

U.S. DEPARTMENT OF AGRICULTURE
ARS – ERS – NASS
AWARD TERMS AND CONDITIONS
STATUTORY AND NATIONAL POLICY
REQUIREMENTS
Effective October 15, 2021

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REE-26 Organization Information, Representations, Assurances & Certifications

C. Assurances. As a condition of this award, the Cooperator/Awardee agrees to 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, including, but not limited to:

	Description/Citation	Title
1	2 CFR Part 25	Universal Identifier and System for 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)	Conflict of Interest. 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; and §415.2 Acknowledgment of USDA Support on Publications and Audiovisuals.
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 and 2 CFR Part 182	Requirements for Drug-Free Workplace (Financial Assistance); Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) (2 CFR Part 182)
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
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	7 CFR part 331 and 9 CFR part 121	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	41 U.S.C. 6306	Interest of Member of Congress
20	7 CFR Part 331 , 9 CFR Part 121 , and 42 CFR Part 73	Select Agents and Toxins. For more information refer to: Select Agents and Toxins List Federal Select Agent Program .
21	42 U.S.C. 6901	Resource Conservation and Recovery Act (RCRA)
22	29 U.S.C. 794	Nondiscrimination under Federal grants and programs. Section 504 of the Rehabilitation Act of 1973, as amended, 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). See also 2 CFR 200.315 .
24	Pub. L. No. 113-283 , 44 U.S.C. 3551 et seq.	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 <i>et seq.</i> , 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	Pub. L. 89-544 , as amended, 7 U.S.C. §§ 2131 et seq. , and 9 CFR Parts 1 - 4	Laboratory Animal Welfare Act of 1966 (PL 89-544, as amended, 7 U.S.C. §§ 2131 <i>et seq.</i>) 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	Guidelines for Research Involving Recombinant DNA Molecules; 84 FR 17858 ; and 7 CFR part 340	National Institutes of Health, DHHS, Guidelines for Research Involving Recombinant DNA Molecules, as Revised a) The USDA Animal and Plant Health Inspection Service (APHIS) issues permits for the introduction of certain organisms developed using genetic engineering, including plants, insects, or microbes that may pose a plant pest risk. If the Non-Federal entity wishes to transfer such organisms into the U.S. or across state lines, or to release them into the environment, permits may be obtained from the USDA APHIS by visiting: USDA APHIS Permits . Non-Federal entities are strongly encouraged to submit permits at APHIS eFile (previously ePermits). Regular mail can be sent to USDA APHIS Biotechnology Regulatory Services (BRS), 4700 River Road, Unit 146, Riverdale, Maryland 20737; inquiries can be emailed to biotechquery@aphis.usda.gov . b) 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. ; and Executive Order 12770	"The Metric Conversion Act as amended by the Omnibus Trade and Competitiveness Act." 15 USC 205 a-k and Executive Order 12770
29	16 U.S.C. §§ 1271 et seq.	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. 4712	Enhancement of contractor protection from reprisal for disclosure of certain information
31	Environmental standards	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) (deleted 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	7 CFR Part 3100 ; 54 U.S.C. § 306108	Cultural and Environmental Quality; 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	42 USC 4601 and 49 CFR 24	Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 and 49 CFR 24)

34	Other laws, agency-specific regulations applicable to USDA agencies and staff offices	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, as outlined in 2 CFR 200.339 Remedies for noncompliance and 2 CFR 200.340 Termination.
35	<u>5 U.S.C. §§1501-1508 and 7324-7328</u>	Political Activity of Certain State and Local Employees and Provisions of the Hatch Act that limit the political activities of Federal employees.
36		<u>ARS, ERS, NASS Conflict of Interest Policy</u> - 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. (<u>2 CFR 200.112</u>)
37	<u>7 CFR Part 520</u>	Procedures for implementing NEPA (ARS awards only).
38	<u>49 U.S.C. 40118</u>	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 issued certificate in compliance with <u>49 U.S.C. 41102</u> .
39	<u>Executive Order 13717</u>	Earthquake Hazards Reduction Act of 1977 and Establishing a Federal Earthquake Risk Management Standard (EO 13717) (only applicable to NACA for construction).
40	<u>Executive Order 14005</u>	“Buy American and Hire American” dated January 28, 2021
41	<u>Executive Order 13798;</u> <u>7 CFR Part 16.3</u>	"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	<u>5 USC 552</u>	Freedom of Information Act. Public access to culturally sensitive data and information of Federally recognized Tribes may also be explicitly limited by <u>P.L. 110-246</u> , Title VII Subtitle B § 8106 (2008 Farm Bill).
43	<u>8 U.S.C. 1324a</u>	Unlawful employment of aliens

44	45 CFR 75.521, Appendix IX to Part 75	Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals
45	Executive Order 14042	<p>Effective 10/15/2021. This is applicable to awards over the Simplified Acquisition Threshold. Ensuring Adequate COVID Safety Protocols for Federal Contract-like Award Cooperator Recipients.</p> <p>1. Definition For purposes of this award term and condition: <i>United States or its outlying areas</i> means—</p> <ol style="list-style-type: none"> (1) The fifty States; (2) The District of Columbia; (3) The commonwealths of Puerto Rico and the Northern Mariana Islands; (4) The territories of American Samoa, Guam, and the United States Virgin Islands; and (5) The minor outlying islands of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Atoll. <p>2. Authority This term and condition implements Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors, dated September 9, 2021 (published in the Federal Register on September 14, 2021, 86 FR 50985).</p> <p>3. Compliance. The Cooperator shall comply with all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of this cooperative agreement award, for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force (Task Force Guidance) at https://www.saferfederalworkforce.gov/contractors/</p> <p>4. Subrecipients of Cooperative Agreements. The Cooperator shall include the substance of this term and condition, including this paragraph (4), in subrecipients at any tier that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subrecipient award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas.</p>