennis, Animal Health, or Renewable Resources Extension) to perform approved research. The PD (or designated staff member; in some cases the institution allows the Site Administrator to input data on behalf of the PDs) must complete a Project Initiation in order to gain approval by NIFA to begin the research and to spend capacity dollars on that particular project. Once a project is approved and becomes active, subsequent progress reports, financial reports, and a final report must be submitted to NIFA in accordance with the below due dates.

ii. Annual Progress Report. Due by March 1 annually for each reporting year of the project but may be submitted within 90 days leading up to March 1. Capacity reporting must follow the Federal fiscal year, so each Progress Report covers one Federal fiscal year (or a portion thereof depending on the start date of the project).

If the project begins in the midst of the Federal fiscal year, the progress reported on in the first Progress Report is the start of the project through the remainder of the Federal fiscal year. All subsequent Progress Reports cover each full Federal fiscal year.

iii. REEport Final Progress Report (accomplishments). Due by March 1 in the fiscal year following the Federal FY in which the project ends. The Final Report may also be submitted at any time during the life of the project in order to terminate that project. However, it is important to note that the system will only accept the submission of the Final Report if the date of submission is within 90 days prior to the current end date listed on the active project. If a PD or SA wishes to submit a Final Report earlier than 90 days prior to the end date of the project, then they must submit a "Project Change" to change the end date of the project so that the proper 90 day window is created in relation to the day they want to submit the Final Report.

c. Summary Chart of Due Dates for Capacity & Non-Capacity Financial & Programmatic Reports **ALL AWARDS**

Description	Capacity Projects	Non-Capacity Projects *(incl. Competitive Grants)*
Plan of Work and Annual Plan of Work Report on Accomplishments	April 1 *Only for Smith-Lever 3(a) and 3(b), Smith-Lever Special Needs, Hatch, Section 1444 and 1445 (Evans-Allen), and DCPERA	Not Applicable
Project Initiation	Can be submitted throughout the fiscal year, but note that NIFA requires a 30-day review period before the project can become active. Project start dates will be the start date requested or the date of NIFA approval, whichever is later. Start dates cannot be backdated.	Submit as soon as notification of award recommendation is received.
REEport Annual Progress Report	March 1 (May be submitted up to 90 days prior).	Submit within 90 days AFTER the anniversary of the start date; continuation awards must submit within 90 days BEFORE anniversary of the start date.
REEport Final Progress Report	Due by March 1 in the fiscal year following the Federal FY in which the project ends.	Within 90 calendar days after the expiration or termination of the award.
REEport Financial Report	February 1.	February 1 of the fiscal year AFTER the fiscal year of the expenditures being reported. For example, a new award with a start date of Oct. 1, 2017, will have a Project Financial Report due for its FY 17 expenditures on Feb. 1, 2019.

Description	Capacity Projects	Non-Capacity Projects *(incl. Competitive Grants)*
SF-425 Financial Report	Due December 30 annually (due annually no later than 90 days following the end of the award anniversary date). Must be submitted. FY 2016 and beyond awards submit via ezFedGrants. Grant awarded prior to FY 17 submit reports to: formulagrantforms@nifa.usda.gov.	Due on an annual basis no later than 90 days following the end of the award anniversary date and must be submitted via email as a PDF attachment to awards@nifa.usda.gov.
SF 425 Final Financial Report	Due 90 days following the expiration date of the award.	No later than 90 days after the expiration date (may be submitted at any time to terminate the project).

Source: REEport Guide for Project Directors

d. Plan of Work **CAPACITY AWARDS**

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 funding authorities for Extension and Research activities at 1862 and 1890 LGUs. The AREERA POWs pertain only to the Smith-Lever 3(b) and (c), Hatch (including Hatch Multistate), Evans-Allen, and 1890 Extension funds.

POWs cover both research and extension activities. An integrated POW may be submitted at the state level, meaning that all 1862 and 1890 Research and Extension entities in a state may collaborate to submit a joint POW; but joint plans are no longer required.[18] POWs must reflect the content of the program(s) funded by Federal agricultural research and extension capacity funds and the required matching funds. POW must describe and address critical short-term, intermediate, and long-term agricultural issues in a state. The initial POW and subsequent annual updates should include resources allocated for the various

[18] In the Plan of Work redesign for the 2019 reporting cycle, institutions made the choice to submit combined or individual Plans of Work. If a combined plan was selected, 1862 and 1890 institutions must submit a combined plan. This choice stands for the first 5 years in the new system. Institutions will have the option to make changes in approximately 2024.

planned programs. Detailed guidance on required content and how to submit a POW can be found on the NIFA Plan of Work web page.

Completion of the POW fulfills the reporting requirement for solicitation and consideration of stakeholder input on capacity funded activities. The POW preserves an institution's autonomy and allows for programmatic flexibility within the Federal-State partnership. The "Guidelines for the State Plans of Work for Agricultural Research and Extension Formula Funds" govern the creation and maintenance of POW.

The AREERA POW reporting system is developed and monitored at NIFA by Planning, Accountability and Reporting staff (PARS), in conjunction with the Office of Information Technology (OIT). This system is used by all LGUs to input and edit data and officially submit POWs. 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. NOTE: The Plan of Work system is in the process of undergoing a complete redesign, and is scheduled to launch Nov. 1, 2018. Portions of the redesign process will also have impact on the REEport system and NIFA's Reporting Portal. Please see the guide on the NIFA Plan of Work website page for detailed information about the history and status of the design process, which includes descriptions of the major changes along with FAQs.

The NIFA Reporting Portal is developed and monitored by PARS, in conjunction with NIFA's OIT. This system is used by all LGUs to input and edit data and officially submit their POWs and Annual Reports.

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)[19] for extension activities at the 1862 land-grant institutions, and sections 1444 and 1445 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. However, since 1890 LGUs are not

[19] In the Plan of Work redesign for the 2019 reporting cycle, Smith-Lever special needs will be included in the Plan of Work.

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 Smith-Lever section (for multistate extension activities) or Hatch Act section (for integrated research and extension activities).

The 1862 land-grant institutions in American Samoa, Guam, Micronesia, Northern Marianas, Puerto Rico, and the U.S. Virgin Islands must report Multistate and integrated research and extension activities under the Planned Programs section of the 5-Year Plan of Work. Under Smith-Lever section, 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.[20]

For POWs, NIFA will provide a review within 90 days of receipt of the document. Approved POWs are publicly available on the NIFA website. NIFA evaluates each POW to determine if it addresses agricultural issues of critical importance to the state, identifies the alignment and realignment of programs to address those critical issues, identifies the involvement of stakeholders in the planning process, gives attention to under-served and under-represented populations, indicates the level of Federal capacity funds in proportion to all other funds, provides evidence of multi-state, multi-disciplinary and multi-institutional integrated activities, and identifies the expected outcomes and impacts of the POW (71 FR 4101).

3. Stakeholder Input **CAPACITY AWARDS**

As a condition of receiving capacity funds, the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA, Section 102(c)), 7 U.S.C. 7612, requires all land-grant institutions to solicit and consider input and recommendations from stakeholders concerning the use of capacity funds. The requirement became effective for all capacity funds distributed to land-grant institutions after Sept. 30, 1999. All land-grant institutions must have an established process for obtaining stakeholder input. Stakeholder input should be obtained and incorporated in determining how capacity funds are used. Stakeholder input is reported in both the

[20] Section 105 of AREERA amended the Smith-Lever Act to require that a specified amount of agricultural extension formula funds be expended on multistate extension activities. Section 204 of AREERA amended the Hatch Act and Smith-Lever Act to require that a specified amount of agricultural research and extension formula funds be expended on integrated research and extension activities.

POW and its subsequent annual reports. Each institution must submit a report to NIFA by April 1 of each fiscal year with the following information regarding stakeholder input:

- Actions that were taken by the institution to seek stakeholder input and encourage their participation,
- A brief statement of the process used to identify individuals and groups who are stakeholders and to collect input from them, and
- A statement of how the institution considered the collected input.

Failing to comply with the stakeholder input requirements could result in capacity funds being withheld and redistributed. Institutions are not permitted to require stakeholders to provide input as a condition of receiving the benefits of, or participating in, the agricultural research, education, or extension programs at the recipient institution. The same information contained in the annual stakeholder input report is also a part of the state POW, when applicable (discussed below). For additional information see 7 CFR 3418.

4. Subaward and Executive Compensation Reporting **ALL AWARDS**
The Federal Funding and Accountability Transparency Act (FFATA)of 2006 was passed with the intent of empowering the public with the ability to hold the government accountable for all spending decisions in an effort to reduce wasteful spending. Subsequently, in May 2014, the Digital Accountability and Transparency Act of 2014 (DATA Act) (P.L. 113-101) was enacted into law. The DATA Act, expands on Federal award reporting reforms that began with the Federal Funding Accountability and Transparency Act of 2006. Both Acts include reporting requirements that facilitate providing the public with information on Federal spending. Information required to be submitted pursuant to the Transparency Act is published at www.USAspending.gov. Pursuant to FFATA and the DATA Act, additional information on subawards and executive compensation is required when a non-Federal entity is receiving or administering a NIFA grant, cooperative agreement, loan, loan guarantee, subsidy, insurance, direct appropriation, assessed and voluntary contribution or other financial assistance that authorizes the non-Federal entity to spend Federal funds (2 CFR 170.100 and 2 CFR 170.320). The requirements of the FFATA do not apply to individuals receiving NIFA grants (2 CFR 170.110). The requirements for reporting names and total compensation of the five most highly compensated executives do not apply unless in the organization's preceding fiscal year, it received 80 percent or more of their annual gross revenue in Federal procurement contracts and Federal financial assistance awards and subawards (2 CFR 170.110). Grantees receiving $25,000,000 or more in annual gross revenue from Federal procurement contracts and subcontracts and Federal financial assistance awards are also subject to the reporting requirements of the FFATA (2 CFR 170.110).

The reporting requirements of the FFATA and the DATA Act are included in the terms and conditions of the award. Grantees subject to reporting requirements must have systems in place to comply with the reporting requirements at the time of application (2 CFR 170.200). Grantees must report all actions that obligate $25,000 or more in Federal funds. Grantees and subrecipients must report total compensation for each of the five most highly compensated individuals for the preceding fiscal year. Subrecipients are required to report total compensation for each of the five most highly compensated individuals for the preceding fiscal year if they received 80 percent or more of their annual gross revenue in Federal procurement contracts and Federal financial assistance awards and subawards or $25,000,000 or more in annual gross revenue from the Federal procurement contracts and subcontracts and Federal financial assistance awards (2 CFR 170 Appendix A). Grantees with a gross income of under $300,000 are exempt from reporting subaward information and total executive compensation.

All information regarding obligations of $25,000 or more must be reported to https://www.fsrs.gov/ and total executive compensation must be reported as part of the SAM registration process. Grantees will be required to register with, and submit timely reports, to FSRS. Recipient organizations may be required to verify the following information in FSRS: organization DUNS number; name and address of organization; parent DUNS number; CFDA number; Federal Award Identification Number (FAIN); Federal awarding agency.

Information must be reported by subrecipients no later than the month after the month when the funds were initially obligated (2 CFR 170 Appendix A). Subrecipients must report their executive compensation information to the primary grantee by the end of the month following the month when the subaward was made (2 CFR 170 Appendix A). Information regarding executive compensation is not required to be reported if the public has access to the same information through the 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 (2 CFR 170.110). All required reporting pursuant to the Transparency Act is included in the award terms and conditions.

K. Subrecipient monitoring and Management (2 CFR 200.303-332) **ALL AWARDS**
Grantees are responsible for managing the day-to-day operations of grant-supported activities, subawards, and functions and activities supported by the award using their established controls and policies consistent with all NIFA requirements. Grantees that have subawards are responsible for ensuring that the subaward performance is successful and in compliance with all terms and conditions of the grant award, including ensuring that costs are necessary, reasonable, and allocable. The Uniform Guidance contains requirements regarding subrecipient monitoring and oversight. When a grantee makes a subaward to a subrecipient to carry out part of a Federal program, it is

called a pass-through entity (2 CFR 200.74) and the requirements for pass-through entities are summarized below. Full requirements are contained in 2 CFR 200.330-332.

1. Flow down of requirements from Subawards and contracts under grants **ALL AWARDS**
   The terms and conditions of a NIFA award apply directly to the recipient of NIFA funds. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as cited in the Notice of Award. In general, the requirements that apply to the recipient, including public policy requirements, also apply to sub-recipients and contractors under grants, unless an exception is specified. NIFA further requires prior written approval by an ADO for distribution of more than 50 percent of the total dollars of the award to a sub-recipient or when the subaward is to another Federal Agency.

2. Subrecipient and contractor determination **ALL AWARDS**
   a. Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency (2 CFR 200.93).

   b. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics that support that classification of an entity as a subrecipient include when the non-Federal entity: 1) determines who is eligible to receive what Federal assistance; has its performance measured in relation to whether objectives of a Federal program were met; 2) has responsibility for programmatic decision making; 3) is responsible for adherence to applicable Federal program requirements specified in the Federal award; and 4) in accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in the authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

   c. Contractor means an entity that receives a contract, as defined below.

   d. A contract is defined as a legal instrument by which a grantee purchases property or services needed to carry out the project or program under a Federal award. The term contract does not include subawards as defined above, even if the grantees uses a contract as the legal instrument to make the subaward. A contract is for the purpose of obtaining goods and services for the grantee's own use and creates a procurement relationship with the contracts. Characteristics indicative of a procurement relationship between the grantee and a contractor are when the contractor: provides the goods and services within normal business

operations; provides similar goods or services to many different purchasers; normally operates in a competitive environment; provides goods or services that are ancillary to the operation of a Federal program; and is not subject to the compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

e. Grantees must use their judgement in determining whether an agreement creates a subrecipient or contractor relationship. The Uniform Guidance notes that the substance of the relationship is more information than the form of the agreement. For example, while the grantee may call its subawards contracts, its relationship with the entity would be a subrecipient relationship if the characteristics match those of a subaward versus a contract.

3. Requirements for pass-through entities **ALL AWARDS**

a. Ensure every subaward is clearly identified to the subrecipient as a subaward and includes the required information at the time of the subaward, and if any of the required elements change, include the change in a subsequent subaward modification. Requirement elements are listed in 2 CFR 200.331

b. Evaluate each subrecipients' risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring plan. Factors include the subrecipient's experience with the same or similar awards; result of previous audits including whether or not the subrecipient receives a Single Audit in accordance with the Uniform Guidance, and the extent to which the same or similar subaward has been audited as a major program; whether the subrecipient has new personnel or substantially changed systems; and the extent and results of Federal Awarding agency monitoring.

c. Consider imposing specific subaward conditions upon a subrecipient if appropriate.

d. Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.

e. Depending on the pass-through entity's assessment of risk posed by the subrecipient, the following monitoring tools may be useful for the pass-through-entity to ensure proper accountability and compliance with program requirements and achievement of performance goals: providing subrecipient with training and technical assistance on program related matters; performing onsite reviews of the subrecipient program operations; arranging for agreed-upon procedures engagements.

f. Verify that the subrecipient is audited as required in 2 CFR part 200 Subpart F.

g. Consider whether the results of the Subrecipients' audits, onsite reviews, or other monitoring indicate conditions that necessitate adjustment of pass-through entity's own records.

h. Consider taking enforcement action against noncompliant subrecipient.

L. Record retention (2 CFR 200.333-337) **ALL AWARDS**

In accordance with 2 CFR 200.333, financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of 3 years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to NIFA.

Records may need to be retained longer than the 3-year period in certain circumstances. If any litigation, claim, or audit is started before the 3-year standard retention period expires, the records must be maintained until all litigation, claim and audit findings involving the records are resolved and final action is taken (2 CFR 200.333(a)). All records for real property and equipment purchased with Federal funds by educational institutions and non-profits must be retained for 3 years from the final disposition of the property (2 CFR 200.333(c)).

If a grantee transfers records to NIFA, the 3-year retention period no longer applies to the grantee (2 CFR 200.33(e)). For indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable, records must be retained for 3 years from the date of submission if they are submitted for negotiation. If there was no negotiation, the 3-year retention period starts at the end of the fiscal year covered by the proposal, plan, or other computation (2 CFR 200.333(f)).

If NIFA determines records need to be retained beyond the standard 3-year retention time, those records will be transferred to NIFA's custody. However, to avoid duplicate recordkeeping, NIFA may make arrangements with grantees when records are continuously needed for joint use. NIFA, the Inspector General, and the Comptroller General, or any of their duly authorized representatives have the right to access any books, documents, papers, or other records that pertain to a NIFA award when conducting audits, examinations, excerpts, transcripts, and copies. The right of these parties to access documents also includes the right to interview personnel and discuss the relevant documents.[21] Parties with rights to access grantee documents retain that right so long as the documents exist, even if that is beyond the 3-year retention period.

[21] Access to personnel will be permitted when it is timely and reasonable.

Both paper and electronic records are subject to the retention requirements. Records to be retained include electronic storage of faxes, copies of paper document, images, and other electronic media. Institutions that rely on an electronic storage system must be able to assure such a system is stable, reliable, and maintains the integrity of the information. When storing electronic images of paper documents, the system must also assure a full, complete, and accurate representation of the original, including all official approvals.

M. Post-award compliance reviews **ALL AWARDS**

NIFA conducts post-award compliance reviews to meet the agency's responsibility under the Federal Managers' Financial Integrity Act (FMFIA) to provide reasonable assurance that its systems of management, accounting, and administrative controls, taken as a whole, meet the objectives specified in Section 2 of the FMFIA. These objectives are intended to ensure that: 1) programs achieve their intended results; 2) resources are used consistent with agency mission; 3) programs and resources are protected from waste, fraud, and mismanagement; 4) laws and regulations are followed; and 5) reliable and timely information is obtained, maintained, reported, and used for decision making. NIFA considers several risk factors in selecting recipients for the compliance reviews. These include but are not limited to Single Audit Findings, level of funding, length of time since last review, and Office of Inspector General Hotline complaints.

NIFA's post-award financial compliance reviews are generally performed as a site visit, but may be performed as a desk audit. The site visit is divided into two distinct sessions:
(1) Gathering information to complete the financial compliance review; and
(2) Providing technical assistance and outreach to our partners to successfully attain program objectives.

Recipients are provided an opportunity to respond to the findings in the draft report. A final report is issued which incorporates recipient responses.

Visit the NIFA website for tentative schedules for NIFA Compliance visits.

N. Remedies for non- compliance **ALL AWARDS**

A grantee's failure to comply with the terms and conditions of an award may result in NIFA taking corrective actions, depending on the severity and duration of the non-compliance, to remedy the problem. The range of enforcement actions NIFA can take are outlined in the applicable statutes, regulations, and policies applicable to a specific program and identified in the Notice of Award and award terms and conditions. Except in cases where public health or welfare concerns require immediate action or the existence of waste, fraud, and abuse is present, NIFA will afford the grantee an opportunity to take corrective action to cure the identified issue. However, even if a

grantee is taking corrective action, NIFA may proactively protect the Federal government's interests, including placing special conditions on awards or precluding the grantee from obtaining future awards for a specified period, or may take action designed to prevent future non-compliance, such as closer monitoring. The Uniform Guidance, specifically 2 CFR 200.338, provides NIFA will the following remedies for noncompliance:

- Temporarily withhold cash payments pending correction of the deficiency.
- Disallow (that is deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the award.
- Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and USDA regulations, 7 CFR 3017.
- Withhold further Federal awards for the project or programs.
- Take other remedies that may be legally available.

None of the enforcement actions taken by NIFA prevent debarment and suspension as well (7 CFR 3430.60).

1. Modification of the Terms and Conditions of Award and Special Award Conditions **ALL AWARDS**
   If a grantee has a history of poor performance, is financially unstable, has a financial and program management system that does not meet the NIFA requirements, has previously failed to comply with the terms and conditions of a NIFA award, or is otherwise irresponsible, NIFA may impose additional requirements on the grantee. When special award conditions are imposed, NIFA will notify the grantee in writing of the nature of the additional requirements, the reason(s) for imposing additional requirements, the nature of the corrective action the grantee needs to take, the time permitted for corrective action to be taken in, and the method by which the grantee can request reconsideration of the award terms and conditions. When the grantee corrects the condition(s) that necessitated imposing special award conditions, the special conditions will be removed. Generally, the decision to modify the terms of an award (e.g., by imposing special award conditions) is discretionary on the part of NIFA and is not appealable. 2 CFR 200.207 Specific conditions)).

   NIFA also may withdraw approval of the PD/PI or other senior/key personnel specifically referenced in the Notice of Award if there is a reasonable basis to conclude that the PD/PI and other such named senior/key personnel are no longer qualified or competent to perform. In that case, NIFA may request that the grantee designate a new PD/PI or other named senior/key personnel.

2. Suspension or Termination and Withholding of Support **COMPETITIVE AWARDS**
   Grantees are required to abide by the terms and conditions of their award, as well as the applicable legislation, regulations, policy directives, and the requirements

established by this Policy Guide. When grantees fail to materially comply with the terms and conditions of the award, NIFA may take certain enforcement actions, including, but not limited to, suspending the award pending corrective action, terminating the award for cause, and withholding support. Material compliance means that the grantee, in good faith, substantially abided by the terms of the grant.

3. Suspension **COMPETITIVE AWARDS**
Generally, NIFA will suspend a grant when the grantee has not complied with the terms and conditions of the award rather than immediately terminate the award. A suspension allows the grantee to take corrective action and remedy their non-compliance. If during the period of suspension the grantee fails to take appropriate corrective action, NIFA may choose to terminate the award. Suspension is not required before termination and immediate termination is a possible first response by NIFA.

4. Termination **COMPETITIVE AWARDS**
NIFA has the authority to terminate an award, partially or wholly, with the consent of the grantee. Grantees are also permitted to terminate the award if circumstances necessitate doing so. If a grantee decides to terminate a portion of the award, NIFA may determine that it is not possible to use the remaining portion for the purposes for which it was intended. In that case, NIFA will advise the grantee that it is possible to terminate the award in its entirety or to withdraw the termination request. NIFA may terminate the entire award if the original purpose cannot be fulfilled and the grantee chooses not to terminate wholly or withdraw its termination request. Grantees should contact NIFA to determine if termination costs are allowable costs.

If a grantee seeks to terminate their award, they must send NIFA written notification setting forth the reasons for termination, and if partial termination is requested, the portion of the award to be terminated (2 CFR 200.339(4)).

5. Withholding Support **COMPETITIVE AWARDS**
NIFA may determine that the most appropriate course of action is to withhold support from a grantee. This means that NIFA will not make a non-competing continuation award. Support may be withheld by NIFA for a number of reasons. For example, there may not be sufficient Federal funds available to support the project; the grantee might have failed to demonstrate satisfactory progress towards achieving the objectives of the project; a grantee might have failed to meet the terms and conditions of an award; or continued funding might not be in the best interest of the Federal government. A grantee denied continued support under a non-competing continuation award for failure to comply with the award terms and conditions may appeal NIFA's decision through the appeals procedures detailed in this document and located at 7 CFR 3430.62 and 7 CFR 3430.60(d).

6. Other Enforcement Actions **ALL AWARDS**
   In addition to imposing special award terms and conditions, NIFA may take a number of other enforcement actions if a grantee is not complying with the award terms and conditions. NIFA may temporarily withhold cash payments pending the grantee's correction of the deficiency (or NIFA may take more severe action), wholly or partly suspending or terminating the current award, withholding further awards for the same project or program, and taking other legally available remedies. Suspension of an award is NOT the same as suspension related to suspension and debarment.

7. Recovery of Funds **ALL AWARDS**
   At any time during the life of a Federal assistance award, NIFA may identify and administratively recover funds paid to an awardee in excess of what the awardee was entitled to. If NIFA determines that there is a basis for disallowing a cost for any Federal assistance award, including capacity and competitive awards; NIFA will provide the awardee notice of their intent to disallow the cost. Disallowed costs may include funds drawn erroneously from the U.S. Treasury's Automated Standard Application for Payments (ASAP) during the life of the award; funds drawn in excess from ASAP after NIFA reviews the final SF-425, Federal Financial Report; failure to meet other award terms and conditions, including the required matching or cost sharing; disallowed costs determined during a NIFA on-site or desk review; and disallowed costs determined during the audit resolution process for reviews and audits, conducted by the USDA Office of Inspector General (OIG), Single Audit auditor (2 CFR 200.501), or any entity with statutory or regulatory authority to conduct such reviews and audits. A grantee will have an opportunity to provide NIFA with supporting documentation to justify costs disallowed by NIFA. Disallowed costs that could not be supported by the grantee will result in a debt to NIFA which will be communicated to the grantee in accordance with the applicable USDA Debt Management Regulations, 7 CFR Part 3.

8. Opportunities to object, hearings, and appeals **COMPETITIVE AWARDS**
   When any enforcement action is taken, grantees are permitted an opportunity for a hearing, appeal, or other administrative proceeding as permitted by law (7 CFR 3430.62). Grantees may appeal post-award adverse administrative decisions made by NIFA including: termination, in whole or in part, for a grantee's failure to carry out the approved project in accordance with the applicable law and the terms and conditions of the award or otherwise fail to comply with the award requirements, denial of a non-competing continuation award for failure to comply with the requirements of a previous award, or a determination that an award is void or invalid. Grantees may also appeal determinations on allowability of costs (7 CFR 3430.62).

   Formal notification of an adverse determination will include a statement of the grantee's rights to appeal. The grantee is then required to submit to NIFA a request for review detailing the adverse determination and providing supporting documents

in accordance with the procedures identified in the notification. NIFA must receive the request for review within 60 days of the grantee's receipt of the formal notification. Extensions may be granted in extenuating circumstances (7 CFR 3430.62).

If NIFA's ultimate decision is adverse to the grantee or the request for review is rejected, the grantee may submit a request to NIFA's Deputy Director, Office of Grants and Financial Management for further review. The NIFA Deputy Director, Office of Grants and Financial Management's decision is final (7 CFR 3430.62)

9. Effects of suspension and termination **COMPETITIVE AWARDS**
Costs to the grantee resulting from obligations incurred during a suspension or after termination of a Federal award are not allowable unless the Federal awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during the suspension or after termination are allowable if: the costs result from obligations which were properly incurred by the grantee before the effective date of the suspension or termination, are not in anticipation of it, and the costs would be allowable if the Federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.

O. Closeout **ALL AWARDS**
NIFA's closeout procedures ensure that grantees have met all financial and technical requirements, submitted their final SF-425 Federal financial report and REEport final reports, and returned any unspent or unobligated balances. All closeout documents must be submitted in the 90 days following the project period's end date on the Notice of Award, unless otherwise provided.

Grantees are responsible for timely award closeout. Within 90 calendar days after the date the award expires or is terminated, the grantee must submit the Federal financial report (SF 425), performance report, and other required reports. NIFA may approve extensions of time when requested by a grantee. All required closeout reports will be identified in the award terms and conditions. If grantees are not able to comply with the established timeline, they should contact NIFA (2 CFR 200.343(a)).

All financial obligations must be liquidated no later than 90 calendar days after the end of the funding period, the date of completion of the award, or as otherwise provided in the award terms and conditions. If a final audit has not been performed prior to the award closeout, NIFA retains the right to recover an appropriate amount after fully considering the recommended disallowed costs from the final audit. Closeout includes ensuring timely and accurate submission of all required reports and adjustments for amounts due to the grantee or NIFA (2 CFR 200.343(b)). NOTE: Awards in the fifth year with expiration dates in the months of JUNE, JULY, and AUGUST do not have the full 90 days after expiration to draw down (does not apply to AFRI awards or

no-year/X-year appropriation funded programs). NIFA uses award provisions to communicate expiring appropriation drawdown limits to grantees. Grantees with drawdown limits must make final drawdown for expenditures no later than August 25 of the fifth year. After August 25, the ASAP account will be closed and the funds will revert back to the Treasury, resulting in lost funds for grantee.
Closeout does not affect NIFA's right to disallow costs and recover funds based on later audits and financial reviews or the grantee's obligation to report and return any funds later acquired through refunds, corrections or other transactions.
Closeout of a grant does not automatically cancel any requirements for property accountability, record retention, or financial accountability. After closeout, grantees remain obligated to return funds determined to be due as a result of an audit. Grantees are not permitted to continue to draw down funds once the closeout period ends. NIFA will de-obligate any remaining balances (2 CFR 200.344; GAO 12-360).

Failing to submit timely and accurate closeout documents may affect future funding to the organization. NIFA may impose sanctions on institutions that fail to correct recurring reporting problems. Such sanctions may include, but are not limited to, corrective actions, removal of authorities, and/or delay or withholding of further awards to the project or program.

Grantees must submit a final financial report, final technical report, and final invention statement and certification within 90 calendar days of award completion. Also within this 90-day period, grantees must liquidate all obligations incurred under the award (GAO 12-360). Grantees should refer to their Notice of Award to determine if alternative deadlines apply. The Final Progress Report must be submitted through the REEport system. All other closeout documents should be submitted to OGFM as PDFs.

NIFA must comply with the Grants Oversight and New Efficiency (GONE Act) in closing out expired grants. Signed into law in January 2016, the goal of the GONE Act is to close out expired grants. The GONE Act requires the Office of Management and Budget (OMB) to instruct each agency, in coordination with the Department of Health and Human Services (HHS), to submit to Congress and HHS by December 31 of the first calendar year beginning after this Act's enactment a report that:

- Lists each Federal grant award held by such agency
- Provides the total number of Federal grant awards, including the number of grants by time period of expiration, the number with zero dollar balances, and the number with undisbursed balances
- Describes the challenges leading to delays in grant closeout
- Explains, for the 30 oldest Federal grant awards, why each has not been closed out

The covered grants are those within an agency's cash payment management system that have been expired for two or more years and have not been closed out. No later than 1

year after the head of an agency submits its report, the agency head will notify HHS whether the agency has closed out the covered grants discussed in its report. HHS is required to compile this information and provide it to Congress.

1. Final Federal Financial Report **ALL AWARDS**

a. Final financial reports (SF-425) **ALL AWARDS**
Final financial reports (SF-425) are required for all terminated, expired, or transferred grants. Final financial reports must be submitted within 90 days of the expiration of the award. An additional 30-day extension may be given in extenuating circumstances if there is adequate justification/documentation. Any requests for an extension of time should include a provisional report, an anticipated submission date, a justification for late submission, and a justification for the extenuating circumstances. All final financial reports are submitted to NIFA AMD in accordance with applicable terms and conditions. Reporting requirements will be identified in the award terms and conditions. (7 CFR 3430.56).

b. Overdue final financial reports **ALL AWARDS**
Grantees with overdue final financial reports needing to draw funds from their account must contact AMD. If no extension was previously granted, the grantee must provide justification and documentation to NIFA to continue to withdraw funds. NIFA will approve withdrawals only under extenuating circumstances (7 CFR 3430.56).

For capacity awards processed using ezFedGrants, the system will not allow grantee funds to be released if the grantee fails to submit the required annual and/or final Federal Financial Report (SF-425).

c. Revised final financial reports **ALL AWARDS**
If a grantee is required to submit a revised final financial report, NIFA requires, at a minimum, the following information:

- Description of why the revision was necessary and an explanation of internal controls implemented to preclude similar occurrences in the future.
- All charges must be otherwise allowable costs.
- Availability of funds for use, including whether unobligated carry over is available to cover the charges.

d. Post-closeout **ALL AWARDS**
If after the award is closed out NIFA owes the grantee for allowable, reimbursable costs, such payments will be made promptly. Similarly, the grantee is required to promptly refund any balances of unobligated cash it is not permitted to retain. OMB Circular A-129 governs delinquent debts. After all

financial reports are received by NIFA, NIFA will settle with the grantee any adjustments to the Federal share of cost.

2. Unobligated Balances and Actual Expenditures **ALL AWARDS**
When an annual financial report is submitted and an automatic carryover of unobligated balances is not authorized, NIFA will compare the total of any unobligated balance shown minus the funds awarded for the current budget period. If the funds available exceed the NIFA share of the approved budget for the current budget period, NIFA may revise the current Notice of Award to authorize the grantee to spend the excess funds for an additional approved purpose or offset the current award or a subsequent award by an amount representing some or all of the excess.

3. Expired Appropriations Accounts **ALL AWARDS**
Grantee access to accounts will expire at the end of the closeout period. ASAP automatically suspends access to accounts 91 days after the period of performance ends.[22] Expired appropriations accounts remain open for 5 years to allow for necessary adjustments to be made by NIFA. At the time of expiration, funds are no longer available for use by the grantee. NIFA's future use of unobligated funds is determined by law. Annual budget authority lasts for up to one fiscal year. Multi-year authority lasts for longer periods, and no-year authority lasts until the funds are expended for their designated purpose.

NIFA utilizes the Department of Treasury Dormant Account report as a tool for closing old accounts that will no longer have disbursements. A Dormant Account is defined as having no activity in over 2 years. All unliquidated obligations are subject to 31 USC Sec. 1554 (Audit, control, and reporting).

P. Continuity of Operations **ALL AWARDS**

In response to requirements for major system contingency planning as part of the Federal government's security management process, the USDA has formulated and is implementing a *Disaster Recovery and Business Resumption Plan*.[23] Many departments within the Federal government work with the Department of Homeland Security to ensure that Federal business operations and services to the public will sustain as short

[22] Awards in the fifth year with expiration dates in the months of JUNE, JULY, and AUGUST do not have the full 90 days after expiration to draw down (does not apply to AFRI awards or no-year/X-year appropriation funded programs).

[23] The Computer Security Act of 1987, OMB Circular A-130, Appendix III, and PDD 63 require contingency planning for major systems as part of the security management process. Specifically, these mandates require that contingency planning be conducted for each major system. NIST Publication 800-34, *Contingency Planning Guide for Information Technology Systems*, provides additional guidance that will be used to establish USDA's IT Contingency Program.

an interruption as possible in the event of adverse weather conditions, fire, and acts of terror against the Federal government.

NIFA has established a contingency plan that allows key NIFA personnel the ability to communicate with the land-grant institutions and all other grantees and continue business operations in the event of business disruption due to a natural or unnatural disaster. The information provided to NIFA on the Key Contacts form is maintained for regular business use and is also stored offsite as part of the contingency plan.

VI. ALLOWABLE COSTS

Cost considerations are critical throughout the life cycle of a grant. Federal cost principles are designed to ensure that the government bears its fair share of the total costs, as determined in accordance with generally accepted accounting principles, and that costs are necessary, reasonable, and used for purposes authorized by statute or regulation. Each RFA contains the legislative authority for the source of funds to be used for grant awards. The authorizing statute contains authorized uses of funds and may also contain unallowable activities or costs. In addition, grantees and NIFA use the Uniform Guidance Cost Principles, 2 CFR part 200, Subpart E, to determine allowable costs for sponsored activities.

Cost principles are based on the fundamental premises that grantees:

- Are responsible for the efficient and effective administration of the Federal award through the application of sound management practices;
- Assume responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award;
- Have the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award; and
- Are not required to make significant changes in the internal accounting policies and practices. However, the accounting practices of the grantee must be consistent with these cost principles and support the accumulation of costs as required by the principles and must provide for adequate documentation to support costs charged to the Federal award.

When an RFA requires the submission of a budget, applicants must submit a budget proposal with their application for funding. Some modifications that are made after a Notice of Award has been issued will require NIFA's prior approval; these will be specified in the award terms and conditions. Requests for approval must be submitted to NIFA in writing in accordance with the grant terms and conditions. This section details prior approval requirements in the Uniform Guidance and NIFA awards.

During post-award administration of both capacity and competitive awards, including but not limited to desk reviews and onsite compliance reviews, NIFA OGFM staff monitor expenditures for conformance with these cost policies.

This Section addresses the general principles underlying the allowability of costs, differentiates direct costs from indirect costs, and highlights a number of specific costs and categories of cost for NIFA applicants and grantees. It also incorporates specific costs authorized or prohibited under NIFA's major authorizing statutes. It is not intended to be all-inclusive and should be used only as a supplement to the 2 CFR part 200, the applicable cost principles, the grant terms and conditions, and any program-specific legislation or regulations that would further inform the way NIFA funds can be spent. Grantees are responsible for applying the cost principles to determine the allowability of

costs and maintaining supporting documentation. Allowability of costs is often highly dependent on the specific nature of the costs, the institutions policies and procedures, and the authorizing statute and RFA. Therefore, it is not possible for NIFA to provide definitive statements in this Policy Guide on allowability for many costs.
Allowable costs must be reasonable, necessary, and allocable to a NIFA award based on the applicable cost principles, given consistent treatment as non-Federal costs, follow generally accepted accounting principles appropriate to the circumstances, and must conform to any limitations or exclusions established in the cost principles or the award terms and conditions. Allowable costs are either direct or indirect costs. The allowability of costs under NIFA awards also may be governed by requirements specified in the program legislation, regulations, or the specific terms and conditions of the award, which will take precedence over the general provisions in this manual.

Reasonableness, necessity, and allocability apply regardless of treatment as a direct or indirect cost. A cost, even if included in the award budget, may be deemed unallowable during the award if it is not reasonable, necessary, or allocable to the award or does not have the required supporting documentation.

Subrecipients and contractors under grants are subject to the requirements of the cost principles applicable to their type of organization and to any additional requirements imposed by the recipient in order to comply with the terms and conditions of the award.

A. Factors affecting allowability of costs (2 CFR 200.403) **ALL AWARDS**
Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

- Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the non-Federal entity.
- Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
- Not be included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period. See also 2 CFR 200.306 Cost sharing or matching paragraph (b).
- Be adequately documented.

B. Reasonable costs (2 CFR 200.404) **ALL AWARDS**

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the grantee is predominantly Federally-funded. In determining reasonableness of a given cost, consideration must be given to:

- Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.
- The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government.
- Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost.

C. Allocable Costs (2 CFR 200.405) **ALL AWARDS**

A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. A cost that is allocable to a particular grant is not necessarily reasonable. The allocability standard is met if the cost:

- Is incurred specifically for the Federal award;
- Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and
- Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.

All activities which benefit from the non-Federal entity's indirect (Facilities and Administration, or F&A) cost, including unallowable activities and donated services by the non-Federal entity or third parties, will receive an appropriate allocation of indirect costs.

Any cost allocable to a particular Federal award under the principles provided for in this part may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude

the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where the purchase of equipment or other capital asset is specifically authorized under a Federal award, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

D. Applicable credits **ALL AWARDS**

Applicable credits refer to those receipts or reduction-of-expenditure-type transactions that offset or reduce expense items allocable to the Federal award. Examples of such transactions are: purchase discounts, rebates or allowances, recoveries or indemnities on losses, insurance refunds or rebates, and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the non-Federal entity relate to allowable costs, they must be credited to the Federal award either as a cost reduction or cash refund, as appropriate.

E. Prior written approval (Prior Approval) **ALL AWARDS**

Under any given Federal award, the reasonableness and allocability of certain items of cost may be difficult to determine. In order to avoid subsequent disallowance or dispute based on unreasonableness or non-allocability, the Uniform Guidance requires prior approval for certain costs. Additionally, grantees may seek prior written approval in advance of incurring special or unusual costs. The Uniform Guidance covers prior written approval at 2 CFR 200.407. NIFA identifies prior approval requirements in its award terms and conditions. NIFA may waive certain prior approval requirements or require prior approval. NIFA utilizes the Standard Terms and Conditions for Research Grants for its competitive awards, which waive a number of prior approvals in the Uniform Guidance. The research terms and conditions contain a matrix of prior approval requirements and waivers. Capacity grant, Facilities grant, and other grant-specific terms and conditions are available on the NIFA website.

Prior approval means written approval from the NIFA ADO evidencing approval to incur costs prior to awardee obligation and expenditure. For competitive awards, items in the approved budget have NIFA prior approval, unless stated otherwise. When any additional NIFA prior approval is required, it will be stated in the award terms and conditions. When requesting NIFA prior approval from the appropriate ADO, the grantee must receive the approval in writing and signed by the appropriate NIFA official prior to implementation.

1. Required prior approvals **COMPETITIVE AWARDS**

   Please see the research terms and conditions matrix of prior approval requirements and waivers.

2. Equipment **CAPACITY AWARDS**

   NIFA requires capacity grantees to submit prior approval requests for purchases before expenditures are incurred for:
   - General purpose equipment costing $5,000 or more and having a useful life of more than 1 year; and
   - Special purpose equipment costing $250,000 or more and having a useful life of more than 1 year (Prior approval is waived for special purpose equipment costing less than $250,000).[24]

   Prior approval is requested and approved in writing and includes item name, description/purpose including alignment with the plan of work, estimated or actual cost, and estimated useful life. Requests are specific to an individual grant and required if item meets the definition of equipment, regardless of whether it is being purchased using NIFA dollars, matching funds, or by multiple funding sources.

   Grantees can submit prior approval requests via email to capacityequipment@nifa.usda.gov. Requests will be reviewed and responded to within 30 days from receipt of complete information. Approvals will be sent via email to the Authorized Representative submitting the request. Expedited review may be requested.

3. Carryover of Unobligated Balances **COMPETITIVE AWARDS**
   NIFA prior approval may be required for educational institutions and State, local, and Indian tribal governments prior to the carryover of any funds from a prior period to the subsequent period. Statutorily imposed limitations may restrict the automatic carryover of unobligated balances. The Notice of Award, Award terms and conditions, and/or RFA indicate if carryover of unobligated balances is allowed for a specific award. Grantees seeking to carryover unobligated balances to a subsequent period should consult the NIFA ADO or program contact.

   If the ADO determines that some or all of the unobligated funds are not necessary to complete the project, the ADO may restrict the grantee's authority to automatically carry over unobligated balances of unexpired funds in the future, use

[24] NIFA utilizes the Simplified Acquisition threshold for the amount above which Special Purpose equipment requires prior approval. In July 2018, OMB issues a Memorandum raising the Simplified Acquisition threshold to $250,000. Therefore, the special purpose equipment threshold is also raised.

the balance to reduce or offset NIFA funding for a subsequent budget period, or use a combination of these actions. The ADO might also indicate whether the balance may be carried forward to a budget period beyond the succeeding one. The terms and conditions included in the Notice of Award will reflect the ADO's decision about the disposition of the reported unobligated balance.

4. Transfer to a different Grantee Organization **COMPETITIVE AWARDS**
If a grantee organization is transferring the actual performance of the substantive programmatic work or providing financial assistance to another party due to the Project Director changing institutions, NIFA prior approval must be obtained. The requirements of this section do not apply to Capacity grant recipients.

A change of grantee organization may be accomplished under most NIFA grants if NIFA determines that the purpose and scope of the approved grant will not change and the transfer is consistent with Federal appropriations law requirements. A change in grantee organization is the transfer of the legal and administrative responsibility for a grant-supported project or activity from one legal entity to another before the expiration of the approved project period. All of the permanent benefits attributable to the original grant must be transferable, including equipment purchased in whole or in part with grant funds. In reviewing a request to transfer a grant, NIFA will consider whether there is a continued need for the grant-supported project or activity and the impact of any proposed changes in the scope of the project. A change may be made without peer review, provided the PD/PI plans no significant change in research objectives and the facilities and resources at the new organization will allow for successful performance of the project. If these conditions or other programmatic or administrative requirements are not met, NIFA may disapprove the request and, if appropriate, terminate the award.

The original institution must submit a relinquishing letter as well as final technical and financial reports. The proposed new grantee must provide NIFA with a change of institution application with all of the required documents, but not limited to the following:

- SF-424R&R;
- Current and pending support form;
- Budget and budget narrative;
- Assurances;
- Curriculum Vitae and/or updated biographical sketches for the PD/PI and existing senior/key personnel and biographical sketches for any proposed new senior/key personnel;
- Conflict of Interest statements; and
- Progress reports, including a statement indicating whether the overall research plans/aims have changed from the original submission, and, if so, provide updated information;

- Assurances; and
- Detailed list of any equipment purchased with grant funds to be transferred to the new organization (inclusion of this list in the transfer application from the new organization indicates its acceptance of title to that equipment).

NIFA's acceptance of the relinquishing statement from the original recipient does not guarantee approval of a transfer of the application for the remaining project period. Notably, grants to individuals cannot be transferred. Additionally, neither a successor-in-interest nor an organization name change are considered changes in grantee.

5. Change in Grantee Organization Status **COMPETITIVE AWARDS**
Grantees must give NIFA advance notice of the following types of changes in organizational status:

- **Merger:** Legal action resulting in the unification of two or more legal entities. When such an action involves the transfer of NIFA grants, the procedures for recognizing a successor-in-interest will apply. When the action does not involve the transfer of NIFA grants, the procedures for recognizing a name change normally will apply.
- **Successor-in-Interest (SII):** Process whereby the rights to, and obligations under, NIFA grant(s) are acquired incidental to the transfer of all of the assets of the grantee or the transfer of that part of the assets involved in the performance of the grant(s). An SII may result from legislative or other legal action, such as a merger or other corporate change.
- **Name Change:** Action whereby the name of an organization is changed without otherwise affecting the rights and obligations of that organization as a grantee.

Advance notification is required to ensure the grantee remains capable of meeting all legal and administrative requirements and there is no interruption of payments. Grantees will contact the ADO regarding the nature of the change in organizational status and request guidance on how the change should be treated. NIFA reserves the right to review the material provided, seek clarification or additional information, and make an independent determination. Once a grantee submits a formal request for a change in organizational status, NIFA will determine whether the change impacts the organization's ability to meet the grant program's eligibility requirements and take any necessary action to accommodate the change.

For an SII, a letter signed by the grantee's AR (transferor) and the successor-in-interest's AR (transferee) must be sent to NIFA after consultation with the ADO. The letter must include the following:

- Stipulate that the transfer will be properly carried out in accordance with applicable law;
- Indicate that the transferor relinquishes all rights and interests in all ofthe affected grants;
- Request that NIFA modify its records to reflect the transferee as the granteeof record;
- State the effective date of the transfer;
- Provide the transferee's EIN. If EIN is new, include completed Form W-9;
- Include verification of the transferee's compliance with applicable requirements (e.g., research misconduct assurance of compliance);
- Include a list of all affected NIFA grants (active and pending) with thefollowing information for each:
  - Complete grant number.
  - Name(s) of PD/PI(s)
  - Current budget period and project period.
  - The total direct costs (as originally recommended) plus applicable indirect costs for each remaining budget period. If the SII will occur during a budget period rather than on the anniversary date, the transferor also must provide estimated levels of current-year direct and indirect costs remaining as of the SII effective date;
- Include a complete SF-424 for each affected grant showing the transferee as the applicant organization. Each SF-424 must be signed by an AR at the transferee organization. A report of all current and pending support for senior/key personnel must also be submitted to NIFA;
- Include a copy of the current negotiated indirect rate agreement for the transferee; and
- Additional items requested by the ADO or grant specialist.

In order to be recognized as the SII, the "new" (transferee) organization must meet each eligibility requirement of the program. Upon review and acceptance of the necessary information, NIFA will revise the Notice of Award(s) to show the transferee as the grantee of record.

For name changes, the grantee's written notification to NIFA must include the effective date of the change. Revised Notices of Award are not required for name changes because name changes are reported and processed with the next award action (e.g., non-competing continuation award).

6. Salaries **ALL AWARDS**

Salary rates of pay exceeding an Executive Level IV salary range require prior NIFA approval. This rate does not include any fringe benefits, general and administrative (G&A), overhead, or other expenses. If a salary is only partially charged to award,

grantees will need to calculate prorated amount to ensure that the partial charge does not exceed the Executive Level IV rate.

The Executive Level IV salary range will change year to year and is listed at www.opm.gov. The 2018 listing is available on the OPM website. Requests for approval must include the salary rate of pay and a justification for the rate and be sent to the ADO to awards@nifa.usda.gov.

7. Deviation from the Award Terms and Conditions **ALL AWARDS**
Any deviations from the award terms and conditions, including the restrictions on the grant imposed in the Notice of Award, require NIFA's prior approval.

8. Requesting NIFA Prior Approval **ALL AWARDS**
If prior approval is required by the award terms and conditions, requests for prior approval are to be addressed to the ADO at NIFA. Approvals will not be valid unless they are in writing and signed by the ADO or the OGFM Deputy Director. If the approval request is for the carryover of an unobligated balance, the recipient should make the request when the unobligated balance is known. Failure to make a timely request and obtain the prior approval from NIFA may result in the disallowance of costs, termination of the award, or other enforcement action within NIFA's authority.

Recipients are responsible for reviewing requests from sub-recipients to determine if prior approval is needed and for granting or denying the request. A recipient cannot get approval for any action inconsistent with the purpose or terms of the Federal grant or cooperative agreement. If an action by a sub-recipient will result in a change in the overall grant project or budget requiring approval from NIFA, the recipient must obtain that approval before giving its approval to the sub-recipient. Approvals are not valid unless they are in writing and signed by an authorized official of the recipient organization. NIFA should be contacted to resolve any questions regarding the need for approval.

Requests for prior approval will be reviewed and a decision will generally be made within 30 days of NIFA's receipt of a request for approval or receipt of complete information.

All requests must be submitted by the AR and include the name of the recipient, the name of the initiating PD/PI, the PD/PI's telephone number, fax number, and email address, and comparable identifying information for the authorized organization official. Requests should be submitted electronically. Email requests must be clearly identified as prior approval requests, must reflect the complete grant number in the subject line, and should be sent by or through the authorized organizational representative to the ADO that signed the /Notice of Award.

F. Direct and Indirect Costs **ALL AWARDS**

There is no universal rule for classifying certain costs as either direct or indirect (F&A) under every accounting system. A cost may be direct with respect to some service or function, but indirect with respect to the Federal award or other final cost objective. Therefore, it is essential that each item of cost incurred for the same purpose be treated consistent in like circumstances as either a direct or an indirect (F&A) cost in order to avoid possible double-charging of Federal awards.

Indirect costs are <u>not allowable</u> under capacity awards. However, it is important for capacity grantees to understand the definition of indirect cost to ensure that no indirect costs are charged to their capacity awards.

1. Direct costs **ALL AWARDS**

Direct costs are those costs that can be identified specifically with a particular final cost objective (such as a Federal award) or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy (2 CFR 200.413). Costs incurred for the same purpose in like circumstance MUST be treated consistently as either direct or indirect. A cost cannot be considered direct in one period (such as a quarter) but indirect in another. Direct costs typically include, but are not limited to, salaries and related fringe benefits, travel, equipment, and supplies directly benefiting the grant-supported project or activity. The salaries of administrative and clerical staff should normally be treated as indirect (F&A) costs. Direct charging these costs may be appropriate ONLY if all of the following conditions are met:

- Administrative or clerical staff meet all the conditions in 2 CFR 200.413, excluding 200.413(c)(3);
- Individuals involved can be specifically identified with the project or activity;
- Such costs are explicitly included in the budget or have prior written approval from NIFA;
- The costs are also not recovered indirect costs; and
- The same staff salaries are also not claimed as indirect costs on other awards.

A direct cost of a minor amount may be treated as an indirect (F&A) cost for reasons of practicality where such accounting treatment for that item of cost is consistently applied to all Federal and non-Federal cost objectives.

Documentation to support direct charging of such costs are to be included with the application or submitted as a request for prior written approval in accordance with the applicable award terms and conditions. Documentation must be maintained by the grantees for the record retention period and provided to NIFA or other auditors upon request.

2. Indirect Costs and Limitations **ALL AWARDS**
   Indirect costs are those costs incurred for common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Again, indirect costs are not allowable under capacity awards. However, it is important for capacity grantees to understand the definition of indirect cost to ensure that no indirect costs are charged to their capacity awards.

   NIFA considers activities conducted by recipients that result in indirect charges a necessary and appropriate part of NIFA grants. The Federal government's share of indirect costs is reimbursed based on the awardee institution's approved rates, unless a limitation on indirect costs is specified in the statute for a particular program. The RFA's "Funding Restrictions" section (Part IV, D) will specify indirect cost limitations, if any. NIFA also maintains a list of the indirect cost guidelines for each program on its website. Additionally, NIFA's annual appropriations legislation can limit indirect costs and will be communicated in the annual RFA. As an example, for FY 2018, the congressionally mandated limit on indirect costs for most agricultural research, education, and extension grant programs is limited to an amount not to exceed 30 percent of the total Federal funds provided under the grant award (Pub. L. 114-113 Consolidated Appropriations Act, 2017). Therefore, the recovery of indirect costs for competitive programs authorized under this legislation cannot exceed the lesser of either the institution's negotiated indirect cost rate or the equivalent of 30 percent of the total Federal funds awarded.).

3. Indirect Cost Rates **COMPETITIVE AWARDS**
   All grantees must have an indirect cost rate in place before NIFA will reimburse indirect costs. Indirect cost rates are set by the cognizant agency. The cognizant agency is the agency responsible for negotiating and approving indirect cost rates.

   If the ADO determines that a recipient does not have a current effective indirect cost rate, the award may not include an amount for indirect costs. The organization will be referred to the appropriate office for negotiation. Indirect cost proposals must be prepared in accordance with the applicable cost principles and guidance provided by the cognizant agency. Alternatively, organizations that have never established an indirect cost rate (usually a new recipient) may elect the De Minimis rate. The Uniform Guidance offers a non-Federal entity that has never received a negotiated indirect cost rate, the option of electing to charge a de Minimis rate of 10 percent of modified total indirect costs (MTDC) which may be used indefinitely. As described above and in 2 CFR 200.403, costs must be charged consistently as either indirect or direct costs, but may not be double charged or charged inconsistently charged as both. If elected, this methodology must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which it may apply to do at any time.

Recipients are responsible for establishing indirect cost rates for sub-recipients. If a subrecipient has Federally-negotiated indirect cost rate, the recipient must honor it. However, the same limits applicable to the recipients' indirect cost recovery also apply to sub-recipients.

Further information concerning the establishment of indirect cost rates and the reimbursement of indirect costs is available on the NIFA website.

G. Disallowed Costs **ALL AWARDS**

NIFA's review of a grantee's award transactions may result in disallowed costs. A grantee will have an opportunity to provide NIFA with supporting documentation to justify costs disallowed by NIFA. Disallowed costs that could not be supported by the grantee will result in a debt to NIFA which will be communicated to the grantee in accordance with the applicable USDA Debt Management Regulations, 7 CFR Part 3.

H. Selected Items of Cost – Allowable and Unallowable Costs **ALL AWARDS**

Selected items of cost and how they should be treated by recipient organizations are provided in Subpart E of 2 CFR 200 – Cost Principles. Under the selected items of cost, a cost may be allowable, unallowable, or allowable with conditions. Those conditions may include specific documentation requirements, NIFA prior approval, or other requirements. Even if a cost is listed as allowable in the cost principles, it still must meet the reasonable, necessary, and allocable tests, as well as consistently treated, to be determined allowable and charged to the grant. Further, the award terms and conditions contain specific allowable and unallowable costs, as well as any conditions that apply.

Below is a non-comprehensive listing of costs, whether they are allowable and what conditions apply. These costs are taken from NIFA's award terms and conditions as well as the costs in 2 CFR 200 where NIFA sees the most questioned costs. This list is NOT comprehensive, but represents common areas of questions for NIFA. **If an item is not on this list, refer back to 2 CFR 200.**

1. Allowable/Unallowable Costs Matrix **ALL AWARDS**

Item of Cost	Description **Key:** A = Allowable U = Unallowable AC= Allowable with conditions	Competitive	Capacity	Facilities	Notes
Employer Contributions to Retirement Systems	Use of Federal funds for employer contributions to land-grant college retirement systems under capacity awards (currently Smith-Lever, Section 1444, Section 1445, Hatch Act, and AHDR) are limited to 5 percent of that portion of the salaries paid, under the award, to employees who participate in the employer-sponsored retirement system (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.	N/A	AC	N/A	Up to 5% of salaries paid to employees who participate in the system Applicability of 5% cap to RREA, McIntire Stennis and EFNEP is under legal review. The guide will be updated as soon as the review is complete.
Entertainment	Costs of entertainment, including amusement, diversion, and social activities and any associated costs.	U	U	U	
Equipment	Equipment means tangible personal property (including information technology systems) having a useful life of more than 1 year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000. Equipment can be defined as general purpose (2 CFR 200.48) or Special Purpose (2 CFR 200.89).	AC	AC		Prior approval required for capacity grantees for general purpose equipment costing more than $5000 and special purpose equipment costing more than $250,000. Competitive grantees follow the research terms and conditions which waive prior approval for certain items. Check the research terms and conditions for details.
Fixed Equipment and acquisition	The purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.	U/A	A/U	A	Competitive awards: unallowable for grants under certain funding

Item of Cost	Description **Key:** A = Allowable U = Unallowable AC= Allowable with conditions	Competitive	Capacity	Facilities	Notes
or construction of Real Property					authorities: check the RFA and award terms and conditions. Capacity awards: Refer to specific capacity program authorization for allowability
Incentives	Cash or cash value items (i.e. gift cards) provided to individuals to incentivize behavior.	U	U (except EFNEP)	U	For nearly all NIFA programs, incentive payments are unallowable as they do not benefit the award. The exception is EFNEP, which programmatically allows incentives – please refer to the EFNEP manual. .
Indirect Costs	Statutory language may limit or prohibit the amount of allowable indirect costs. When indirect costs are limited, the indirect costs allowable will be the lesser of the following amounts: (1) the Federally approved negotiated indirect cost rate and base, or (2) the limit identified in the statutory language. Any limitation or prohibition of indirect costs on the awardee also applies to subcontracts under the funded awards. The use of unrecovered indirect costs for cost sharing or matching purposes is subject to any applicable statutory language limiting or prohibiting indirect costs.	AC	U	U	A listing of program specific indirect cost guidance can be found at on the NIFA website.
Lobbying	Any actions designed to influence the obtaining of grants or influence or give special consideration to action on an award or regulatory matter.	U	U	U	
Meals/Food	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,	AC	AC	U	See support and documentation section below

Item of Cost	Description **Key:** A = Allowable U = Unallowable AC= Allowable with conditions	Competitive	Capacity	Facilities	Notes
	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.				These provisions does not include food for EFNEP demonstrations, which is a programmatic cost.
Memberships	Costs membership in or of subscriptions to business, technical, and professional organizations or periodicals.	A	A	AC	There needs to be a direct benefit of this cost to the research award.
Memberships	Costs of membership in organization whose primary purpose is lobbying.	U	U	U	
Personal Injuries	Grant funds cannot be used for compensation for injuries to persons or loss, theft, or damage to property during project activities.	U	U	U	
Pre-award costs	Costs incurred prior to the effective date of the Federal award directly pursuant to the negotiation and in anticipation of the Federal award where such costs are necessary for efficient and timely performance of the scope of work.	AC (90 days pre-award)	U	AC (90 days pre-award)	As outlined in 2 CFR 200.458, pre-award costs prior to the effective date of the award are allowable only with the written approval of the USDA awarding agency. See Pre-award Costs section under IX. Allowable Costs. As outlined in 2 CFR 200.308 (d)(1), all costs incurred before the USDA awarding agency makes the award are at the risk of the recipient. The USDA awarding agency is under

Item of Cost	Description **Key:** A = Allowable U = Unallowable AC= Allowable with conditions	Competitive	Capacity	Facilities	Notes
					no obligation to reimburse costs if for any reason the: (1) award is not made; (2) award is less than anticipated; or (3) award is inadequate to cover such costs.
Promotional items	Items to give away: Conference giveaways; t-shirts; bags, pens, pencils, etc.	U	U	U	
Renovation or refurbishment of research spaces	Renovation or refurbishment of laboratories or other research spaces	U	AC	A	
Salaries	Salaries and fringe benefits paid to individuals who work on the grant project.	AC	AC		See support and documentation section below
Social Security (Old Age Survivors Insurance), and other Faculty and Staff Benefits	Funds under capacity awards 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). For capacity awards, these employer contributions may be in addition to the 5 percent limitation for employer contributions to retirement systems pursuant to 7 U.S.C. 331 (if applicable). Award funds for the employer contributions for other faculty and staff benefits are authorized in accordance with 2 CFR 200.431.	A	A	A	
Travel (Domestic)	Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business.	AC	AC	U	See support and documentation section below.
Travel - Foreign/ International	Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business. Foreign travel includes any	AC	AC	U	Reference 2 CFR 200.474. See support and documentation section below

Item of Cost	Description **Key:** A = Allowable U = Unallowable AC= Allowable with conditions	Competitive	Capacity	Facilities	Notes
	travel outside of North American and/or U.S. Possessions. Domestic travel includes Canada Mexico, and U.S. Possessions.				
Tuition Remission	Reimbursing college or university of tuition costs of students with NIFA award dollars or charging student tuition costs to the NIFA award.	AC/U	U	U	For competitive programs, check the RFA as to whether tuition reimbursement is allowable and what conditions apply.
T-shirts, Clothes	For staff or participants. May be so personnel can be identified as working on the project or as give aways/promotion of the program.	U	U	U	Considered Promotional items – prohibited under 2 CFR 200.421(e)(3).
Uniforms and safety equipment	Must be necessary for performance of activities under the award.	AC	AC	U	Allowable uniforms include protective gear for special circumstances, such as working with hazardous chemicals ○ Respirators ○ Special gloves ○ Lab coats Unallowable are matching shirts so personnel can be identified as working on the project

2. Support and documentation for specific items of cost **ALL AWARDS**
   a. Capacity grant limitation on retirement contribution **CAPACITY AWARDS**
   7 USC 331 - Retirement of land-grant college employees, addresses the issue of contributions to retirement for employees funded by in whole or in part by grants made under the First and Second Morrill Acts, which funded extension and research programs at 1862 and 1890 land-grant institutions. The statute imposes a cap on contributions to institution employee retirement accounts so that contributions cannot exceed 5 percent of the employee salary paid from Federal funds. It also states that the amount contributed from Federal grant funds must be equal to the amount being provided by the 1862s and 1890s to the retirement accounts, but not to exceed 5 percent of the employee salary. Further, the employees cannot be other state or Federal agencies, but must be employees of the 1862 or 1890. The Smith Lever Act provides for cooperative agricultural extension work at land-grant institutions under the
   First Morrill Act, it is subject to the provisions of 7 USC section 331. 7 USC 331 also incorporates "Acts supplemental thereto," which the U.S. Code identifies as applying to the Second Morrill Act which funded extension programs at 1890s. The Hatch Act (7 USC 361a *et seq.*) incorporates 7 USC section 331, which means that the section is also applicable to Hatch Act, 1890 research grants, and the Animal Health and Disease Research programs. NIFA and USDA Office of the General Counsel are currently examining whether 7 U.S.C. 331 is applicable to other capacity program grants. Once the review is complete, this guide will be updated to reflect whether the limitation applies to McIntire Stennis, RREA, and EFNEP.

   b. Food/Meals as part of conferences/meetings **ALL AWARDS**
   When considering the allowability of meals or food as part of a meeting or conference, it is important to use the basic consideration in the cost principles. Questions to ask include:
   - Is food necessary for continuity to achieve goals? In general, NIFA does not consider breakfast, dinner, or receptions as allowable as they are not typically necessary for continuity of the meeting. However, there are exceptions depending on the meeting agenda and whether it supports the continuity justification.
   - Is the food/meal a reasonable cost?
   - Is it 100 percent allocable to the award? The meeting or conference agenda can be used to demonstrate allocability.

   Costs must be consistent with institution policies and procedures and supported with documentation to demonstrate the above considerations.

   c. Travel **ALL AWARDS**
   Travel is defined in 2 CFR 200.474 as expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business. Travel costs may be charged on an actual cost basis, on a per

diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the grantee's non-Federally-funded activities and in accordance with grantee's written travel reimbursement policies.

i. Capacity Grants

a) Domestic travel**:** For Smith-Lever, Hatch Act, Section 1444 and 1445, McIntire-Stennis, and ADHR, travel for meetings and conference, including programmatic and administrative/fiscal conferences that benefit the award and are necessary to accomplishing the goals of the award are allowable using capacity funds so long as the costs are reasonable and consistent with the institution's travel policy. This includes insular area travel to conferences/trainings that are directly related to the grant, benefit the grant, and are allocated in proportion to staff appointment, if appropriate.

b) Hatch Multistate: Travel to multistate research meetings is allowable so long as it is in support of program objectives and in accordance with institution policies and procedures. Travel to other conferences/trainings is not permitted.

c) Foreign/International: Foreign travel includes any travel outside of North America and/or U.S. Possessions. Domestic travel includes Canada, Mexico, and U.S. Possessions. NIFA recognizes the global importance of agriculture and the important of international exchange of scientific information. All foreign travel must be reviewed to ensure it supports the grant/program/approved project. Supporting documentation as to the allowability of the foreign travel and approval for the travel is required. Travel costs must be consistent with the recipient's institution travel policy and typically include airfare, lodging, per diem, and conference registration fees.

NIFA deems foreign/international travel to be an important part of several capacity programs, however prior approval of foreign travel is required. 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.

For the Hatch Act and Section 1445 programs, funds may be used to support foreign travel that will benefit the research progress or report results of the Hatch project on which the scientist is working. Research costs associated with foreign travel, such as collection, preparation and shipping of samples, and data sharing, are also allowable. Travel costs

must be allocated if travel does not 100 percent benefit the Hatch/Evans-Allen funded project.

For Smith-Lever and Section 1444 extension programs, funds may be used to support foreign travel for purposes that will benefit the extension program. Extension costs associated with foreign travel, such as collaboration with nations that are creating university-based extension within their agricultural universities that provide mutual benefit to the US LGU and their foreign collaborator and attending conferences where the U.S. Cooperative Extension System is a partner with foreign agricultural universities in developing university-based Extension at foreign universities. Travel costs must be allocated if travel does not 100 percent benefit the extension program.

For McIntire-Stennis, RREA, EFNEP, and ADHR, prior approval from NIFA is required. (Note: Since the purpose of EFNEP is domestic, it is unlikely international travel will be approved.) Foreign travel for these programs is not prohibited, but is not common and has a higher risk of disallowed costs, therefore prior approval from NIFA ensures costs are allowable before the funds are expended.

For questions on the use of other capacity program funds for foreign travel, or other foreign travel related expenses, please consult the appropriate NIFA National Program Leader.

ii. Competitive grants

a) Domestic travel is typically allowable under the program and allowability of travel will be specified in the RFA. Travel must be necessary to accomplishing the goals of the grant and consistent with the provisions in 2 CFR 200.474.

b) Foreign/International travel is allowable without prior approval, and may be specifically authorized in the RFA and included in the approved budget. Foreign/international travel must be necessary to accomplishing the goals of the grant and consistent with the provisions in 2 CFR 200.474.

d. Salaries/Time and Effort Reporting **ALL AWARDS**

NIFA grant recipients who direct charge faculty or staff salaries (including students and post docs) to NIFA awards, or use faculty or staff salaries to meet matching requirements, must follow internal controls, cost allocation, and documentation requirements under the Uniform Guidance, 2 CFR 200.430 Compensation – personal services. NIFA has created a fact sheet that reviews the Uniform Guidance requirements and NIFA expectations when conducting site reviews.

VII. Audit Requirements

High quality audits provide key information to stakeholders and the public to maintain accountability and transparency, help improve program performance, reduce costs, and facilitate decision-making. An audit is a systematic review or appraisal made to determine whether internal accounting and other control systems provide reasonable assurance of the following:

- Financial operations are properly conducted;
- Financial reports are timely, fair, and accurate;
- The entity has complied with applicable laws, regulations, and other grant terms;
- Resources are managed and used economically and efficiently; and
- Desired results and objectives are being achieved effectively.

Legal authorities, in the form of statutes, regulations, and OMB Circulars, provide a framework for ensuring accountability by recipients of Federal appropriated funds through audits and audit resolution/follow-up. With regard to recipients of Federal awards, these authorities address the following three aspects of grantee operations: administrative requirements, fiscal requirements, and program performance. The audit requirements establish standards for obtaining consistency and uniformity among Federal agencies for the audit of states, local governments, universities, colleges, hospitals, and non-profit organizations expending Federal awards. NIFA grantees (other than Federal institutions) are subject to the audit requirements of the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and the Uniform Guidance 2 CFR 200. When a grantee procures audit services, the procurement must comply with the procurement standards, including obtaining competition and making positive efforts to use small businesses, minority-owned firms, and women's business enterprises.

All non-Federal recipients of Federal funds expending $750,000 or more during the fiscal year in Federal awards must have a single or program-specific audit conducted for that year. Recipients will typically have a single audit conducted unless they elect to have a program-specific audit conducted.[25] A single audit is an audit that includes both the entity's financial statements and the Federal awards. Programmatic requirements audited for Federal awards are outlined in the Federal-wide Single Audit Compliance Supplement.

Non-Federal entities expending less than $750,000 a year in Federal awards are exempt from Federal audit requirements for that year except as noted in 2CFR 200.503, Relation to Other Audit Requirements, but records must be available to NIFA, the pass-through entity, or the GAO, as requested for review or audit (2 CFR 200.501(d)).

[25] Program-specific audits can be conducted when an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted (2 CFR 200.501(c)).

The costs of conducting an audit, unless otherwise prohibited, are allowable charges to Federal awards. They can be considered direct costs or allocated as indirect costs, as determined in accordance with the applicable cost principles. Audits not conducted in accordance with the requirements of the Single Audit Act of 1996 are not allowable costs and costs of conducting an audit when an entity is not so required by NIFA to do so will also result in an unallowable cost.

In procuring audit services, auditees are required to follow the procurement standards prescribed by 2 CFR 200 Subpart D.

A. Audit Cognizant Agency **ALL AWARDS**

All audits of recipient institutions will be conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS). Any non-Federal entity expending more than $750,000 a year in Federal funds must have a single audit. The designated cognizant agency for audit is the Federal awarding agency that provides the predominant amount of direct funding unless OMB designates a specific cognizant agency for audit. Notwithstanding the manner in which audit cognizance is determined, a Federal awarding agency with cognizance for a recipient may reassign cognizance to another Federal awarding agency which provides substantial direct funding and agrees to be the cognizant agency for the audit. Within 30 days after any reassignment, both the old and new cognizant agency for the audit shall notify the recipient and, if known, the auditor of the assignment.

Please see 2 CFR 500.513 for the responsibilities of the Cognizant Agency which include helping grantees by providing technical assistance and coordinating decisions for cross cutting audit, as discussed in 2 CFR 200 Subpart F.

B. Auditee Responsibilities **ALL AWARDS**

Under 2 CFR 200, the auditee must:

1. Procure or otherwise arrange for the audit required by this part in accordance with 2 CFR 200.509 Auditor selection (Procurement Standards 2 CFR 200.317), and ensure it is properly performed and submitted when due in accordance with 2 CFR 200.512 Report submission.

2. Prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with 2 CFR 200.510 Financial Statements.

3. Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with 2 CFR 200.511(a) Audit findings follow-up, paragraph (b)(1-6) and 2 CFR 200.511 Audit Findings Follow-up, paragraph (c), respectively.

4. Provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by this part.

5. Prepare a summary schedule, by fiscal year, of prior audit findings and corrective action plans for current year audit findings. The summary schedule of prior audit findings reports the status of all audit findings included in the prior audit's schedule of findings and questioned costs relative to Federal awards. The summary schedule also includes audit findings reported in the prior audit's summary schedule of prior audit findings except audit findings listed as corrected, or no longer valid or not warranting further action. Consider the following:
   a. When audit findings were fully corrected, the summary schedule only lists the audit findings and states that corrective action was taken;
   b. When audit findings were not corrected or were only partially corrected, the summary schedule describes the planned corrective action as well as any partial corrective action taken;
   c. When corrective action taken is significantly different from corrective action previously reported in a corrective action plan or in the Federal agency's management decision, the summary schedule provides an explanation;
   d. When the recipient believes the audit findings are no longer valid or do not warrant further action, the reasons for this position are described in the summary schedule.

6. Prepare a corrective action plan to address each audit finding included in the current year auditor's reports including: the name(s) of the contact person(s) responsible for corrective action, the corrective action planned, and the anticipated completion date. If the recipient does not agree with the audit findings or believes corrective action is not required, then the corrective action plan shall include an explanation and specific reasons.

7. Following a single or program-specific audit, recipients are required to electronically submit to the Federal Audit Clearinghouse (FAC) the reporting package, which must include:
   a. Financial statements and schedule of expenditures of Federal awards discussed in 2 CFR 200.510 Financial Statements, paragraphs (a) and (b), respectively;
   b. Summary schedule of prior audit findings discussed in 2 CFR 200.511 Audit Findings Follow-Up, paragraph (b);
   c. Auditor's report(s) discussed in 2 CFR 200.515 Audit Reporting; and
   d. Corrective action plan discussed in 2 CFR 200.511 Audit Findings Follow-Up, paragraph (c).

8. The reporting package must be submitted within the earlier of 30 days after the receipt of the auditor’s report or nine months after the end of the audit period, unless a longer period is agreed to in advance by NIFA or the cognizant agency for

the audit. If the date falls on a Saturday, Sunday, or Federal holiday, the reporting package is due the next business day.

C. NIFA Responsibilities **ALL AWARDS**

NIFA's Policy and Oversight Division in the Office of Grants and Financial Management is responsible for audit resolution and recipient monitoring to ensure the resolution of the recipient's single audit findings for grantees that NIFA is determined to be the cognizant agency for audit or the oversight agency for audit as outlined in 2 CFR 200.73. The roles and responsibilities for NIFA are as follows:

1. Ensure that audits are completed and reports are received in a timely manner and in accordance with the requirements of this part.

2. Provide technical advice and counsel to auditees and auditors as requested.

3. Follow-up on audit findings to ensure that the recipient takes appropriate and timely corrective action. As part of audit follow-up, NIFA will:
   a. Issue a management decision as prescribed in 2 CFR 200.521 Management Decision;

   b. Monitor the recipient taking appropriate and timely corrective action;

   c. Use cooperative audit resolution mechanisms to improve Federal program outcomes through better audit resolution, follow-up, and corrective action;

   d. Coordinate a management decision for cross-cutting audit findings (2 CFR 200.300 Cross Cutting Audit Finding) that may affect the Federal programs of more than one agency when requested by an agency that awards are also included in the findings;

   e. If corrective action is not taken then the cognizant or oversight agency must Inform the auditor, the auditee, and any applicable Federal awarding agencies or pass through entities of the facts and make recommendations for follow-up action; and

   f. Develop a baseline, metrics, and targets to track, over time, the effectiveness of the Federal agency's process to follow-up on audit findings and on the effectiveness of Single Audits in improving non-Federal entity accountability and their use by Federal awarding agencies in making award decisions.

4. Provide OMB annual updates to the compliance supplement and work with OMB to ensure that the compliance supplement focuses the auditor to test the compliance

requirements most likely to cause improper payments, fraud, waste, abuse or generate audit finding for which the Federal awarding agency will take sanctions.

5. Provide OMB with the name of a single audit accountable official from among the senior policy officials of the Federal awarding agency who must be:
   a. Responsible for ensuring that the agency fulfills all the requirements of paragraph (c) of this section and effectively uses the single audit process to reduce improper payments and improve Federal program outcomes.

   b. Held accountable to improve the effectiveness of the single audit process based upon metrics as described in paragraph (c)(3)(f) of this section of the Policy Guide on NIFA Responsibilities.

   c. Responsible for designating the Federal agency's key management single audit liaison.

6. Provide OMB with the name of a key management single audit liaison who must:
   a. Serve as the Federal awarding agency's management point of contact for the single audit process both within and outside the Federal government.

   b. Promote interagency coordination, consistency, and sharing in areas such as coordinating audit follow-up; identifying higher-risk non-Federal entities; providing input on single audit and follow-up policy; enhancing the utility of the FAC; and studying ways to use single audit results to improve Federal award accountability and best practices.

   c. Oversee training for the Federal awarding agency's program management personnel related to the single audit process.

   d. Promote the Federal awarding agency's use of cooperative audit resolution mechanisms.

   e. Coordinate the Federal awarding agency's activities to ensure appropriate and timely follow-up and corrective action on audit findings.

   f. Organize the Federal cognizant agency for audit's follow-up on cross-cutting audit findings that affect the Federal programs of more than one Federal awarding agency.

   g. Ensure the Federal awarding agency provides annual updates of the compliance supplement to OMB.

   h. Support the Federal awarding agency's single audit accountable official's mission.

D. Fraud, Waste, and Abuse of NIFA Grant Funds **ALL AWARDS**

Any individual who becomes aware of the existence (or apparent existence) of fraud, waste, or abuse related to NIFA grants or grant funds should contact:

- The recipient institution's Office of Sponsored Research, Compliance Office, or other responsible office;
- The NIFA NPL listed on the RFA that funded the grant;
- The OGFM Policy and Oversight Division;
- The USDA Office of the Inspector General

Allegations of criminal activity, such as bribery, smuggling, theft, fraud, and endangerment of public health or safety are to be reported to the Department Agriculture, Office of Inspector General (OIG) Hotline. The OIG has authority within USDA to conduct criminal investigations. The USDA OIG maintains a post office box and a toll-free hotline for receiving information from individuals concerning fraud, waste, or abuse under USDA grants and cooperative agreements. The identity of the caller is kept confidential, and callers are not required to give their names.

USDA Office of Inspector General Hotline

United States Department of Agriculture
Office of Inspector General
P.O. Box 23300
Washington, DC 20026-3399 Phone: (202) 690-1622
(800) 424-9121
(202) 690-1202 (TDD)
Email: usda_hotline@oig.usda.gov

Further allegations of **non-criminal misuse of grant funds,** including mismanagement or waste of funds, workplace violence, employee misconduct and grantee conflicts of interest are to be reported to OGFM or the OIG Hotline. OGFM provides a centralized management survey and review capability to promote program integrity, conduct appraisals of alleged incidents of waste, fraud, and abuse and has lead responsibility for cases received through the OIG Hotline that are referred to NIFA for action. OGFM has no authority to undertake criminal investigations. OGFM refers all allegations of criminal offenses to the OIG for investigation.

Examples of fraud, waste, and abuse that should be reported include embezzlement, misuse, or misappropriation of grant funds or property, and false statements, whether by organizations or individuals. Other examples include theft of grant funds for personal use; using funds for non-grant-related purposes; theft of Federally-owned property or property acquired or leased under a grant; charging the Federal government for the services of "ghost" individuals; charging inflated building rental fees for a building owned by the grantee; submitting false financial reports; and submitting false financial data in bids submitted to the grantee (for eventual payment under the grant).

The Federal government may pursue administrative, civil, or criminal action under a variety of statutes relating to fraud and making false statement or claims. Even if a grant is not awarded, the applicant may be subject to penalties if the information contained in or submitted as part of an application, including its certifications and assurances, is found to be false, fictitious, or fraudulent. The Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, provides for the administrative imposition by USDA of civil penalties and assessments against any person who knowingly makes false, fictitious, or fraudulent claims to the Federal government for money, including money representing grants, loans, or benefits. If a grant is awarded and payment is made on a false or fraudulent claim, an assessment of not more than twice the amount of the claim, up to $150,000, may be made in lieu of damages. Regulations established by USDA at 7 CFR 1.301-346 specify the review process for imposing civil penalties and assessments, including hearing and appeal rights. The Criminal False Claims Act, 18 U.S.C. 287, and 18 U.S.C. 1001, provides for criminal prosecution of a person who knowingly makes or presents any false, fictitious, or fraudulent statements or representations or claims against the United States. Violations of these statutes carry a maximum sentence of 5 and 8 years imprisonment, respectively.

Penalties and damages will be imposed by the United States, through civil litigation, against any person who knowingly makes a false or fraudulent claim for payment, makes or uses a false record or false statement to get a false claim paid or approved, or conspires to defraud the Federal government to get a false claim paid (Civil False Claims Act, 31 U.S.C. 3729-3733). A “claim” includes any request or demand for money or property made to the United States or to a contractor, grantee, or other recipient, if the Federal government provides or will reimburse any portion of the funds claimed (Civil False Claims Act, 31 U.S.C. 3729-3733). Civil penalties of not less than $5,000 and not more than $10,000 may be imposed for each false claim, plus damages of up to three times the amount of the damages the government sustains because of the violation, and the costs of any civil action brought to recover such penalties and damages (Civil False Claims Act, 31 U.S.C. 3729(a)). NIFA also may administratively recover misspent grant funds pursuant to the authorities contained in 2 CFR 200.

VIII. Other NIFA Assistance Programs **PROGRAM SPECIFIC**

A. 4-H Youth Development Program

The Smith-Lever Act of 1914 created the Cooperative Extension Service as a partnership between USDA, the land-grant university (LGU) system, state and local governments. The 4-H Youth Development Program is the youth outreach program of the land-grant universities' Cooperative Extension Services and NIFA. 4-H serves as a model program for the practice of positive youth development.

Funding for Cooperative Extension programs conducted by LGUs is provided at the Federal level by NIFA and at the state and local government levels. Other Federal agencies may provide additional funding to support certain programs. Additional support is provided by National 4-H Council (a private non-profit organization).

As a Federally-funded and protected-status positive youth development program, 4-H National Headquarters is housed within the Division of Youth and 4-H at NIFA. 4-H National Headquarters is responsible for the organization, supervision, and administration of the national 4-H Youth Development Program. 4-H programs at land-grant institutions are run by the institutions through the Cooperative Extension Directors and Administrators. NIFA and Cooperative Extension System work cooperatively pursuant to a Memorandum of Understanding (MOU) and in collaboration with the National 4-H Council. In recognition of the unique 4-H public-private partnership, the MOU signed by Extension Committee on Policy (ECOP) and NIFA in collaboration with National 4-H Council is available online. When funds are available, NIFA is authorized to make grants to youth serving organizations, including the National 4-H Council. Recipients of NIFA funds, including all 4-H related entities, are subject to the Education Amendments of 1972 (20 U.S.C. 1681), which prohibit discrimination on the basis of sex.

NIFA also works collaboratively with the non-profit National Association of Extension 4-H Agents (NAE4-HA) to increase the professional development opportunities and information for 4-H professionals. The NAE4-HA is authorized to use the 4-H emblem in accordance with the applicable legislative and regulatory limitations.

The National 4-H Council is an independent non-profit, charitable organization governed by an elected Board of Trustees. NIFA, as the 4-H National Headquarters, works collaboratively with the National 4-H Council, and does not control the actions of the Council. The purpose of the 4-H Council is to build and manage financial resources, national reputation, and brand awareness for 4-H. The 4-H Council seeks, receives, holds, and distributes funds or property to augment, enhance, and support the mission of 4-H.

4-H Emblem: The 4-H name and emblem is a Federal mark, with protections and standards that exceed that of trademarks and copyrights. Using the 4-H name and emblem at the national level is a privilege that requires Federal authorization. Likewise,

the land-grant universities authorize for use within their respective states. 4-H name and emblem authorization may be revoked at any time for misuse. Anyone engaging in unauthorized use or misuse of the 4-H name and emblem is subject to Federal prosecution under Public Law 772, Title 18, United States Code 707.[26] NIFA oversees authorization of use of the 4-H name and emblem. Congress entrusted the name and emblem to the Secretary of Agriculture (7 CFR 8) and the Secretary of Agriculture delegated its responsibilities to the Under Secretary for Research, Education, and Economics, who further delegated the authority to NIFA (7 CFR 2.21(a)(1)(cxiii); 7 CFR 2.66(92); 7 CFR 8.2). USDA holds the 4-H Name and Emblem in trust for the educational and character-building purposes of the 4-H program. Visit the NIFA website for additional information on the use of the 4-H Name and Emblem, or to apply for authorization to use the 4-H Name and/or Emblem.

B. 1994 Institution Endowment Interest Distribution (Tribal)

The 1994 Tribal Endowment provides funding to increase extension program capacity and to promote and strengthen higher education instruction in the food and agricultural sciences at tribal colleges and universities, also known as 1994 institutions, and to address special needs, take advantage of important opportunities, and/or demonstrate long-term sustained benefits of extension projects at 1994 institutions. 1994 institutions are considered LGUs established for the benefit of agriculture and the mechanic arts (7 U.S.C. 301 *et seq*.). Endowment funds should support integration of agricultural research, extension, and education functions at 1994 institutions to better link research to technology transfer and information dissemination activities, should encourage regional and multi-state programs to address relevant issues of common concern and to better leverage scarce resources, and should achieve agricultural research, extension and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives (7 U.S.C. 7612). Projects should be responsive to any NIFA identified goals. The Equity in Educational Land-Grant Status Act of 1994 confers various rights and obligations of land-grant universities to eligible tribal colleges and universities.

1994 endowment funds are endowment interest funds distributed annually, as required by Section 533(c) of the Equity in Educational Land-Grant Status Act of 1994. Institutions receive interest distributions from the Federally-established endowment fund, the "Native American Institutions Endowment Fund" or the "1994 Institutions Endowment Fund" (7 U.S.C. 301 note). Eligible 1994 institutions will receive payments based on the established formula from the interest earned on the endowment corpus (7 U.S.C. 301 note). No withdrawals will be made from the corpus of the endowment (7 U.S.C. 301 note). The interest income is distributed according to the following formula: 60 percent of the interest income earned on the endowment is distributed among the 1994 institutions based on the "Indian student count" for each 1994 Institution for the fiscal

[26] The protection provided by 707 is broader than that provided for ordinary marks. Section 707 prohibits unauthorized use of the 4-H name and emblem (18 U.S.C. 707).

year and 40 percent of the income is distributed in equal shares to the 1994 Institutions (7 U.S.C. 301 note). NIFA is responsible for computing and distributing the interest income. The "Indian student count" is a number equal to the total number of Native American students enrolled in each tribally controlled college or university determined in a manner consistent with 25 U.S.C. 1801(b) on the basis of the quotient of the sum of the credit hours of all Native American students so enrolled, divided by 12 (25 U.S.C. 1801(a)(8)).[27] More information is available on the NIFA website.

Annual availability of the 1994 Endowment funds will be announced in writing, directly to Presidents of 1994 Land-Grant Institutions. Fund availability is also announced on the NIFA website.

1. Eligibility
   Any Tribal college or university that is accredited or making progress towards accreditation that is designated as a 1994 land-grant Institution under the Educational Land-Grant Status Act of 1994 is eligible for funding.[28] (7 U.S.C. 301 note).
2. Cost Considerations
   All funds distributed to 1994 institutions are to be used in accordance with the requirements of the Second Morrill Act, 7 U.S.C. 321 *et seq*. There is no matching requirement associated with the 1994 Tribal Endowment Fund.

[27] Subsection (b) of Section 1801 provides: The following conditions shall apply for the purpose of determining the Indian student count pursuant to subsection (a)(8) of this section: (1) Such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term. (2) Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term. (3) Credits earned by any student who has not obtained a high school degree or its equivalent shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credits earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count. (4) Indian students earning credits in any continuing education program of a tribally controlled college or university shall be included in determining the sum of all credit hours. (5) Eligible credits earned in a continuing education program (A) shall be determined as one credit for every ten contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and (B) shall be limited to ten percent of the Indian student count of a tribally controlled college or university (25 U.S.C. 1801(b)).

[28] Accreditation means accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered (25 U.S.C. 1804).

3. Reporting Requirements
   1994 Institutions must submit their 1994 Institution Endowment Annual Report, 1994 Institution Endowment Report Contact Form, and SF-425 Federal Financial Report. Forms are available on the NIFA website.

C. Hispanic-Serving Agricultural Colleges and Universities
Hispanic-Serving Agricultural Colleges and Universities (HSACUs) are supported through a number of competitive grants administered by NIFA and the HSACU Fund. The HSACU Fund is an endowment fund administered in a manner similar to the 1994 Institution Endowment Fund (7 U.S.C. 3243). This section specifically discusses the HSACU Endowment.

1. Eligibility
   A Hispanic-Serving Agricultural College or University is a college or university that qualifies as a Hispanic-Serving Institution (HSI) and offers an associate, bachelors, or other accredited degree programs in agriculture-related fields (7 U.S.C. 3103(10).

   Institutions are not eligible to be considered HSACUs if they are 1862 land-grant institutions, are included on the Excluded Parties List System (now SAM), not accredited, or an institution with Hispanic students receiving less than 15 percent of the degrees awarded in agriculture-related programs over the two most recently completed academic years. The Department of Education's Classification of Instructional Programs (CIP) coding system is used as the source of information for the purpose of classifying the program as agriculture-related.

   HSACU institutions are not specifically identified in the legislation establishing the endowment. NIFA published its Final Rule, effective April 27, 2012, "Hispanic-Serving Agricultural Colleges and Universities Certification Process" to identify the process through which eligible institutions receive HSACU certification (77 Fed. Reg. 25036-01). The Final Rule is codified at 7 CFR Part 3434. An updated File Rule is published every year that includes the list of institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1 and ending September 30 each fiscal year.

   The HSACU list will be updated every 5 years. Institutions that meet the eligibility requirements and offer agriculture-related programs will be certified as HSACUs and certification will remain valid for 1 year. An institution not certified as a HSACU may appeal its denial through NIFA's established process, as described in 7 CFR 3434.8. The certification process does not involve any reporting requirements (7 CFR 3434.10(a)). All recipients must be registered with SAM and maintain an active registration until they are no longer receiving NIFA funds, unless otherwise provided (2 CFR 25.110). For additional information on defining HSIs eligibility please see 20 U.S.C. 1101a(a).

2. Allocation
   Funds appropriated annually will be deposited into the account in which the corpus of the endowment is held. All interest earned on the endowment fund will also be held by the Secretary of the Treasury until funds are distributed annually to eligible institutions. The corpus and the interest will be invested in an interest-bearing account. Annual payments will be made to eligible institutions from the income earned on the endowment, not from the corpus. The income will be distributed as follows:

   - 60 percent will be distributed among the HSACUs on a pro rate basis based on the Hispanic enrollment count of each institution.
   - 40 percent will be distributed in equal shares to the HSACUs.

   An annual payment of $80,000 divided by the number of HSACUs will be made to each HSACU (7 U.S.C. 3243). For additional information please see 7 U.S.C. 3243.

3. Allowable Costs
   All funds must be used in accordance with the requirements of the Second Morrill Act, 7 U.S.C. 321 *et seq*. and the applicable cost principles in 2 CFR 200.

D. Veterinary Medicine Loan Repayment Program
   The Veterinary Medicine Loan Repayment Program (VMLRP), authorized by the National Veterinary Medical Services Act (NVMSA), helps qualified veterinarians offset a significant portion of the debt incurred in pursuit of their veterinary medicine degrees in return for their service in identified high-priority veterinary shortage situations. NIFA carries out NVMSA by entering into educational loan repayment agreements with veterinarians who agree to provide veterinary services in veterinarian shortage situations for a determined period of time (7 U.S.C. 3151a).

   In exchange for a commitment to provide veterinary services in a designated veterinary shortage area for at least 3 years, NIFA may repay up to $25,000 of a student loan debt per year. Loan repayment benefits are limited to payments of the principal and interest on government and commercial loans veterinarians received to attend an accredited college of veterinary medicine and actually earn a degree of Doctor of Veterinary Medicine or the equivalent. Repayment of loans is available if the loans were used for tuition expenses, reasonable educational expenses, including fees, books, and laboratory expenses incurred, and reasonable living expenses.[29] (7 U.S.C. 3151a). Under

[29] "Reasonable living expenses" are ordinary living costs incurred by the program participant while attending the college of veterinary medicine, exclusive of tuition and educational expenses. Reasonable living expenses must be incurred during the period of attendance and may include food and lodging expenses, insurance, commuting and transportation costs. Reasonable living expenses must be equal to or less than the sum of the school's estimated standard student budgets for living expenses for the degree of veterinary medicine for the year(s) during which the program participant was enrolled in the school. However, if the school attended by the program participant did not have a standard student budget or if a program participant requests repayment for living expenses which are in

this program, additional payments can be made to reimburse participants for individual tax liability incurred because of this repayment program (7 U.S.C. 3151a).

1. Veterinary Shortage Situations
   When determining if an area qualifies as a "veterinary shortage situation," NIFA considers (1) geographical areas determined to have a shortage of veterinarians; and (2) areas of veterinary practice that NIFA determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety (7 U.S.C. 3151a). In determining veterinary shortage situations, NIFA will consider stakeholder input on the impact of the designation on meeting critical veterinary needs.

   NIFA solicits nominations for veterinary shortage situations annually through publication in the Federal Register, NIFA's website and/or other appropriate forums. If necessary, nominations will be solicited only every 2 to 3 years. Each state's animal health official is the person responsible for submitting and certifying veterinary shortage situations in their state. Nominations should be responsive to the criteria set forth in the nomination solicitation and should incorporate the input of the leading health animal experts of the state.

   Submitted nominations are reviewed by a NIFA peer panel composed of experts in the field of animal health. The panel evaluates nominations according to the criteria identified in the solicitation. The panel considers the objectives and activities of the veterinarian position in the veterinary service shortage situation and the risks associated with not securing or retaining the position and make a recommendation regarding each nomination. NIFA reviews the recommendations of the peer panel and designate the veterinary shortage situations.

   For additional information on veterinary shortage situations please see 7 CFR 3431.

2. Program Administration
   The purpose of the VMLRP is to ensure that there is an adequate supply of trained food animal veterinarians in shortage situations and to provide USDA with a pool of veterinary specialists to assist in and control eradication of animal disease outbreaks (7 CFR 3431.8). Priority should be given to agreements with veterinarians practicing in food animal medicine in veterinary shortage situations (7 U.S.C. 3151a). Food animals are animals of following species: bovine, porcine, ovine/camelid, cervid, poultry, caprine, and any other designated species (7 CFR 3431.3). Applicants for loan repayment must respond to the annual RFA available on the NIFA website.

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excess of the standard student budgets described in the preceding sentence, the program participant must submit documentation, as required by the Secretary, to substantiate the reasonableness of living expenses incurred (7 CFR 3431.3).

Veterinarians are eligible to competitively apply for loan repayment through VMLRP if they meet the following criteria:

- Have a degree of DVM, or the equivalent, from a college of veterinary medicine accredited by the AVMA Council on Education.
- Have qualifying educational loan debt.
- Secure an offer of employment or establish and/or maintain a practice in a veterinary shortage situation, as determined by the USDA within the time period specified in the VMLRP service agreement offer.
- Provide certifications and verifications in accordance with 7 CFR 3431.16. This includes a personal statement on how the applicant would meet all the requirements of the program and sufficient documentation to support eligibility, including state and local licensure, and national accreditation through the National Veterinary Accreditation Program (NVAP).

Veterinarians owing a service obligation to another entity (i.e. State government, Federal government, other institution) are not eligible to apply for the VMLRP until their prior service obligation is completed (7 CFR 3431.9).

3. Application Process
An annual RFA will be released when the application packages is available. The annual RFA should be consulted for specific information on how to prepare and submit an application for the VMLRP. NIFA's website has an application guide. Applications for the VMLRP are not submitted through Grants.gov.

The steps to access application materials are as follows:
To download the application forms, go to the NIFA website, click on the "Applicants" link, and then click on the "Application Forms for FY 2017" link.
If there is no access to the web page or trouble downloading material, potential applicants may contact the VMLRP Program Office by email at vmlrp@nifa.usda.gov. When emailing the VMLRP Program Office, please include the name, mailing address, email address, and phone number in the body of the email. The message should request a copy of the RFA and the associated application forms for VMLRP.

The application is composed of eight forms:

1. Applicant Information Form (NIFA-01-10)
2. Personal Statement (NIFA-02-10)
3. List of Recommenders (NIFA-03-10)
4. Loan Information Form (NIFA-04-10)
5. Contract (NIFA-05-10)
6. Certifications for Application (NIFA-06-10)
7. Intent of Employment (NIFA-07-10)
8. Recommendations (NIFA-08-10)

Guidance on how to complete the required forms is provided in the annual RFA for the VMLRP. Additional guidance, including Frequently Asked Questions, are located on the NIFA website.

Applications are reviewed through a peer review process using a peer panel. Panelists are selected based on their training and experiences in relevant veterinary clinical medicine, veterinary science, or veterinary specialty area fields from the public or private sector. Applicants are assessed on the criteria identified in the RFA, the likelihood that the applicant will meet the terms and conditions of the VMLRP agreement, and if they will continue to serve in a veterinary shortage situation after the end of the agreement or if they will pursue a career in food supply veterinary medicine. The following components are also assessed: (1) major or emphasis area(s) during formal post-secondary training (e.g., bachelor's degree major, minor); (2) major or emphasis area(s) during formal training for DVM/VMD degree; (3) specialty training area/discipline (e.g., board certification or graduate degree); (4) non-degree/non-board certification training or certifications (e.g., animal agrosecurity coursework and certifications); (5) applicant's personal statement; (6) awards; (7) letters or recommendation, if applicable; and (8) other documentation. Applicants are ranked by the peer panel based on the evaluation criteria (7 CFR 3431.12). Selected applicants must comply with all State and local regulations and licensure requirements in the jurisdiction where serving, be a citizen, national, or permanent resident of the United States, sign a service agreement to provide veterinary services in one of the veterinary shortage situations, and comply with the terms and conditions of the service agreement (7 CFR 3431.10).

Successful applicants agree to serve in a veterinary shortage situation for a minimum of 3 years (7 CFR 3431.13). The signed service agreement will provide the terms and conditions by which selected veterinarians must abide by including what will constitute a breach of the agreement and the remedies for such action. The service agreement includes the amount of funds to be distributed annually, as well as the treatment of income tax liability as a result of the loan repayment. The service agreement will also indicate if the participant is eligible to apply for a renewal of their existing agreement. Renewal applications are subject to peer review and

approval, acceptance is not guaranteed, and the applicant must continue to serve the veterinary shortage situation at the time of application for renewal. Additional information may be requested from the applicant in a renewal application. The service agreement will notify recipients of all required reporting (7 CFR 3431.17).

To ensure compliance with the terms and conditions of the service agreement, all participants must submit a quarterly service obligation verification form to NIFA. NIFA is also authorized to conduct site visits and audits to ensure compliance with the service agreement.

Additional information on how to complete an application for loan repayment and the current RFA can be found on the NIFA website.

4. Waiver of Requirements
   A program participant can ask for a waiver or suspension of the service obligations incurred by making a written request to NIFA setting forth the bases, circumstances, and causes which support the requested action. NIFA may waive any service or payment obligation incurred by a program participant whenever compliance by the program participant is impossible or would involve extreme hardship to the program participant and if enforcement of the service or payment obligation would be against equity and good conscience (7 CFR 3431.22).

5. Breach of VMLRP Service Agreement
   If a program participant fails to complete the period of obligated service, including failing to comply with the applicable terms and conditions of a waiver granted by the Secretary, the program participant must pay to the United States an amount as determined in the service agreement. The amount due must be paid within 90 days of the date the participant failed to complete the period of obligated service (7 CFR 3431.21). Early termination of a service agreement will subject a participant to monetary damages and/or other penalties. See “Section 6. Recovery of Funds” under “Section M. Remedies for Non Compliance” for specific policies and procedures for the recovery of funds in the event that these VMLRP funds are not returned within a 90-day period.

6. Emergency Service to the Federal Government
   NIFA may enter into agreements of 1-year duration with veterinarians with loan repayment service agreements for service to the Federal Government in emergency situations, as determined by the Secretary, under terms and conditions specified in the agreement. For this service, an amount, in addition to the loan repayment amount, will be paid for principal and interest of qualifying educational loans (7 CFR 3431.23). This authority will be used on an as needed basis in the event of an emergency situation.

APPENDIX I – PUBLIC POLICY REQUIREMENTS **ALL AWARDS**

The below are significant public policy requirements attached to NIFA awards. This list is not all inclusive and additional requirements may be included in the award terms and conditions.

Policy Area	Requirement Summary	Required by:
Acknowledgement of Federal Funding	NIFA grantees must acknowledge Federal support when issuing statements, press releases, RFPs, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal money. Grantees must include the statement required by NIFA, as required by the NIFA terms and conditions.	2 CFR 415.2

Policy Area	Requirement Summary	Required by:
Animal Welfare	If animals are involved in the grant, an Institutional Animal Care and Use Committee (IACUC) appointed by the Chief Executive Officer or designee, is Federally-mandated to oversee the institution's animal program, facilities, and procedures (9 CFR 2.31). Grantees must have an approved Animal Welfare Assurance be on file with the Office of Laboratory Animal Welfare (OLAW) at the National Institutes of Health NIH at the time of award for all grantee organizations receiving Federal support for research or related activities using live vertebrate animals. If an institution does not have an approved Animal Welfare Assurance on file with OLAW, it must contact NIFA to discuss alternatives. At USDA, the Animal and Plant Health Inspection Service (APHIS) will oversee the organization and operation of IACUCs (9 CFR 321). Additional requirements applicable to lab animals must also be followed.	7 U.S.C. 2131, *et seq*.; 9 CFR parts 1-4;
Architectural Barriers (Construction Only Requirement)	Facilities must be accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with NIFA grant support must comply with these requirements.	The Architectural Barriers Act of 1968, 42 U.S.C. 4151 *et seq*., as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR 1191, Appendices C and D)
Certification of Filing and Payment of Taxes	NIFA cannot enter into contracts, memoranda of understanding, or cooperative agreements with,	Sections 738 and 739 of the Agriculture, Rural Development,

Policy Area	Requirement Summary	Required by:
	make a grant to, or provide a loan or loan guarantees using appropriated funds to any corporation that either was convicted of a felony criminal violation under any Federal or state law within the preceding 24 months or has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or lapsed, and that has not been paid in a timely manner pursuant to an agreement with the responsible collecting entity.	Food and Drug Administration, and Related Agencies Appropriations Act, 2012.
Civil Rights Protections	All funded activities must be conducted in compliance with the Civil Rights Act of 1964, Title VI, and the associated regulations. Exclusion on the basis of race, color, or national origin, is not permitted.	Title VI of the Civil Rights Act of 1964; 7 CFR part 15.
Clean Air Act and Clean Water	As applicable, NIFA award recipients are required to assure and certify compliance with the Clean Air Act of 1970 and the relevant State Implementation Plan.	42 U.S.C. 7401 *et seq*.; 33 U.S.C. 1251 *et seq*.; Executive Order 11738
Conflict of Interest	Participants in NIFA-funded research should avoid any action which might give the appearance of using one's position for private gain, using public funds to lobby for or against legislation or appropriations, giving preferential treatment to any individual or group, impeding governmental efficiency or economy, making a decision outside of official channels, effecting adversely the confidences of the public and the integrity of NIFA research.	18 U.S.C. 1913

Policy Area	Requirement Summary	Required by:
Confidentiality	Research institutions should conduct a fair and thorough investigation, as appropriate to maintain the integrity of the research being conducted.	7 CFR 3022.2(e)
Digital Accountability and Transparency Act of 2014 (DATA Act)	The Digital Accountability and Transparency Act of 2014, also called the DATA Act, expands on Federal awards reporting reforms that began with the Federal Funding Accountability and Transparency Act of 2006 The DATA Act requires that this data be channeled to a central, public database so that it can be easily accessed and tracked throughout an award's full lifespan – from a vote in Congress to its final disbursement	P.L. 113-101
Debarment and Suspension; Nonprocurement debarment and suspension	NIFA will not enter into grants or agreements with suspended or debarred parties.	2 CFR Part 180 and Part 417
Discrimination Based on Citizenship	NIFA grantees cannot exclude any person in the United States from participation in, or receipt of the benefits of, any educational program or activity receiving NIFA funds.	20 U.S.C. 1681 *et seq.*; 7 CFR 15a
Discrimination on the Basis of Age	Grantees cannot unreasonably discriminate on the basis of age in any program or activity receiving Federal financial assistance.	Age Discrimination Act of 1975; 7 CFR 15d
Discrimination Based on Handicap	Grantees cannot discriminate against an otherwise qualified handicapped individual under any program or activity receiving Federal financial assistance. NIFA award recipients are required to assure and certify compliance with Section 504 of the Rehabilitation Act of 1973.	Section 504 of the Rehabilitation Act of 1973; 7 CFR 15b

Policy Area	Requirement Summary	Required by:
Discrimination on the Basis of National Origin	The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, or national origin. Discrimination on the basis of one's ability to read, speak, understand, or write in English is considered discrimination on the basis of national origin.	Civil Rights Act of 1964, Title VI; Executive Order 13166
Drug-Free Workplace	Organizations receiving NIFA grants must make a good faith effort to maintain a drug-free workplace	Drug-Free Workplace Act of 1988 (41 U.S.C. 8102 *et seq.*); 2 CFR 182; 2 CFR Part 421
Promoting Free Speech and Religious Liberty	USDA ensures that state and local recipients of USDA financial assistance do not discriminate against applicants for sub-grants on the basis of their religious character.	Executive Order 13798; 7 CFR Part 16.3
Environmental Justice	In working towards achieving environmental justice, all Federal agencies are required to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of programs, policies and activities on minority populations and low-income populations (hereinafter "environmental justice communities"). At USDA and NIFA, environmental justice means that, to the greatest extent practicable and permitted by law, all populations are provided the opportunity to participate in decision-making, share in the benefits of, are not excluded from, and are not affected in a disproportionately high and adverse manner by, government programs and activities affecting human health or the environment (USDA Departmental Regulation, 5600-002 (Dec. 15, 1997). In seeking to achieve environmental justice, NIFA will work to meet the needs of underserved communities by reducing the disparate environmental burdens, removing barriers to participation in decision-making, and	USDA Departmental Regulation, 5600-002 (December 15, 1997); USDA Environmental Justice Strategic Plan: 2012-2014, February 7, 2012, available at: http://www.dm.usda.gov/hmmd/FinalUSDAEJSTRATScan_1.pdf and Executive Order 12898 (February 11, 1994).

Policy Area	Requirement Summary	Required by:
	increasing access to environmental benefits that help to make all communities safe, vibrant and healthy places to live and work. All agencies must work toward environmental justice, as required by Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Feb. 11, 1994), as amended by Executive Order 12948 – Amendment to Executive Order 12898 (Jan. 30, 1995).	
FFATA Reporting	The Federal Funding Accountability and Transparency Act of 2006 (FFATA) is intended to increase the transparency of, and accountability for, the over $1 trillion that Federal agencies award each year in contracts, loans, grants, and other awards.	2 CFR Part 170; 2 CFR 200
Federal Information Security Management Act	The Federal Information Security Management Act codified the Federal government's responsibility to protect against threats to information and information systems.	44 U.S.C. 3541 *et seq.*
Flood Insurance (Construction only requirement)	No Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification	National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*; 7 CFR 3105.205(b)(11))

Policy Area	Requirement Summary	Required by:
Fly America	Federally funded foreign air travel may only be conducted on U.S. flag air carriers. A "U.S. flag air carrier" is an air carrier that holds a certificate under 49 U.S.C. 41102 but does not include foreign air carriers operating under a permit.	49 U.S.C. 40118
IACUC Approval, Verification of	Verification of IACUC approval is needed for all research involving live vertebrate animals.	7 CFR 3015.205(2)
Industrial Hemp	If a grantee grows, cultivates, or markets industrial hemp under the project, the organization will comply with all terms and conditions set by the applicant's state agency regarding industrial hemp growth, cultivation, and marketing. 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. Visit the NIFA website for further information.	Section 7606 of the Agricultural Act of 2014; Federal Register Notice: August 12, 2016; 81 FR 53395; NIFA State of Principles: https://nifa.usda.gov/industrial-hemp

Policy Area	Requirement Summary	Required by:
Genetically Engineered Plants	NIFA grant recipients involved in the use of genetically engineered plant pests must comply with the APHIS regulations and obtain all necessary permits.	7 CFR 340 *et seq.*; 7 U.S.C. 8301 *et seq.*; 7 U.S.C. 7701 *et seq.*
Genetic Resources from Outside the United States	If genetic resources from outside the United States will be used, seek information regarding any required prior informed consent from and benefit-sharing with the appropriate host country authorities. Researchers must also obtain permits and follow APHIS importation regulations. Contact the ARS Plant Exchange Office, or the National Animal Germplasm Program, as appropriate for further guidance on archiving the collections.	
Health and Safety Regulations and Guidelines	Grantees are responsible for meeting applicable Federal, state, and local health and safety standards and for establishing and implementing necessary measures to minimize their employees' risk of injury or illness in activities related to NIFA grants.	2 CFR 200
Historic Preservation	NIFA award recipients must consult with the relevant State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that would potentially be subject to adverse effects based on the proposed activities. If any such properties are involved in NIFA-funded activities, recipients must notify NIFA.	The National Historic Preservation Act, 54 U.S.C. § 300101 *et seq.*; and Preservation of Historical and Archeological Data, 54 U.S.C. 312501

Policy Area	Requirement Summary	Required by:
Human Research Protections	Grantees must protect the rights and welfare of any human subject involved in NIFA sponsored research and related activities. An Institutional Review Board must review all research proposals involving human subjects.	7 CFR Part 1c
Laboratory Security	NIFA encourages all awardees to adopt appropriate laboratory security policies and procedures for facilities that work with any level of biological or chemical materials.	USDA Departmental Manual 9610-1, "USDA Security Policies and Procedures for Biosafety Level-3 Facilities"; USDA Departmental Manual 9610-2, "USDA Security Policies and Procedures for Laboratories and Technical Facilities (Excluding Biosafety Level (BSL)-3 Facilities)."
Life Sciences Dual Use Research of Concern (DURC)	For all NIFA-funded research that potentially falls within the scope of the U.S. Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern, 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 Frequently Asked Questions, case studies, and other educational materials on DURC).	

Policy Area	Requirement Summary	Required by:
Lobbying Prohibition and Restrictions	Federal funds cannot be used for lobbying or paying any person to influence or attempt to influence any officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress with respect to an award, continuation, renewal, amendment, or modification of a grant, cooperative agreement, contract, or loan.	2 CFR Part 418, 2 CFR 200
Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education	Institutions receiving Federal funds cannot maintain an anti-Reserve Officer Training Corps policy or practice.	32 CFR 216.3(a)

Policy Area	Requirement Summary	Required by:
National Environmental Protection Act	NIFA must determine if grantees, as a result of their proposed activities, will be required to submit an Environmental Assessment or Environmental Impact Statement or whether the proposed activity will be exempt from environmental review under NEPA.	7 CFR Part 1b; 7 CFR 3407.1; 7 CFR 3407.5(a)-(c)
Non-Delinquency on a Federal Debt	An organization or individual indebted to the United States with a judgment lien filed against them, is not eligible to receive a Federal grant	28 U.S.C. 3201(e)
Prohibition Against Certain Internal Confidentiality Agreements	Recipients may not require their 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. Recipients must notify their 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 prohibition in paragraph (a) of this award provision does not contravene requirements applicable to any other form issued by a Federal	Sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016, (Pub. L. 114-113) or any successor provision of law

Policy Area	Requirement Summary	Required by:
	department or agency governing the nondisclosure of classified information. 3. If NIFA determines that a recipient is not in compliance with this award provision, NIFA: a) Will prohibit the recipient's use of funds under the 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 material failure to comply with award terms and conditions.	
Public Health Security and Bioterrorism Preparedness and Response Act	Domestic grantees conducting research involving select agents or toxins must maintain a registration with CDC or USDA, depending on the agent, before using NIFA funds.	42 CFR part 73, 9 CFR part 121 and 7 CFR part 331
Resource Conservation and Recovery Act	State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal awards or other Federal funds must give preference in their Federally-funded procurement programs to the purchase of recycled products pursuant to the EPA guidelines.	42 U.S.C. 6901; 40 CFR 247.2
Responsible and Ethical Conduct of Research	Institutions conducting extramural research funded by USDA 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.	Sections 2, 3, and 8 of 7 CFR Part 3022

Policy Area	Requirement Summary	Required by:
Research Misconduct	All institutions receiving funding from NIFA must have policies and procedures in place to respond to any allegations of research misconduct.	7 CFR 3022, 2 CFR Part 422
Safe Drinking Water Act	Underground sources of drinking water that have an aquifer, which is the sole source of drinking water, are protected under 42 U.S.C. 300f et seq. (Chapter 6a of the Public Health Service Act). NIFA will not enter into a grant to support a project that will contaminate such an aquifer, as determined by the EPA Administrator.	42 U.S.C. 300f *et seq.* (Chapter 6a of the Public Health Service Act)
Standards of Conduct	NIFA requires grantees to establish policies and procedures that prohibit employees from using their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.	2 CFR 200
Tax Liability: Prohibition Against Grants to Individuals with Federal Tax Liability	NIFA cannot enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation with 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 tax liability.	Sections 738 and 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (Pub. L. 112-55)

Policy Area	Requirement Summary	Required by:
Text Messaging while Driving	Federal agencies are required to encourage contractors, subcontractors, and grant and cooperative agreement recipients and sub-recipients to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles or Government owned vehicles, or while driving personally owned vehicles when on official government business or when performing any work for or on behalf of the Government.	Executive Order 13513
Trafficking in Persons	Federal agencies must include a condition in all grants and cooperative agreements authorizing termination of the award if the recipient or subrecipient engages in certain activities related to human trafficking.	22 U.S.C. 7104; 2 CFR 175
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards	General Program Administrative Regulations; General Program Administrative Regulations for Grants and **Cooperative** Agreements to State and Local Governments	2 CFR 200, 2 CFR Part 400, 2 CFR Part 415, 2 CFR Part 416
Universal Identifier and System of Award Management	2 CFR 25 requires NIFA to ensure that the RFA, regulation, or other issuance requires each entity that applies and does not have an exemption under §25.110 to:	2 CFR Part 25

Policy Area	Requirement Summary	Required by:
	• Be registered in the SAM prior to submitting an application or plan; • Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency; and Provide its unique entity identifier in each application or plan it submits to the agency.	
USA PATRIOT Act	The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) amends 18 U.S.C. 175-175c and provides criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.	18 U.S.C. 175-175c

APPENDIX II – DEFINITIONS **ALL AWARDS**

The following definitions apply to this NIFA Federal Assistance Policy Guide. If there is a conflict between this Definitions section and a definition of a term in authorizing legislation, program regulations, or the RFA, the definition used in the legislation, regulations, or RFA is followed.

1862 Land-Grant Institution. 1862 land-grant institution means a college or university eligible to receive funds under the First Morrill Act of July 2, 1862. Unless otherwise stated for a specific program, this term includes a research foundation that is maintained by such an institution (7 U.S.C. 301 *et seq.*; 7 CFR 3430).

1890 Land-Grant Institution. 1890 land-grant institution means a college or university eligible to receive funds under the Second Morrill Act of Aug. 30, 1890 (7 U.S.C. 322 *et seq.*), including Central State University, Tuskegee University, and West Virginia State University. Unless otherwise stated for a specific program, this term includes a research foundation that is maintained by such an institution (7 U.S.C. 7601(2) and 7 CFR 3430).[30]

1994 Land-Grant Institution. 1994 land-grant institution means one of those institutions as defined in Section 532 of the Equity in Educational Land-Grant Status Act of 1994, as amended (7 U.S.C. 301 note). These institutions are commonly referred to as Tribal colleges or universities (7 U.S.C. 301 note). A 1994 institution will be considered a land-grant college established for the benefit of agriculture and the mechanic arts in accordance with the First Morrill Act (7 U.S.C. 301 note). 1994 institutions receive funding in lieu of donations of public land or scrip (7 U.S.C. 301 note).

Acquisition. Acquisition of property includes purchase, construction, or fabrication of property. It does not include the rental of property or alterations and renovations of real property.

Advance Payment. Advance payment means a payment that a Federal awarding agency or pass-through entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-Federal entity disburses the funds for program purposes. (2 CFR 200.3).

Advisory Board. Advisory Board means the means the National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEEB) established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) (7 U.S.C. 6971(f)(1)(A)).

Agricultural Research. Agricultural research means research in the food and agricultural sciences (7 CFR 3430.2).

[30] Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (2002) Section 753 of Public Law 107-76, 115 Stat. 740, provides that any provision of any Act of Congress relating to colleges and institutions eligible to receive funds under the Second Morrill Act will apply to West Virginia State University as well.

Agricultural Research, Extension and Education Reform Act of 1998. Agricultural Research, Extension and Education Reform Act of 1998 (AREERA) means Public Law 105-185, which amended the Smith-Lever Act, the Hatch Act, and the National Agricultural Research, Extension, and Teaching Policy Act of 1977, revising and reauthorizing Federally supported agricultural research, education, and extension programs. Key provisions of the law included requiring approved plans of work for extension and research work in order to receive Federal funding. AREERA mandates that certain levels of funding be used for multi-state and integrated research and extension work. It also encourages multi-disciplinary, multi-institutional, and multi-state collaborations.

Applied Research. Applied research means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society (7 U.S.C. 6971(f)(1)(B)).

Approved Budget. Approved budget means a budget (including any revised budget) that has been approved in writing by NIFA. The approved budget, including any revised budget, for the Federal award summarizes the financial aspects of the project or program as approved during the Federal award process. It may include either the Federal or non-Federal share (see §200.43 Federal share) or only the Federal share, depending upon the requirements of the award (2 CFR 200.308).

Assurance. An assurance is a certification by an applicant, normally included with the application or state plan of work, indicating that the entity is in compliance with, or that it will abide by, a particular requirement if awarded a Federal grant. Oftentimes a signature on the submitted application is sufficient certification. If a particular form is required, it will be so indicated on the funding opportunity announcement.

Audit finding. An audit finding means deficiencies, which the auditor is required to report in the schedule of findings, and questioned costs (2 CFR 200.5)

Authorized Departmental Officer. The Authorized Departmental Officer (ADO) is the individual responsible for executing, modifying, and administering awards on behalf of the U.S. Department of Agriculture (7 CFR 3430.2).

Automated Standard Application for Payment. The Automated Standard Application for Payment (ASAP) is the completely electronic payment application for Federal agencies to quickly and securely disburse funds to recipient organizations. Federal agencies enroll recipient organizations, authorize their payments and manage their accounts. Recipient organizations then request payments from these preauthorized accounts. The Department of Treasury provides this service at no cost to Federal agencies and their recipient organizations through ASAP.gov.

Award. An award is the Federal financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants, cooperative agreements, and other

agreements in the form of money or property in lieu of money, by the Federal government to an eligible recipient. The term does not include technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; contracts which are required to be entered into and administered under procurement laws and regulations; and those agreements that are entered into under the authorities provided by sections 1472(b) and 1473A of the National Agricultural Research Extension, and Teaching Policy Act of 1977 (as amended by the Food Security Act (7 U.S.C. 3318(b) and 3319a).

Award Face Sheet. Term no longer used; see Notice of Award.

Budget. A budget means the recipient's financial expenditure plan approved by the awarding agency to carry out the purposes of the Federally-supported project. The budget is comprised of both the Federal share and any non-Federal share of such plan and any subsequent authorized re-budgeting of funds. For those programs that do not involve Federal approval of the non-Federal share of costs, such as competitive research grants, the term ''budget'' means the financial expenditure plan approved by the awarding agency including any subsequent authorized re-budgeting of funds, for the use of Federal funds only. Any expenditures charged to an approved budget consisting of Federal and non-Federal shares are deemed to be supported by the grant in the same proportion as the percentage of Federal/non-Federal participation in the overall budget.

Capacity Funds. Capacity funds are funds distributed to land-colleges and universities and experiment stations under the Hatch Act of 1887 (7 U.S.C. 361a, *et seq.*); extension funds provided to 1862 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, Pub. L. 93–471; agricultural extension and research funds provided to 1890 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); education capacity funds provided to 1994 institutions under Section 534(a) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note); research funds provided to forestry schools under the McIntire-Stennis Act of 1962 (16 U.S.C. 582a, *et seq.*); animal health and disease research funds provided to veterinary schools and agricultural experiment stations under Section 1433 of NARETPA (7 U.S.C. 3195) (7 CFR 3418); and extension activities associated with fish, wildlife, and water resources on private forest and rangelands and for renewable resource education programs at State land-grant Institutions under the Renewable Resources Extension Act (16 U.S.C. 1671 *et seq.*)

Carryover Funds. Carryover funds are Federal funds remaining unobligated by the institution as of Sept. 30 of the fiscal year in which they were allocated and which are available for expenditure in a subsequent fiscal year.

Closeout. Closeout means the process by which the Federal awarding agency or pass-through entity determines that all applicable administrative actions and all required work of the Federal

award have been completed and takes actions as described in §200.343 Closeout. (2 CFR 200.16)

College of Veterinary Medicine. This is defined as a college of veterinary medicine accredited by the American Veterinary Medication Association Council on Education (AVMA COE).

College or University. College or university means, unless defined in a separate subpart, an educational institution in any state that: (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate; (2) Is legally authorized within such state to provide a program of education beyond secondary education; (3) Provides an educational program for which a bachelor's degree or any other higher degree is awarded; (4) Is a public or other non-profit institution; and (5) Is accredited by a nationally recognized accrediting agency or association. Unless otherwise stated for a specific program, this term includes a research foundation maintained by such an institution (7 CFR 3430.2).

Contract. Contract means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (2 CFR 200.22).

Cooperative Agreement. Cooperative agreement means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 U.S.C. 6302-6305: (a) Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C. 6101(3)); and not to acquire property or services for the Federal government or pass-through entity's direct benefit or use; (b) Is distinguished from a grant in that it provides for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award; or (c) The term does not include: (1) A cooperative research and development agreement as defined in 15 U.S.C. 3710a; or (2) An agreement that provides only: (i) Direct U.S. government cash assistance to an individual; (ii) A subsidy; (iii) A loan;(iv) A loan guarantee; or (v) Insurance (2 CFR 200.24)

Cooperative Extension Funds. Cooperative extension funds are funds available from all sources (Federal and matching funds) and expended by the states, Puerto Rico, the District of Columbia, Guam, Virgin Islands, American Samoa, the Federated States of Micronesia, and Republic of the Marshall Islands, Republic of Palau, and the Northern Mariana Islands for Extension programs.

Cooperative Extension Service. The Cooperative Extension Service (CES) means the organizations established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914 (38 Stat. 372–374, as amended; 7 U.S.C. 341–349), and section 209(b) of the Act

of October 26, 1974 (88 Stat. 1428, as amended; D.C. Code, sec. 31–1719(b); 7 U.S.C. 3103(6)). The CES is a Federal-state-local cooperative education system that provides continuing adult education based on the academic programs of the land-grant colleges of agriculture and their affiliated state agricultural experiment stations (on the campuses of major state universities). The system employs approximately 32,000 people located both on campuses and in offices located in virtually every county in the nation. About half of Extension's education programs focus on agriculture and natural resources, one-quarter on youth development (including the vocational 4-H program), and the balance on home economics and community resource development work.

Cost Sharing or Matching. Cost sharing or matching means the portion of project costs not paid by Federal funds (unless otherwise authorized by Federal statute). See also 2 CFR 200.306 Cost sharing or matching (2 CFR 200.29). See also: Matching.

Debarment and Suspension. Debarment and suspension refers to Executive Orders 12549 and 12689 which prohibit Federal awarding agencies and grant recipients from subcontracting or doing business with entities which are debarred, suspended, or listed in SAM as excluded from participation in Federal assistance programs or activities. See 2 CFR Parts 180 and 417. The GSA SAM system lists a party's exclusions in its profile information.

Department. Department means the U.S. Department of Agriculture (7 CFR 3430.2).

Disallowed Costs. Disallowed costs means those charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award (2 CFR 200.31).

Education and Teaching. The terms "teaching" and "education" mean formal classroom instruction, laboratory instruction, and practicum experience in the food and agricultural sciences and matters relating thereto (such as faculty development, student recruitment and services, curriculum development, instructional materials and equipment, and innovative teaching methodologies) conducted by colleges and universities offering baccalaureate or higher degrees (7 U.S.C. 3103(20)).

Eligible Institution. An eligible institution is an institution that has met all requirements to apply for and be awarded a NIFA award under the applicable legislation, regulations, and guidance, as detailed in the RFA.

Equipment. Equipment is tangible personal property, including information technology systems, having a useful life of more than 1 year and a per-unit acquisition cost of $5,000 or more. However, consistent with recipient policy, the capitalization threshold may be lower, thus lowering the amount under which an item is considered equipment (2 CFR200.33).

Extension. Extension means informal education programs conducted in the states in cooperation with the Department (7 CFR 3430.2).

Extension Activity. An Extension activity is any act or process that delivers science-based knowledge and informal educational programs to people, enabling them to make practical decisions (7 CFR 3430.2).

ezFedGrants. ezFedGrants is USDA's solution that allows grantees to apply and manage USDA grants and agreements online while providing significant efficiencies for Federal grantor agencies and their grantees.

Federal Awarding Agency. An awarding agency means (1) for grants and cooperative agreements, the USDA agency making the award, and (2) for subgrants, the recipient (2 CFR 200.37).

Federal Financial Assistance. Assistance that non-Federal entities receive or administer in the form of grants; cooperative agreements; non-cash contributions or donations of property (including donated surplus property); direct appropriations; food commodities; and other financial assistance.

Federal Funds Authorized. Federal funds authorized means the total amount of Federal funds obligated by the Federal government for use by the recipient. This amount is a limit on the total amount of money that the recipient is entitled to receive from the Federal government as a result of the award. This limit may include any authorized carryover of unobligated funds from prior funding periods when agency regulations or agency implementing instructions so allow.

Federal Share of Real Property, Equipment, or Supplies. Federal share of real property, equipment, or supplies means that percentage of the property's acquisition costs and any improvement expenditures paid with Federal funds.

Federally Recognized Indian Tribal Government. Any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Chapter 33), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b (e)). See annually published Bureau of Indian Affairs list of Indian Entities Recognized and Eligible to Receive Services (2 CFR 200.54).

Fiscal Year. In this guide, the term fiscal year means the Federal Fiscal year, from October 1 through September 30 of the following year (31 U.S.C. 1102)

Food and Agricultural Sciences. Food and agricultural sciences means basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable energy and natural resources, forestry, and physical and social sciences, including

activities relating to the following: (1) Animal health, production, and well-being; (2) Plant health and production; (3) Animal and plant germ plasm collection and reservation; (4) Aquaculture; (5) Food safety; (6) Soil, water, and related resource conservation and improvement; (7) Forestry, horticulture, and range management; (8) Nutritional sciences and promotion; (9) Farm enhancement, including financial management, input efficiency, and profitability; (10) Home economics; (11) Rural human ecology; (12) Youth development and agricultural education, including 4–H clubs; (13) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and analysis; (14) Information management and technology transfer related to agriculture; (15) Biotechnology related to agriculture; (16) The processing, distributing, marketing, and utilization of food and agricultural products (7 CFR 3430.2).

Formula Funds. *See:* Capacity Funds.

General Purpose Equipment. General purpose equipment means equipment that is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles. See also Equipment and Special Purpose Equipment (2 CFR 200.48)

Graduate Degree. A graduate degree means a Master's or doctoral degree (7 CFR 3430).

Grant Agreement. A grant agreement is the legal instrument used to establish the relationship between the U.S. government and a state, a local government, or other recipient "when the principal purpose of the relationship is to transfer a thing of value to the state or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the U.S. government; and substantial involvement is not expected between the executive agency and the state, local government, or other recipient when carrying out the activity contemplated in the agreement." (31 U.S.C. 6304). NIFA's Grant Agreement consists of the Notice of Award, award terms and conditions, and any other law, regulations, guidance, or documents incorporated by reference.

Grantee. The grantee is the organization designated in the grant award document as the responsible legal entity to which a grant is awarded (7 CFR 3430.2). The Uniform Guidance now refers to grantees as the "non-Federal entity." Grantees are also referred to as grant recipient, recipient, or awardee.

In-kind Contributions. See Third Party In-kind contribution.

Insular Areas. Insular areas are defined by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended. They include the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,

the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the Virgin Islands of the United States (7 CFR 3430.2).

Intangible Property. Intangible property means property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible) (2 CFR 200.59).

Integrated Project. An integrated project is one that incorporates two of the three components of the agricultural knowledge system (research, education, and extension) around a problem area or activity (7 CFR 3430.2).

Intellectual Property. Intellectual property means the separate and distinct types of intangible property that are referred to collectively as ''intellectual property,'' including but not limited to: patents, trademarks, copyrights, trade secrets, Small Business Innovation Research (SBIR) technical data (as defined in 7 CFR 3403.2), ideas, designs, know-how, business, technical and research methods, other types of intangible business assets, and all types of intangible assets either proposed or generated by a recipient. Intellectual property is a property right that can be protected under Federal and state law, including copyrightable works, ideas, discoveries, inventions, patents, and plant variety protection. Recipients are subject to regulations issued by the Department of Commerce at 37 CFR Part 401, "Rights to Inventions Made by Non-profit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements."

Intra-Agency Payment and Collection. The Intra-Agency Payment and Collection (IPAC) system, managed by the U.S. Department of Treasury, means a system used by Federal program agencies to transfer funds to another Federal program agency via a standardized manner. NIFA uses IPAC to make payments to grantees which are Federal entities. All other grantees, with the exception of individuals with VMLRP agreements, receive grant payments via ASAP.

Land-Grant Institution. Land-grant institution means the 1862 land-grant institutions, 1890 land-grant institutions, and 1994 land-grant institutions (7 CFR 3430.2).

Local Government. Local government means any unit of government within a state, including a: (a) county; (b) borough; (c) municipality; (d) city; (e) town; (f) township; (g) parish; (h) local public authority, including any public housing agency under the U.S. Housing Act of 1937; (i) special district; (j) school district; (k) intrastate district; (l) council of governments, whether or not incorporated as a nonprofit corporation under state law; and (m) any other agency or instrumentality of a multi-, regional, or intra-state or local government (2 CFR 200.64).

Matching Funds. See Cost Sharing.

Material Compliance. Material compliance means fully, and in good faith, substantially complying with the terms and conditions of a NIFA award, as well as the legislative, regulatory, and administrative requirements of the award.

Memorandum of Understanding. A memorandum of understanding (MOU) is an agreement between NIFA and another party(ies) that sets out in very broad, general terms, a plan for the parties to coordinate their efforts on activities and/or projects of mutual interest. No specific duties and responsibilities are defined in the MOU. The MOU will describe general terms that identify how the parties intend to cooperate. An MOU will not establish a commitment of resources by NIFA or direct transfer of resources. MOUs do not set forth an implied commitment of funding from one party to the other.

Merit Review. Merit review means an evaluation of a proposed activity or elements of a proposed program by professionally knowledgeable individuals whereby the technical quality and relevance to regional and national goals are assessed (7 CFR 3430.2).

Merit Reviewers. Merit reviewers are peer reviewers and other individuals with expertise appropriate to conduct merit review of a proposed project (7 CFR 3430.2).

Multidisciplinary Research*.* Multidisciplinary research means more than one scientific discipline is represented in a project, program, or activity (Multistate Research Guidelines).

Multistate Research Fund. The Multistate Research Fund was established by the Agricultural Research, Extension, and Education Reform Act (AREERA) of 1998, and formerly the Regional Research Fund. The AREERA requires that not less than 25 percent of all Hatch allocations are used for multistate research activities also requires a match with non-Federal funds.

National Agricultural Education and Teaching Policy Act of 1977. National Agricultural Education and Teaching Policy Act of 1977 (NARETPA) is Public Law 107-293, as amended, and enacted to include the 1890 land-grant institutions as capacity grant recipients for agricultural research and extension grants. The NARETPA made USDA the leading Federal agency for agricultural research, extension, and teaching programs and consolidated the funding for these programs. This Act and other statutes relating to the research mission area are reauthorized every 4 to 7 years as part of omnibus legislation that provides funding authority and policy guidance for nearly all of USDA's agencies.

National Agricultural Research, Extension, Education, and Economics Advisory Board. The National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEEB), as established under section 1408 of NARETPA (7 U.S.C. 3123), is a 30-member board established to replace three existing advisory committees. The Board, which has been continuously reauthorized, advises USDA on national priorities and policies related to agricultural research, extension, and education (7 CFR 3430.2).

National Information Management and Support System. National Information Management and Support System (NIMSS) is an electronic database of all multistate research projects and activities that serves as the official repository for all projects. The Northeast Regional Association, with financial support from the State Agricultural Experiment Stations (SAESs), maintains the system.

National Program Leader. A National Program Leader (NPL) is a NIFA employee who is responsible for the technical oversight of the award on behalf of the Department. Formerly called Program Officer (7 CFR 3430.2).

No-Cost Extension. A no-cost extension is a formal extension of the grant period of performance to allow the grantee additional time to complete grant-funded activities at no additional cost to NIFA.

Notice of Award. A Notice of Award, formerly called the Award Face Sheet, is a legally binding document that notifies the grantee and others that a grant has been made and documents the obligation of Federal funds. NIFA is phasing out use of Award Face Sheet and will use the term Notice of Award, as referenced in the Uniform Guidance. This document is also formerly referred to as the NIFA 2009 Face Sheet.

Obligations. When used in connection with a non-Federal entity's utilization of funds under a Federal award, obligations means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period (2CFR 200.71).

Pass-through Entity. Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program. Previously referred to as Prime Recipient. (2 CFR 200.74).

Peer Reviewers. Peer reviewers are experts or consultants qualified by training and experience to give expert advice on the scientific and technical merit of applications or the relevance of those applications to one or more of the application evaluation criteria. Peer reviewers may be *ad hoc* or convened as a panel (7 CFR 3430.2).

Period of Performance. Period of performance means the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award (2 CFR 200.77).

Personal Property. Personal property means property other than real property. It may be tangible, having physical existence, or intangible (2 CFR 200.78).

Personally Identifiable Information. Personally Identifiable information (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public websites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual (2 CFR 200.79)

Prior approval. Prior approval means written approval by an Authorized Departmental Officer evidencing prior approval to acquire. (7 CFR 3430.2).

Project Director. The Project Director (PD) is the single individual designated by the awardee in the application and approved by the ADO who is responsible for the direction and management of the project, also known as a Principal Investigator (PI) for research activities (7 CFR 3430.2).

Questioned Cost. Questioned cost means a cost that is questioned by the auditor because of an audit finding: (a) that resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; (b) where the costs, at the time of the audit, are not supported by adequate documentation; or (c) where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances (2 CFR 200). Questioned costs are also those costs identified during a NIFA onsite monitoring or desk review that are potentially out of compliance with the terms and conditions of award or that do not have sufficient documentation to support the cost.

Real Property. Real property means land, including land improvements, structures, and appurtenances thereto, but excludes moveable machinery and equipment (2 CFR 200.85).

Recipient. Recipient means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients. See also Non-Federal entity (2 CFR 200.86). For NIFA purposes, a recipient is a state or local government, Federally-recognized Indian tribe, university, non-profit, for profit, or other organization that is a recipient of grants or cooperative agreements from NIFA.

REEport. REEport (Research, Education, and Extension project online reporting tool) is NIFA's singular non-capacity grant (including competitive) and capacity grant project reporting system, building on and replacing the existing Current Research Information System (CRIS) web forms system (OMB Control Number: 0524-0042).

Reimbursable agreement. An arrangement in which one Federal agency (servicing agency) provides goods or services to another Federal agency (requesting agency) and receives a reimbursement for costs.

Secretary. Secretary, as referred to herein, means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved is delegated (7 CFR 3430.2).

Site Visit or Desk Review. A site visit or desk review is an administrative review of policies, procedures, internal controls, accounting records and general grant administration by NIFA staff at the grantee operation site as part of NIFA's obligation to ensure that Federal funding is being spent according to its legislative intent, applicable regulations, and the terms and conditions of the award.

Special Purpose Equipment. Special purpose equipment means equipment that is used only for research, medical, scientific, or other technical activities. Examples of special purpose equipment include microscopes, x-ray machines, surgical instruments, and spectrometers (2 CFR 200.89)

Stakeholder. A stakeholder is an individual, group of individuals, or organization/institution with a direct interest in or use for the outcome of public investments in agricultural research, extension, and education. Stakeholders can also be individuals who conduct agricultural research, extension, or education activities. This could include producers of agricultural products, consumers of agricultural products, or sponsors of research activities from Federal and state governments (See 7 CFR Part 3418).

Stakeholder Input. Stakeholder input is an open, fair, and accessible process by which individuals, groups, and organizations may have a voice, and one that treats all with dignity and respect (7 CFR 3418.1).

State. State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. The term does not include local governments (2 CFR 200.90).

This definition may vary by grant, so the reader must use extreme care in determining whether a political jurisdiction qualifies as a state under a particular grant. Refer to the RFA for details.

State Agricultural Experiment Station. The Hatch Act of 1887 authorized the establishment of State Agricultural Experiment Stations (SAES), to be affiliated with the land-grant college of agriculture, in each state (7 U.S.C. 361a *et seq.*). Research done at these stations underpins the curriculum of the colleges, as well as the programs of the Cooperative Extension System.

State Extension Director. The state extension director means the director at the 1862 land-grant institutions in the 50 states, American Samoa, the District of Columbia, Guam, Micronesia, Northern Marianas, Puerto Rico, and the Virgin Islands of the United States.

State Cooperative Extension Service. State extension services refer to both the state Cooperative Extension Service and the 1890 State Extension Service.

State Funds. State funds are funds appropriated by state legislatures to NIFA-funded institutions or recipients in further support of the funded project.

Subaward. Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract (2 CFR 200.92).

Subrecipient. Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency (2 CFR 200.93)

Supplies. Supplies means all tangible personal property other than equipment. A computing device is a supply if the acquisition cost is less than $5,000, regardless of the length of its useful life (2 CFR 200.94)

Termination. Termination means the ending of a Federal award, in whole or in part at any time prior to the planned end of period of performance (2 CFR 200.95)

Third Party In-Kind Contributions. Third-party in-kind contributions means the value of non-cash contributions (i.e., property or services) that: (a) Benefit a Federally assisted project or program; and (b) Are contributed by non-Federal third parties, without charge, to a non-Federal entity under a Federal award (2 CFR 200.96)

Under Secretary. The title Under Secretary refers to the Under Secretary for Research, Education, and Economics (7 CFR 3430.2).

United States. The United States includes the several states, the District of Columbia, and the insular areas (7 CFR 3430.2).

Unliquidated Obligations. Unliquidated obligations means, for financial reports prepared on a cash basis, obligations incurred by the non-Federal entity that have not been paid (liquidated). For reports prepared on an accrual expenditure basis, these are obligations incurred by the non-Federal entity for which an expenditure has not been recorded (2 CFR 200.97)

Unobligated Balance. Unobligated balance means the amount of funds under a Federal award that the non-Federal entity has not obligated. The amount is computed by subtracting the cumulative amount of the non-Federal entity's unliquidated obligations and expenditures of funds under the Federal award from the cumulative amount of the funds that the Federal awarding agency or pass-through entity authorized the non-Federal entity to obligate (2 CFR 200.98).

APPENDIX III: NIFA CAPACITY PROGRAM GUIDE **CAPACITY AWARDS**

Extension Capacity Programs	Research Capacity Programs
• Smith-Lever 3(b) and (c) • Smith-Lever Special Needs • Agricultural Extension at 1890 land-grant institutions, including Tuskegee University, Central State University, and West Virginia State University (Section 1444 Program) • EFNEP (Smith-Lever 3(d)) • RREA • District of Columbia Public Postsecondary Education Reorganization Act	• AHDR • Agricultural Research at 1890 land-grant institutions, including Tuskegee University, Central State University, and West Virginia State University (Section 1445 Program) • McIntire-Stennis • Hatch • Hatch Multistate

A. Smith-Lever 3(b) and (c)

The Smith-Lever Act of 1914 (7 U.S.C. 341 – 349) established the Cooperative Extension Service (CES) and provides authorization for Federal funding of cooperative agricultural extension activities carried out by the 1862 land-grant institutions in coordination with USDA. Separate statutory authorities authorize extension funding for the University of the District of Columbia (Section 208(c) of the District of Columbia Public Postsecondary Education Reorganization Act (Pub. L. 93-471; 88 Stat. 1428) and the 1890 land-grant institutions (Section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221)). CES supports the development of practical applications for research knowledge and giving of instruction and practical demonstrations of existing or improved practices or technologies in agriculture, uses of solar energy with respect to agriculture, home economics, rural energy, and other relevant subjects for dissemination to individuals not enrolled in the institutions. CES supports imparting information to the non-student community through demonstrations, publications, and otherwise and for the necessary printing and distribution of information in connection with the subjects. CES provides the continuing adult education based on the agricultural programs in place at land grant universities and their affiliated State Agricultural Experiment Stations (7 U.S.C. 342).

Institutions receiving Smith-Lever 3(b) and (c) funding must have an approved Plan of Work (POW) on file with NIFA to remain eligible to receive funds.

B. Multistate Extension and Integrated Research and Extension Requirements

Eligible institutions must spend a percentage of the funds allocated to eligible institutions under Smith-Lever 3(b) and (c) on multistate extension and integrated research and extension activities, in accordance with AREERA. For additional information, see the revised interim Administrative Guidance for Multistate Extension Activities and Integrated Research and Extension Activities, 75 Fed. Reg. 48921 (Aug. 12, 2010) ("Administrative Guidance"). Smith-Lever recipients should refer to the Administrative Guidance for specific information regarding the statutory requirements.

Multistate activities are collaborative efforts that reflect the programs of institutions located in at least two or more states or territories. Multistate extension activities might include committees, projects, training, workshops, centers, and meetings that involve more than one state or territory. Integrated activities are jointly planned, funded, and interwoven activities between research and extension to solve problems. Such activities include the generation of knowledge and the transfer of information and technology. Examples of integrated activities include joint research and extension personnel appointments. In addition, integrated activities may include coordinating committees, workshops, training, centers, projects, and meetings, as long as they meet the definition of "integrated activities."

In accordance with the Administrative Guidance, eligible institutions were required to reconfirm or reset target percentages of funds to be spent on multistate extension and integrated research and extension activities.

Waivers from meeting the multistate and integrated requirements may be requested by any institution unable to meet their target percentages due to infeasibility, hardship, or other extenuating circumstances. Requests for waivers must be submitted in writing and must include a justification with supporting documentation stating why the waiver is needed, the source of funds to which the waiver would apply, the applicable fiscal year, the amount of the waiver and how it was computed, as well as documentation of how the institution is planning to meet the target percentages in the future. Waivers will be granted on an annual basis. NIFA will respond to the waiver request within 60 days of receipt.

C. District of Columbia Public Postsecondary Education Reorganization Act
The District of Columbia Public Postsecondary Education Reorganization Act (DCPPERA), Section 208, authorizes funding for the development of practical applications of research knowledge, education, and practical demonstrations of existing or improved practices or technologies in agriculture, uses of solar energy with respect to agriculture, home economics, and rural energy, and related subjects to people not attending the University of the District of Columbia, and teaching them through demonstrations, publications, and otherwise, and for the necessary printing and distribution of information related to the subjects.

Under certain statutes, including the Smith-Lever Act, the University of the District of Columbia (UDC) is considered a university established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the First Morrill Act (7 U.S.C. 301 *et seq.*), and the term "state," as used in the Smith-Lever Act, includes the District of Columbia. Funding for extension work at UDC is authorized by section 208 of the District of Columbia Public Postsecondary Education Reorganization Act, not the Smith-Lever Act.

D. Hatch Act

The Hatch Act supports agricultural research at State Agricultural Experiment Stations (SAES). SAESs are academic units established under the direction of a college or university or agricultural department of the college or university in each state in accordance with the First Morrill Act. SAESs conduct research of local, regional, and national importance in the areas of food, agriculture, and natural resources. To be eligible to receive funding under the Hatch Act, SAESs must have a chief administrative officer, who is the same as the Experiment Station Director, and a treasurer.

Institutions must have an established merit review process for internal review of projects supported by Hatch, which must be detailed in the POW.

E. Hatch Multistate

The Hatch Act supports the Multistate Research Fund, State Agricultural Experiment Stations (MRF). Research conducted under Hatch Multistate employs multidisciplinary approaches in which an SAES working cooperatively with another SAES, the ARS, or a college or university, to solve problems that concern one or more state.

The MRF is an efficient and comprehensive approach to finding technological opportunities and undertaking complex problem solving beyond the scope of a single SAES. MRF activities involve cooperative, jointly planned research employing multidisciplinary approaches and oriented towards accomplishment of specific outcomes and impacts based on priorities developed from stakeholder input and NIFA's goals.

F. Integrated Research Activities

SAESs are required to spend a percentage of the funds they are awarded annually under the Hatch Act on integrated research activities. Integrated activities are jointly planned, funded, and interwoven activities between research and extension to solve problems. Examples of integrated activities include joint research and extension personnel appointments. Integrated activities might include coordinating committees, workshops, training, centers, projects, and meetings. This requirement applies to both Hatch and Hatch Multistate funds, but does not apply to funds provided by the institution to meet the matching requirement. Institutions can report on compliance with all multistate extension and integrated research and extension activities in a single report. Funds that are allocated for integrated activities may also be used by a state to satisfy the multistate activities requirement.

For additional information see the revised interim Administrative Guidance for Multistate Extension Activities and Integrated Research and Extension Activities, 75 Fed. Reg. 48921 (Aug. 12, 2010) ("Administrative Guidance"). Hatch recipients should refer to the Administrative Guidance for specific information regarding the statutory requirements.

In accordance with the Administrative Guidance, eligible institutions were required to reconfirm or reset target percentages of funds to be spent on integrated research and extension activities. Target percentages can be set at (1) 25 percent of the total funds

awarded under Hatch, or (2) two times the FY 1997 expenditures for integrated research and extension activities (this is also known as the 1997 baseline), that is less than 25 percent.

Waivers from meeting the integrated requirements may be requested by institutions unable to meet their target percentages due to infeasibility, hardship, or other extenuating circumstances. Requests for waivers must be submitted in writing and must include a justification with supporting documentation stating why the waiver is needed, the source of funds to which the waiver would apply, the applicable fiscal year, the amount of the waiver and how it was computed, as well as documentation of how the institution is planning to meet the target percentages in the future. Waivers will be granted on an annual basis. NIFA will respond to the waiver request within 60 days of receipt.

G. Agricultural Extension at 1890 Land-Grant Institutions (Section 1444 Program)
Section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA) supports agricultural and forestry extension activities at 1890 land-grant institutions. Eligible 1890 institution should designate an Administrator responsible for carrying out the institution's extension activities. The 1890 Extension Administrator must work in coordination with the 1862 Extension Director to develop a comprehensive program of extension work to be conducted in the state and to coordinate annual updates to the state POW.

Please consult 7 CFR 3419 for additional detail and information on the matching funds requirement for 1890 land-grant institutions receiving agricultural research and extension capacity funds.

H. Agricultural Research at 1890 Land-Grant Institutions (Section 1445 Program/Evans-Allen)
Section 1445 of NARETPA authorizes the Evans-Allen Research Program, which supports agricultural research at 1890 land-grant institutions. The Evans-Allen Research Program is also referred to as Section 1445. Research Directors at 1890 institutions and SAES Directors should work together to develop a coordinated, comprehensive program of agricultural research for their state. The Plan of Work should reflect this coordination.

Please consult 7 CFR 3419 for additional detail and information on the matching funds requirement for 1890 land-grant Institutions receiving agricultural research and extension capacity funds.

Institutions must have an established merit review process for internal review of projects supported by Evans-Allen, which must be detailed in the POW.

I. Animal Health and Disease Research

The Continuing Animal Health and Disease Research (AHDR) Program promotes animal health research at accredited state veterinary schools or colleges or SAESs. Eligible institutions and experiment stations conducting AHDR funded research are working to improve the health and productivity of food animals and horses through effective prevention, control or treatment of disease, reduction of losses from transportation and other hazards, and protection of human health through control of animal diseases transmissible to people. When possible, eligible institutions are encouraged to cooperate with other AHDR-funded institutions and conduct regular regional and national meetings.

Each institution receiving AHDR funds must conduct an institutional level review to assess scientific merit of the projects funded. An institutional review of a project proposal should evaluate the project's compliance with the stated goals of the institution's animal health and disease research program.

If at any time it is determined that an eligible institution has not complied with the legislative or regulatory requirements applicable to use of the AHDR grant funds, NIFA can withhold an institution's fund. Facts and reasons supporting the withholding will be documented and reported in accordance with 7 U.S.C. 3198.

J. Expanded Food and Nutrition Education Program

The Expanded Food and Nutrition Education Program (EFNEP) provides Federal funding for science-based or evidence based activities to enable low-income individuals and families to engage in nutritionally sound food purchase and preparation practices. The objectives of EFNEP are to assist low-income families and youth in acquiring knowledge, skills, attitudes, and changed behaviors necessary for nutritionally sound diets and to contribute to their personal development and improvement of the total family diet and nutritional well-being. EFNEP is authorized by section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175), and appropriations are made available pursuant to section 3(d) of the Smith-Lever Act. For more information about EFNEP, please see their policy guide.

K. McIntire-Stennis

The McIntire-Stennis Act supports forestry research at state forestry schools and colleges to aid in the production, utilization, and protection of forestland, to train future forestry scientists, and to involve other disciplines in forestry research. The current McIntire-Stennis Strategic Plan identifies high priority issues funded projects should seek to address. [31] The McIntire-Stennis Cooperative Forestry (M/S) capacity grant program assists all states in

[31] McIntire-Stennis Strategic Plan. "Sustaining Healthy and Productive Forests: An Investment in America's Competitive Position in the Global Marketplace." (2010) (Developed by the National Association of University Forest Resources Programs (NAUFRP)). Eligible institutions should note that although the Strategic Plan is a useful guide to the research priorities to be pursued with McIntire-Stennis funding, they are not legally obligated to comply with any requirements established in the Strategic Plan. The Plan serves as useful guidance but establishes no rights or responsibilities on recipient institutions. The Plan is available online at http://www.naufrp.org/pdf/M-S%20Plan.pdf.

carrying out programs of state forestry research at state forestry schools and colleges, and developing a trained pool of forest scientists capable of conducting needed forestry research.

Institutions must conduct an internal merit review to determine which projects to fund. The institutional merit review should: (1) ensure completeness of the project proposal; (2) evaluate relevance of the proposed research; (3) evaluate quality and scientific value of the proposed research; (4) consider opportunities for cooperation with other individuals or units; (5) provide opportunity for the project leader to interact with reviewers and make adjustments as appropriate; and, (6) provide NIFA with an indication, project by project, that the procedure was followed.

1. Forestry Research Advisory Council

   The Forestry Research Advisory Council (FRAC) is required by the Agriculture and Food Act of 1981 to provide advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the McIntire-Stennis Act of 1962. The act authorizes the secretary to support states in carrying out a program of forestry research through land-grant colleges or agricultural experiment stations and other state-supported colleges and universities that offer graduate training in the sciences basic to forestry. The council also provides advice related to the Forest Service research program, authorized by the Forest and Rangeland Renewable Resources Research Act of 1978. Council responsibilities cover regional and national forestry research planning and coordination within Federal and state agencies, forestry schools, forest industries, and non-governmental organizations. The council has least 16 members appointed by the Secretary and drawn Federal and state agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, forestry schools of the state-certified eligible institutions SAESs, and volunteer public groups concerned with forests and related natural resources. FARC appointments are for 3-years and appointments are made for staggered terms. It convenes at least annually and presents recommendations to the Secretary.

   FRAC advises USDA on how to implement and distribute McIntire-Stennis funds. FRAC also provides advice related to the USDA's Forest Service research program. FRAC is composed of at least 16 appointed members from four sectors: 1) Federal and state agencies concerned with developing and utilizing the Nation's forest resources; 2) the forest industries; 3) forestry schools of the state-certified eligible institutions SAESs; and 4) and volunteer public groups concerned with forests and related natural resources. FARC appointments are for 3 years and appointments are made for staggered terms.

   For additional information on the members and work of the FRAC, see 5 U.S.C. App. and 76 Fed. Reg. 16597, March 24, 2011 or visit the FRAC website for more information about the council activities.

L. Renewable Resource Extension Act

The Renewable Resources Extension Act of 1978 (RREA) supports an expanded and comprehensive extension program for forest and rangeland renewable resources (Pub. L. 95-306, 92 Stat. 349, 16 U.S.C. 1671 *et seq*.). RREA supports forest and rangeland owners and managers in the sustainable production of wood products, forage and livestock, fish and wildlife populations and developing outdoor recreation opportunities.

The structure and focus of each RREA program varies depending on each state's natural resource base and the educational needs of its citizens. RREA grant funds support programs that, generally, address renewable resources, management and protection of forests and rangelands, technical and financial resources for forest and rangeland owners, small, private, nonindustrial forest landowners, fish and wildlife, forest, range and watershed management, and youth education. Additional program areas may be identified in the annual RFA.

For additional information on the mission and vision for forest and rangeland extension programs supported by RREA, see the 2012 – 2016 RREA Strategic Plan.[32]

M. Smith-Lever Special Needs Capacity Program

Special Needs funds are allocated to a state Cooperative Extension Service to fulfill a purpose or overcome a condition particular to that state, or for a purpose not normally a part of the continuing extension program. Smith-Lever Special Needs funds support extension activities identified in eligible institution's approved 5-Year Plan of Work. Only institutions identified in the annual RFA are eligible to receive these funds.

[32] The 2012-2016 RREA Strategic Plan is a useful tool for understanding how the RREA Program functions, the roles and responsibilities of the parties involved, and the intended future scope of research and programming, the Strategic Plan does not impose any legally enforceable rights or responsibilities on NIFA, USDA, or the recipients of RREA funds.

APPENDIX IV: NIFA Federal Assistance Programs: Authority References **ALL AWARDS**

A. CAPACITY

- 1890 Extension: 7 U.S.C. 3221 – CFA. 10.512*
- 1890 Research (Evans-Allen): 7 U.S.C. 73222 – CFDA 10.205
- Animal Health and Disease Research: 7 U.S.C. 3195 – CFDA 10.207
- Expanded Food and Nutrition Education Program: 7 U.S.C.3175; 7 U.S.C. 343(d) – CFDA 10.514*
- Hatch and Hatch Multistate: 7 U.S.C. 361a and 361c – CFDA 10.203
- McIntire-Stennis: 16 U.S.C. 582a *et seq.* – CFDA 10.202
- Renewable Research Extension Act: 16 U.S.C. 1671 *et seq.* – CFDA 10.515*
- Smith-Lever 3(b) & 3(c) and Special Needs: 7 U.S.C. 343 – CFDA 10.511*
- University of District of Columbia Extension: Section 208 of the District of Columbia Public Post-secondary Education Reorganization Act (DC ST Section 38-1202.09) – CFDA 10.511*

B. COMPETITIVE

- 1890 Capacity Building -Teaching & Research: Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) - CFDA 10.216
- 1890 Facilities, National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b) – CFDA 10.513
- Alaskan and Hawaiian Native-Serving Institutions: Section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156) - CFDA 10.220
- AgrAbility: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)); Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933) - CFDA 10.500 Section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)); Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) - CFDA 10.310
- Agriculture Risk Management Education Program: Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) - CFDA 10.10.520
- Aquaculture Centers: Section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)) - CFDA 10.200
- Beginning Farmer and Rancher Development Program (GRANTS AND COOPERATIVE AGREEMENTS): Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) - CFDA 10.311
- Biomass Research and Development Initiative: Section 9008(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(e)) - CFDA 10.312
- Biotechnology Risk Assessment Grants Program: Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) - CFDA 10.219
- Capacity Building Grants for Non Land-Grant Colleges of Agriculture (NLGCA) Program: Section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act

of 1977 (NARETPA), as added by Section 7138 of the Food, Conservation, and Energy Act of 2008, (7 USC 3319i) – CFDA 10.326

- Children, Youth, Families at Risk Program: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) - CFDA 10.521*
- Common Bean Productivity Research for Global Food Security Competitive Grants Program: Consolidated and Further Continuing Appropriation Act of 2012 (P.L. 112-55), Economy Act of 1932, as amended, (31 U.S.C. 1535) and Section 632(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2392(b)), the U.S. Agency for International Development in order to utilize the unique resources of USDA and its land-grant institution partners has provided NIFA with funds to support the Common Bean Productivity Research (BPR) for Global Food Security Competitive Grants Program - CFDA 10.327
- Community Food Projects Program: Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) - CFDA 10.225
- Critical Agricultural Materials: Section 5(d) of the Critical Agricultural Materials Act (7 U.S.C. 178c(d) - CFDA 10.200
- Distance Education Grants for Insular Areas:7 U.S.C. 3362 – CFDA 10.322
- Expert Integrated Pest Management Decision Support System Program: Section 2(c)(1)(B) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(c)(1)(B)) - CFDA 10.200
- Extension Integrated Pest Management Coordination and Support Program: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) - CFDA 10.329
- Farm Bench Management and Benchmarking (FBMB) Competitive Grants Program: Section 7208 of the Food, Conservation, and Energy Act of 2008, (Pub. L. 110 – 246), amended the Food, Agriculture, Conservation and Trade Act of 1990, by adding Section 1672D (7 U.S.C. 5925f) – CFDA 10.319
- Federally Recognized Tribes Extension Program: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) - CFDA 10.517*
- Healthy Urban Food Enterprise Development Center: Section 25(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2034(h)) - CFDA 10.225
- Integrated Forest Products Research Grant: subsection 2 (c)(1)(B) of the Competitive, Special, and Facilities Research Grant Act Public Law 89-106, 7 U.S.C. § 450i (c)(1)(B) – CFDA 10.200
- IR-4 Minor Crop Pest Management: Section 2(c)(1)(B) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(c)(1)(B)) - CFDA 10.200
- Methyl Bromide Transitions Program: Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) - CFDA 10.303
- Multicultural Scholars: Section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(5)) - CFDA 10.220
- National Biodiesel Fuel Education Program: Economy Act (31 U.S.C. 1535).
- National Extension Integrated Pest Management Special Projects Program: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d) - CFDA 10.329

- National Integrated Water Quality Program: Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) - CFDA 10.303
- National Needs Graduate Fellowships Program: Section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(6)) - CFDA 10.210
- New Technologies for Agriculture Extension: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) - CFDA 10.500
- Organic Agriculture Research and Extension Initiative: Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) - CFDA 10.307
- Organic Transitions (ORG): Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) (7 U.S.C. 7626), as reauthorized by Section 7306 of the Food, Conservation, and Energy Act of 2008 (FCEA) (Pub. L. 110-246) – CFDA 10.303
- Pest Management Alternatives: Section 2(c)(1)(A) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(c)(1)(A)) - CFDA 10.200
- Policy Research Centers Grant Program: Section 1419A of the National Agricultural Research, Extension, And Teaching Policy Act of 1977, 7 U.S.C. 3155. – CFDA 10.200
- Rangeland Research: Section 1480 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3333) - CFDA 10.200
- Regional Integrated Pest Management: Section 2(c)(1)(B) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(c)(1)(B)) - CFDA 10.200 - AND - Section 3(d) of the Smith-Lever Act(7 U.S.C. 343(d)) - CFDA 10.329
- Resident Instruction Grants for Insular Areas: Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) - CFDA 10.308
- Rural Health and Safety: Section 502(i) of the Rural Development Act of 1972 (7 U.S.C. 2662(i)) - CFDA 10.516*
- Secondary Education, and 2-Yr Postsecondary Education and Agriculture in the K-12 Classroom Challenge Grants: Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) - CFDA 10.226
- Small Business Innovation Research Program: Section 9 of the Small Business Act (15 U.S.C. 638) - CFDA 10.212
- Specialty Crop Research Initiative: Section 412 to the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632) - CFDA 10.309
- Supplemental and Alternative Crops: Section 1473D(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c))
- Sustainable Agriculture Research and Education (Sustainable Agriculture Projects): Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) - CFDA 10.511*
- Tribal College Endowment Interest Formula Program: Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) - CFDA 10.221
- Tribal Colleges Education Equity Grants Program: Section 534(a) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) - CFDA 10.221
- Tribal Colleges Research Grants Program: Section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) - CFDA 10.227

- Women and Minorities in Science, Technology, Engineering and Mathematics Fields Program (WAMS): Section 7204 of the Food, Conservation, and Energy Act of 2008 (FCEA) (Pub. L. 110-246). – CFDA 10.318
- Youth Farm Safety Education and Certification Program: Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) - CFDA 10.500

* The CFDA number for extension programs changed in FY 2019. The above CFDA numbers are for FY 2019 and later grants. Prior to FY 2019, this program was housed in CFDA 10.500.