

B. REPRESENTATIONS

In accepting this award, the authorized representative for the organization or individual awardee identified on page 1 certifies that he or she has the authority to enter into this award on behalf of the awardee organization and the Cooperator/Awardee has the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project cost, when applicable) to ensure proper planning, management, and completion of the project(s) described in the award.

C. ASSURANCES

As a condition of this award, the Cooperator/Awardee assures that it is in compliance with and will comply, over the course of the award period of performance, with the terms and conditions of the award and all applicable laws, regulations, and Federal Executive Orders (EO), including, but not limited to the following, **as applicable**:

1. **2 CFR Part 25** - Universal Identifier and System of Award Management
2. **2 CFR Part 170** - Reporting Subaward and Executive Compensation Information
3. **2 CFR Part 175** - Award Term for Trafficking in Persons
4. **2 CFR Part 180** - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)
5. **2 CFR Part 400.2(b)** - Non-Federal entities must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity.
6. **2 CFR Part 415** - General Program Administrative Regulations
7. **2 CFR Part 416** - General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments
8. **2 CFR Part 417** - Nonprocurement Debarment and Suspension
9. **2 CFR Part 418** - New Restrictions on Lobbying
10. **2 CFR Part 421** - Requirements for Drug-Free Workplace (Financial Assistance)
11. **2 CFR Part 422** - Research Institutions Conducting USDA Funded Extramural Research; Research Misconduct
12. **7 CFR Part 1, subpart A** - USDA implementation of the Freedom of Information Act
13. **7 CFR Part 1b** - USDA implementation of the National Environmental Policy Act (NEPA)
14. **7 CFR Part 1C** - Protection of Human Subjects. The Non-Federal entity may conduct research involving human subjects only as prescribed in the statement of work/proposal and as approved by the Non-Federal entity's Cognizant Institutional Review Board. Work under the agreement may not begin until the required approvals are completed.
15. **7 CFR Part 1c.120** - Evaluation and disposition of applications and proposals for research to be conducted or supported by a Federal Department or Agency.
16. **7 CFR Part 3** - Debt Management. USDA implementation of OMB Circular No. A-129 regarding debt collection.
17. **7 CFR Part 15, subpart A** - Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture-Effectuation of Title VI of the Civil Rights Act of 1964. The Non-Federal entity must post the USDA Civil Rights Poster in buildings and facilities where research is being carried out with Federal funds.
18. **Agriculture Bioterrorism Protection Act of 2002**, as implemented at 7 CFR part 331 and 9 CFR part 121, by agreeing that it will not possess, use, or transfer any select agent or toxin without a certificate of registration issued by the Agency.
19. Interest of Member of Congress (41 U.S.C. 22)
20. **42 CFR Part 73** - Select Agents and Toxins
21. **42 U.S.C. 6962** - Resource Conservation and Recovery Act (RCRA)
22. **29 U.S.C. 794** (section 504, Rehabilitation Act of 1973), as implemented in **7 CFR Part 15b** (USDA implementation of statute) - prohibiting discrimination based upon physical or mental handicap in Federally-assisted programs.
23. **35 U.S.C. 200 et seq.** - Bayh Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally-assisted programs (implementing regulations are contained in 37 CFR Part 401).

24. **Federal Information System Security Management Act** (FISMA), as amended by the Federal Information Security Modernization Act of 2014, Pub. L. No. 113-283, 44 U.S.C. 3551 *et seq.*, to ensure the effectiveness of information security controls over information resources that support Federal operations and assets. Applies to a non-Federal entity if it will collect or maintain information on behalf of a Federal agency.
25. **Executive Order 13513**, "Federal Leadership on Reducing Text Messaging While Driving"
26. **Laboratory Animal Welfare Act of 1966** (PL 89-544, as amended, 7 U.S.C. §§ 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture (9 CFR Parts 1, 2, 3, and 4, and subsequent rules and regulations) that pertain to the care, handling, and treatment of warm-blooded animals held or used for research, teaching, or other activities supported by REE awards. The Non-Federal entity may request registration of facilities and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the Region in which their facility is located. The location of the appropriate APHIS Regional Office, as well as information concerning this requirement, may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, 4700 River Road, Riverdale, Maryland 20737. Work under the agreement may not begin until the required registrations are completed.
27. **National Institutes of Health, DHHS, Guidelines for Research Involving Recombinant DNA Molecules**, as revised
- APHIS issues permits for the introduction of genetically engineered organisms, including plants, insects, or microbes that may pose a plant pest risk. If the Non-Federal entity wishes to send or receive registered recombinant DNA material, which is subject to quarantine laws, permits to transfer this material into the U.S. or across state lines may be obtained from the APHIS Biotechnology Regulatory Services, Permit Staff, 4700 River Road, 6th Floor, Unit 91, Riverdale, Maryland 20737; biotechquery@aphis.usda.gov. Non-Federal entities are strongly encouraged to submit permits electronically whenever possible at ePermits http://www.aphis.usda.gov/permits/learn_epermits.shtml.
 - In the event that the Non-Federal entity has not established the necessary Institutional Biosafety Committee (IBC), a request for guidance or assistance may be made to the USDA Recombinant DNA Research Officer.
28. **15 U.S.C. 205a et seq.** "The Metric Conversion Act as amended by the Omnibus Trade and Competitiveness Act."
29. **Wild and Scenic Rivers Act of 1968** (16 U.S.C. §§ 1271 *et seq.*) related to protecting components or potential components of the national wild and scenic rivers system.
30. **41 U.S.C.A. § 4712**, "The Whistleblower Protection Act of 1989"
31. **Environmental standards** which may be prescribed pursuant to the following: (a) notification of violating facilities pursuant to EO 11738; (b) protection of wetlands pursuant to EO 11990; (c) evaluation of flood hazards in floodplains in accordance with EO 11988; (d) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 *et seq.*); (e) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 *et seq.*); (f) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (42 U.S.C. 300f-300-j-9); and, (g) protection of endangered species under the Endangered Species Act of 1973, as amended .
32. **Section 106 of the National Historic Preservation Act of 1966**, as amended (54 U.S.C. § 306108, Effect of undertaking on historic property), EO 11593 (identification and protection of historic properties), and Section 3 of the Archaeological and Historic Preservation Act of 1974 (54 U.S.C.A. § 312502, Threat of irreparable loss of destruction of significant scientific, prehistorical, historical, or archaeological data by Federal construction projects).
33. **Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
34. **Prohibitions Against Using Funds Under Grants and Cooperative Agreements with Entities that Require Certain Internal Confidentiality Agreements.** (a) The Non-Federal Entity (NFE) may not require its 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. (b) The NFE must notify its employees, contractors, or subrecipients that the prohibitions and restrictions of any internal confidentiality agreements inconsistent with paragraph (a) of this award provisions are no longer in effect. (c) The prohibition in paragraph (a) of this award does not contravene requirements applicable to any other form issued by a Federal department or agency governing the nondisclosure of classified information. (d) If the Government determines that the NFE is not in compliance with this award provision, it: (1) Will prohibit the NFE's use of funds under this award, in accordance with sections 743, 744 of Division E of the Consolidated Appropriations Act, 2016 (Pub. L. 114-113) or any successor provision of law; and (2) May pursue other remedies available for the NFE's material failure to comply with award terms and conditions.
35. **5 U.S.C. §§1501-1508 and 7324-7328** - Political Activity of Certain State and Local Employees and Provisions of the Hatch Act that limit the political activities of Federal employees.
36. **Conflict of Interest Policy** - Establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
37. **7 CFR Part 520** - Procedures for implementing NEPA (ARS awards only).
38. **49 U.S.C. 40118** - When Agency funds are used, and no Federal, statutory exceptions apply, the Cooperator/Awardee shall ensure that any air transportation of passengers and property is provided by a carrier holding a United States Government issues certificate in compliance with the International Air Transportation Fair Competitive Practices Act of 1974 (Fly America Act).
39. **Earthquake Hazards Reduction Act of 1977 and Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction** (EO 12699) (only applicable to NACA for construction).
40. **Buy American and Hire American**. EO 13788 of April 18, 2017.
41. **Executive Order 13798 "Promoting Free Speech and Religious Freedom"** As a recipient of USDA financial assistance, you will comply with the following: 1. Do not discriminate against applicants for sub-grants on the basis of their religious character. 2. 7 C.F.R. part 16.3(a), Rights of Religious Organizations. 3. Statutory and National policy requirements including those prohibiting discrimination and those described in EO 13798 prompting free speech and religious freedom, 2 C.F.R. 200.300.
42. **Freedom of Information Act**. Public access to culturally sensitive data and information of Federally recognized Tribes may also be explicitly limited by P.L. 110-246, Title VII Subtitle B § 8106 (2008 Farm Bill).

The full text of Code of Federal Regulations (CFR) references may be found at: <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>
 The full text of United States Code (U.S.C.) references may be found at: <http://uscode.house.gov/search/criteria.shtml>

D. CERTIFICATIONS

See the Award Face Sheet, REE-451, for required certifications.