

National Policy Requirements Matrix

National Policy Requirements applicable to all OCED awards: By signing or accepting funds under the agreement, the Recipient agrees that it will comply with applicable provisions below.

Statutory/Regulatory/and Executive Based Requirements	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the Recipient
NONDISCRIMINATION				
By signing or accepting funds under the agreement, the Recipient agrees that it will comply with applicable provisions below.				
1. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 USC §2000d, et seq.), as implemented by: • DOE at 10 CFR §1040	Grants, cooperative agreements, and other financial assistance	All	All	The following regulations require the recipient to flow down requirements to subrecipients. • DOE at 10 CFR §1040
2. On the basis of race, color, religion, sex, or national origin, in Executive Order 11246 [3 CFR §1964-1965 Comp., p. 339], as implemented by Department of Labor regulations at 41 CFR §60.	Grants, cooperative agreements, and other prime awards defined at 40 CFR §60-1.3 as "Federally assisted construction contract."	All	Awards under which construction is to be done.	41 CFR §60-1.4(b) prescribes a clause that recipients must include in federally assisted, construction awards and subawards [60-1.4(d) allows incorporation by reference]. This requirement also is at: • 32 CFR §33.36(l) (3) and at paragraphs 1. of Appendices A to 32 CFR §32 and 32 CFR §34.
3. On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 USC §1681, et seq.). • DOE at 10 CFR §1040	Grants, cooperative agreements, and other financial assistance included at 20 USC §1682.	Educational institution [for sex discrimination, excepts all Institution controlled by religious organization, when inconsistent with the organization's religious tenets].	All educational program or activity receiving Federal financial assistance.	
4. On the basis of age, in the Age Discrimination Act of 1975 (42 USC §6101, et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR §90. • DOE at 10 CFR §1040	Grants, cooperative agreements, and other awards defined at 45 CFR §90.4 as "Federal financial assistance."	All	All	45 CFR §90.4 requires the recipient to flow down requirements to subrecipients [definition of "recipient" at 45 CFR §90.4 includes entities to which assistance is extended indirectly, through another recipient].
5. On the basis of handicap, in: A) Section 504 of the Rehabilitation Act of 1973 (29 USC §794), as implemented by Department of Justice regulations at • 28 CFR §41 and • DOE at 10 CFR §1040	Grants, cooperative agreements, and other awards included in "Federal financial assistance"	All	All	Requirements flow down to subawards ["recipient," includes entities receiving assistance indirectly through other recipients].

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B) The Architectural Barriers Act of 1968 • (42 USC §4151, et seq.).	Grant or loan	All	Construction or alteration of buildings or facilities, except those restricted to use only by able-bodied uniformed personnel.	
C) Americans with Disabilities Act • 42 USC §12101 et. seq	All	All		
6. On the basis of religion, in Executive Order 13798 and the Attorney General's Memorandum of October 6, 2017, as implemented at 2 CFR §200.300.	All	All	All	

LIVE ORGANISMS

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1. For human subjects:				
A) For human subjects, the Common Federal Policy for the Protection of Human Subjects. Codified by the: • DOE at 10 CFR §745	All	All	Research, development, test, or evaluation involving live human subjects, with some exceptions [see agency implementations for exemptions.	Requirements flow down to subrecipients
B) Human Stem Cell Research In accordance with the President's Executive Order 13505 of March 9, 2009, and July 30, 2009 Memorandum for the Heads of Executive Departments and Agencies. See NIH Guidelines for Human Stem Cell Research, July 7, 2009. Other regulations that may apply: • HHS Human Subjects Protection Regulation, 45 CFR §46 • FDA Regulations governing INDs or IDEs (Title 21 CFR §§ 312 or 812) • FDA IRB & informed consent regulations (Title 21 CFR §§ 50 & 56) • Research on Transplantation of Fetal Tissue (PHS Act 489A)	As applicable	All	Research involving Human Stem Cells	NIH Guidelines and Registry of cell lines meeting the Federal requirements are found at: http://stemcells.nih.gov/ Other Federal, State or Local laws may also apply
C) P.L. 104-191 Health Insurance Portability and Accountability Act (HIPAA) • 45 CFR §160 and Subparts A and E of §164 Subpart C to be effective 4/20/2005 (Security)	As applicable	Covered Entities	As applicable	Limits uses of protected health information (PHI) collected or maintained by researchers within a covered entity or access to PHI from a covered entity. Research uses do not require Business Associate Agreements (defined at 45 CFR §164.504 (e) (1) between collaborating institutions. Guidance available at http://privacyruleandresearch.nih.gov/

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2. For animals:	All	All		Requirements flow down to subrecipients
A) Rules on animal acquisition, transport, care, handling, and use in: (i) 9 CFR §§1-4, Department of Agriculture rules that implement the Laboratory Animal Welfare Act of 1966 (7 USC §2131-2156). Public Health Service Agencies must follow requirements in the PHS Policy on Humane Care and Use of Laboratory Animals, which implements PL 99-158, Sec. 495. NASA requirements for animal welfare are set forth at 14 CFR §1232 EPA at 40 CFR §40. For USDA/CSREES, "In the case of domestic farm animals housed under farm conditions, the institution should adhere to the principles stated in the Guide for the Care and Use of Agricultural Animals in Agriculture and Teaching, Federation of Animal Science Societies, 1999."	All	All	Research, experimentation, or testing involving the use of animals USDA regulations exempt birds, most rats and mice bred for research, and farm animals used for agricultural research.	
B) Rules of the Departments of Interior (50 CFR §§10-24) and Commerce (50 CFR §§217-227) implementing laws and conventions on the taking, possession, transport, purchase, sale, export, or import of wildlife and plants, including the: Endangered Species Act of 1973 (16 USC §1531-1543); Marine Mammal Protection Act (16 USC §1361-1384); Lacey Act (18 USC §42); and Convention on International Trade in Endangered Species of Wild Fauna and Flora.	All	All	Activities which may involve or impact wildlife and plants.	

ENVIRONMENTAL STANDARDS

By signing the agreement or accepting funds under this agreement, the Recipient assures that it will:

1. Comply with applicable provisions of the Clean Air Act (42 USC §7401, et. Seq.) and Clean Water Act (33 USC §1251, et. seq.), as implemented by Executive Order 11738 [3 CFR §1971-1975 Comp.,p. 799]	All	All	All, for Clean Air Act, Clean Water Act, and Executive Order 11738.	Requirements flow down to subrecipients
2. Identify to the awarding agency all impact this award may have on:				
A) The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 USC §4321, et. seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the recipient agrees to take no action that will have an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with the environmental impact analysis process. DOE at 10 CFR §1021	All	All	All actions that may affect the environment	

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B) Flood-prone areas, and provide help the agency may need to comply with the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973 (42 USC §4001, et. seq.), which require flood insurance, when available, for Federally assisted construction or acquisition in flood-prone areas. • DOE at 10 CFR §1022	All	All	Awards involving construction, land acquisition or development, with some exceptions [see 42 USC § 4001, et. seq.].	The Council on Environmental Quality's regulations for implementing NEPA are at 40 CFR §§1500-1508. Executive Order 11514 [3 CFR §§1966-1970 Comp., p. 902], as amended by Executive Order 11991, sets policies and procedures for considering actions in the U.S. Executive Orders 11988 [3 CFR §1977 Comp., p. 117] and 11990 [3 CFR §1977 Comp., p. 121] specify additional considerations, when actions involve floodplains or wetlands, respectively.
C) Coastal barriers, and provide help the agency may need to comply with the Coastal Barriers Resource Act (16 USC §3501, et. seq.), concerning preservation of barrier resources.	Grants, cooperative agreements, and other "financial assistance" (see 42 USC §4003).	All	Awards that may affect barriers along the Atlantic and Gulf coasts and Great Lakes' shores	42 USC §4012a prohibits awards for acquisition or construction in flood-prone areas (Federal Emergency Management Agency publishes lists of such areas in the Federal Register), unless recipient has required insurance. If action is in a floodplain, Executive Order 11988 [3 CFR §1977 Comp., p. 117] specifies additional pre-award procedures for Federal agencies. Recipients are to apply requirements to subawards ("financial assistance," defined at 42 USC §4003, includes indirect Federal assistance).
D) All existing or proposed component of the National Wild and Scenic Rivers system, and provide help the agency may need to comply with the Wild and Scenic Rivers Act of 1968 (16 USC §1271, et seq.).	Grants, cooperative agreements, and other "financial assistance" (see 16 USC §3502).	All	Awards that may affect existing or proposed element of National Wild and Scenic Rivers system.	Requirements flow to subawards (16 USC §3502 includes indirect assistance as "financial assistance").
E) Underground sources of drinking water in areas that have an aquifer that is the sole or principal drinking water source, and provide help the agency may need to comply with the Safe Drinking Water Act (42 USC §300h-3).	All	All	Construction in All area with aquifer that the EPA finds would create public health hazard, if contaminated.	42 USC §300h-3(e) precludes awards of Federal financial assistance for All project that the EPA administrator determines may contaminate a sole-source aquifer so as to threaten public health
3. Resource Conservation and Recovery Act 42 USC §6901	All	Awards to states or a political subdivision of a state (which for this purpose includes state and local institutions of higher education or hospitals)		

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4. Procurement of items made with recovered materials pursuant to section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, and Executive Order 12873. EPA at 40 CFR §247, 2 CFR §200.323	All	Awards to states or a political subdivision of a state (which for this purpose includes state and local institutions of higher education or hospitals)	Purchase of items designated within the regulations at 40 CFR §247 using federal funds.	

HEALTH & SAFETY GUIDELINES

By signing or accepting funds under the agreement, the Recipient agrees that it will comply with applicable provisions below.

1. Applicable OSHA Standards in Laboratories	All	All	Research involving use of hazardous chemicals or bloodborne pathogens	29 CFR §1910.1030 Bloodborne Pathogens; 29 CFR §1910.1450, Occupational Exposure to Hazardous Chemicals in Laboratories
2. Handling and transport of etiologic agents	All	All	Research involving etiologic agents	Procedures for Domestic Handling and Transport of Diagnostic Specimens and Etiologic Agents, 1994 (3rd ed.), H5a3doc.75, National Committee for Clinical Laboratory Standards
3. Biosafety standards in microbiological and biomedical laboratories	All	All	Microbiological and biomedical research	Biosafety in Microbiological and Biomedical Laboratories; 6th Edition https://www.cdc.gov/labs/bmbl/index.html
4. Controlled Substances	All	All	Research involving controlled substances	Drug Enforcement Administration (DEA) registration, inspection and certification
5. Disposal of high-level radioactive waste and spent nuclear fuel. Note however, that some States are exempt if they have established separate requirements.	All	All	Research involving radioactive waste and spent nuclear fuel	Nuclear Regulatory Commission Standard and Regulation, pursuant to the Energy Reorganization Act of 1974, (42 USC §5801, et seq.)
6. Investigational New Drug Applications	All	All	All clinical trial investigations of products that are subject to section 505 or 507 of the Federal Food, Drug, and Cosmetic Act or to the licensing provisions of the PHS Act (58 Stat. 632, as amended (42 USC §201, et seq.)	Food and Drug Administration (FDA), 21 CFR §§50 and 312
7. Hotel and Motel Fire Safety Act of 1990 - P.L. 101-39	Conference or meeting support	All	Alterations and Renovations > \$500,000	15 USC §2201 et seq
8. Labor Standards under Federally Assisted Construction: Construction Work Hours and Safety Standards Act	All	All	Alterations and Renovations > \$500,000	40 USC §§327-333

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9. Text Messaging While Driving - EO 13513	All	All	When performing work for or on behalf of government	Adopt and enforce policies that ban text messaging while driving.
10. Increasing Seat Belt Use in the United States Executive Order 13043, Increasing Seat Belt Use in the United States, dated, April 16, 1997	Grants and Cooperative Agreements	All		In accordance with the Executive Order, "grantees are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles."
11. Dual Use Research of Concern	All	All	Life Sciences awards	http://www.phe.gov/s3/dualuse/Documents/us-policy-durc-032812.pdf

NATIONAL SECURITY GUIDELINES

By signing or accepting funds under the agreement, the Recipient agrees that it will comply with applicable provisions below.

1. Executive Order 13224, Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism, dated September 23, 2001. Executive Order 13224 gives the U.S. government a powerful tool to impede terrorist funding and is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. President Bush issued Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 USC §1701 et seq.)(IEEPA), the National Emergencies Act (50 USC §1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 USC §287c) (UNPA), and section 301 of title 3, United States Code.	All		In general terms, the Order provides a means by which to disrupt the financial support network for terrorists and terrorist organizations by authorizing the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism. In addition, because of the pervasiveness and expansiveness of the financial foundations of foreign terrorists, the Order authorizes the U.S. government to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, terrorists and terrorist organizations designated under the Order, as well as their subsidiaries, front organizations, agents, and associates.	
2. Select Agents and Toxins • P.L. 107-188: Public Health Security & Bioterrorism Preparedness Response Act of 2002, Title II sections 201-231 • P.L. 107-56 The USA Patriot Act of 2001 Section 175b www.cdc.gov/od/sap • Codified by the: HHS at 42 CFR §73 USDA at 7 CFR §331 and 9 CFR §121 • See also 15 CFR §Chapter 7 for Export Administration Regulations (EAR) • www.bxa.doc.gov and 49 CFR §§171 - 180 for transportation requirements	As applicable	All	Research with or storage of Select Agents and Toxins	Institution must be registered with CDC and or USDA prior to beginning work with agents. Investigator must be licensed prior to beginning work. NIH Term of Award includes notice that registration must be complete before using NIH funds and that no funds may be used for Select Agent Research if certification is denied. USDA inserts a term indicating that the grantee has primary responsibility for complying with Title II of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188, and the regulations promulgated thereunder in 7 CFR §331, 9 CFR §121, and 42 CFR §72. For guidance on a biosecurity plan that includes physical security of facilities and access controls to prevent unauthorized entries see Departmental Manual 9610-1, USDA Security Policies and Procedures for Biosafety Level-3 Facilities (available via http://www.usda.gov/directives/index.html). Other State and Local regulations may apply
3. Executive Order 13526 Classified National Security Information: prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism.	All			

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4. Section 841 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, as amended, permits agencies to restrict, terminate, or void, in whole or in part, awards where the Department of Defense notifies the agency that the award is providing funds, including goods and services, to covered persons or entities within a covered combatant command.	All	All	Does not apply to awards performed entirely within the United States.	
5. Section 889 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2019 (Public Law 115-232) prohibits the use of loan or grant funds to procure or obtain, extend, or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems prohibited systems as identified in section 889 of the NDAA for FY 2019. Government-wide implementation for assistance awards at 2 CFR §200.216	All	All		(Public Law 115-232) prohibits the head of an executive agency from obligating or expending loan or grant funds to procure or obtain, extend, or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain the equipment, services, or systems as identified in section 889 of the NDAA for FY 2019. (a) In accordance with 2 CFR §200.216 and §200.471, for all awards that are issued on or after August 13, 2020, recipients and subrecipients are prohibited from obligating or expending loan or grant funds to: (1) Procure or obtain; (2) Extend or renew a contract to procure or obtain; or (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities). (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). (ii) Telecommunications or video surveillance services provided by such entities or using such equipment. (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country. (b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained. (c) See Public Law 115-232, section 889 for additional information.

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GENERAL/MISCELLANEOUS REQUIREMENTS				
<i>By signing or accepting funds under the agreement, the Recipient agrees that it will comply with applicable provisions below.</i>				
1. SAM Registration 2 CFR §25	All	Recipient only; does not apply to subrecipients		SAM registration must be renewed annually.
2. Drug Free Workplace - Public Law 100-690, Title V DOC at 15 CFR §29 - DOE at 2 CFR §902	All	All		41 USC §701 et seq.
3. Unique Entity Identifier (UEI) 2 CFR §25	All	Recipient and 1st tier subrecipient		Unique Entity Identifier is required at time of application.
4. False Claims Act Provisions				
A) Civil False Claims Act 31 USC §3729	All	All	All	
B) Criminal False Claims Act 18 USC §287 and §1001	All	All	All	
C) Program Fraud and Civil Remedies and False Claims Act 31 USC §3801, 45 CFR §79	All	All	All	
5. Government-wide Debarment and Suspension (Nonprocurement)	All	All		42 USC §1870 (a); Sec. 2455, PL 103-355, 108 Stat. 3327 (31 USC §6101 note); EO 12549 (3 CFR §1986 Comp., p. 189); EO 12689 (3 CFR §1989 Comp., p. 235)
6. Lobbying Prohibitions 31 USC §1352 stipulates that (1) no Federal appropriated funds have been paid or will be paid, any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit the SF Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. DOE at 10 CFR §601	All			31 USC §1352 requires the grantee to include certification language in the award documents for all subawards at all tiers, including subcontracts, under grants, loans, and cooperative agreements and that all subrecipients shall certify and disclose accordingly.

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7. Metric System 15 USC §205a-k and EO12770	All	All	All	15 CFR §19, Subpart B
8. Misconduct in Science Policies and responsibilities associated with prevention, detection, and handling of misconduct in science allegations as stipulated in agency implementing regulations.	All	All	All	[Federal Register: December 6, 2000 (Volume 65, Number 235)] [Notices] [Page 76260-76264]
9. National Historic Preservation - The recipient agrees to identify to the awarding agency all property listed or eligible for listing on the National Register of Historic Places that will be affected by this award, and to provide all the help the awarding agency may need, with respect to the award. 16 USC §470f	All	All	All	
10. Paperwork Reduction Act	All	All	When data is collected from respondents using a questionnaire or other survey instrument. See, however, M-11-07 dated 12/9/10 entitled, "Facilitating Scientific Research by Streamlining the Paperwork Reduction Act Process."	Data collection activities, if any, performed under this project are the responsibility of the recipient, and awarding agency support of the project does not constitute approval of any survey design, questionnaire content, or data collection procedures. The recipient shall not represent to respondents that such data are being collected for or in association with the awarding agency without the specific written approval of the cognizant awarding agency official of such data collection plan or instrument. However, this requirement is not intended to preclude mention of awarding agency support of the project in response to an inquiry or acknowledgment of such support in any publication of these data.
11. Recipient Integrity and Performance Matters Reporting of Matters Related to Recipient Integrity and Performance; Appendix XII to 2CFR §200	All	Recipient only. Does not apply to subrecipients		
12. Transparency Act - FFATA, PL 109-282, as amended by PL 113-101; 2 CFR 170.220	All	All, including 1st tier subrecipients	Awards of \$30,000 or more	Reporting grants and 1st tier subrecipients of \$30,000 or more, and executive compensation reporting of same; limited exceptions.
13. U.S. Flag Air Carriers	All	All	Any air transportation to, from, between, or within a country other than the U.S. of persons or property, the expense of which will be assisted by Federal funding, must be performed by or under a code-sharing arrangement with a U.S.-flag air carrier if service provided by such a carrier is available (see Comp Gen. Decision B-240956, dated September 25, 1991).	49 USC §40118 See also General Services Administration amendment to the Federal Travel Regulations, Federal Register (Vol. 63, No. 219, 63417-63421)

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14. Trafficking in Persons By signing or accepting funds under the agreement, the recipient agrees that it will comply with the Trafficking Victims Protection Act of 2000 (22 U.S.C. §§ 7104(g), 7104a, 7104b, and 7104c), as implemented by 2 CFR § 175.	Grants, cooperative agreements, and contracts.	Subsection (a) of the Trafficking in Persons Award Term applies to private entities; subsection (b) applies to recipients other than private entities if award includes subrecipient that is a private entity; subsection (c) applies to all recipients.		The following term, located at Appendix A to 2 CFR Part 175, is hereby incorporated into all applicable agreements: I. Trafficking in Persons Award Term (a) <i>Provisions applicable to a recipient that is a private entity.</i> (1) Under this award, the recipient, its employees, subrecipients under this award, and subrecipient's employees must not engage in: (i) Severe forms of trafficking in persons; (ii) The procurement of a commercial sex act during the period of time that this award or any subaward is in effect; (iii) The use of forced labor in the performance of this award or any subaward; or (iv) Acts that directly support or advance trafficking in persons, including the following acts: (A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents; (B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless: (1) Exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant or cooperative agreement; or (2) The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action; (C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment; (D) Charging recruited employees a placement or recruitment fee; or (E) Providing or arranging housing that fails to meet the host country's housing and safety standards. (2) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if any private entity under this award: (i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or (ii) Has an employee that is determined to have violated a prohibition in paragraph (a) (1) of this this appendix through conduct that is either: (A) Associated with the performance under this award; or (B) Imputed to the recipient or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at [agency must insert reference here to its regulatory implementation of the OMB guidelines in 2 CFR part 180 (for example, "2 CFR part XX")]. (b) <i>Provision applicable to a recipient other than a private entity.</i>

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				(1) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by 22 U.S.C. 7104b(c), without penalty, if a subrecipient that is a private entity under this award: (i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or (ii) Has an employee that is determined to have violated a prohibition in paragraph (a) (1) of this appendix through conduct that is either: (A) Associated with the performance under this award; or (B) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at [agency must insert reference here to its regulatory implementation of the OMB guidelines in 2 CFR part 180 (for example, "2 CFR part XX")]. (c) <i>Provisions applicable to any recipient.</i> (1) The recipient must inform the Federal agency and the Inspector General of the Federal agency immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a)(1) of this appendix. (2) The Federal agency's right to unilaterally terminate this award as described in paragraphs (a)(2) or (b)(1) of this appendix: (i) Implements the requirements of 22 U.S.C. 78, and (ii) Is in addition to all other remedies for noncompliance that are available to the Federal agency under this award. (3) The recipient must include the requirements of paragraph (a)(1) of this award term in any subaward it makes to a private entity. (4) If applicable, the recipient must also comply with the compliance plan and certification requirements in 2 CFR 175.105(b). (d) <i>Definitions.</i> For purposes of this award term: <i>Employee</i> means either: (1) An individual employed by the recipient or a subrecipient who is engaged in the performance of the project or program under this award; or (2) Another person engaged in the performance of the project or program under this award and not compensated by the recipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements. <i>Private Entity</i> means any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR 200.1. The terms "severe forms of trafficking in persons," "commercial sex act," "sex trafficking," "Abuse or threatened abuse of law or legal process," "coercion," "debt bondage," and "involuntary servitude" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

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Statutory/Regulatory/and Executive Based Requirements	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the Recipient
15. Whistleblower Protection Awardees are notified of the applicability of 41 USC §4712, as amended by P.L. 112-239, providing protection for whistleblowers.	All	All	All	
16. Use of United States Flag Vessels 46 CFR §381	Grants, Cooperative Agreements, Loans and Guarantee and Advance of Funds Agreements	All		
17. Patents, Trademarks and Copyrights 35 USC §202-204 and 37 CFR §401	Grants and Cooperative Agreements	Awards to non-profits and small businesses		
18. Privacy Act 5 USC §552a	All	All		
19. Pro Children Act 20 USC §7183	All	All	All awards performed in facilities where children are served.	
20. Uniform Relocation Assistance and Real Property Acquisition Policies Act 42 USC §4601 and 49 CFR §24	All	All		
21. Confidentiality of Patient/Client Records 42 USC §290dd-2 and 42 USC §290ee-3	All	All		
22. Constitution Day PL 108-447	All	All		
23. Copeland Act 40 USC §4135	All	All		
24. Davis Bacon Act 40 USC §3141 et seq	All	All		
25. Earthquake Hazards Reduction Act 42 USC §7701 et seq., EO 12699	All	All	Construction awards within applicable geographic areas	
26. Faith-Based and Other Neighborhood Organizations EO 13559	All	All		
27. Federal Technology Transfer Act 15 USC §63	All	All		
28. Freedom of Information Act 5 USC §552	All	All		
29. Hatch Act 5 USC §7321-7328	All	State or Local Governments		

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Statutory/Regulatory/and Executive Based Requirements	Type of Award	Type of Recipient	Specific Situation	Requirement(s) that should be noted by the Recipient
30. Limited English Proficiency • EO 13166	All	All		
31. Military Recruiting and Reserve Officer Training Access to Institutions of Higher Education • 10 USC §983	All	Domestic Institutions of Higher Education		
32. Native American Graves Protection and Repatriation • 25 USC §§3001-3013	All	All		
33. Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities (Executive Order on Campus Free Speech) • EO 13864	All	Institutions of Higher Education		
34. Risk review of applications in SAM.gov	All	All	As required by 2 CFR §200 of the Uniform Guidance, agencies must review and consider any information about the applicant that is in the responsibility/qualification records available in SAM.gov before making any award in excess of the simplified acquisition threshold (currently \$250,000). An applicant can review and comment on any information in the responsibility/qualification records available in SAM.gov. Before making decisions in the risk review required by §200.206 the Federal agency will consider any comments by the applicant, along with information available in the responsibility/qualification records in SAM.gov. As required by 2 CFR § 200, Appendix XII of the Uniform Guidance, recipients must ensure the information available in the responsibility/qualifications records through SAM.gov about criminal, civil, and administrative proceedings is current and complete. This applies to recipients that receive federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than \$10,000,000 for any period of time during the period of performance of an award/project.	

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