

APPENDIX E – STATUTES, REGULATIONS, AND POLICY REQUIREMENTS

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DIRECT STATUTES AND REGULATIONS FOR THE SCBGP-F-FB

Type of Grantee or Subgrantee	State and Local Government and Indian Tribes	Colleges and Universities	Non-Profit	For Profit
Administrative Regulations	7 CFR 3015 and 7 CFR 3016	7 CFR 3015 and 7 CFR 3019	7 CFR 3015 and 7 CFR 3019	7 CFR 3015 and 7 CFR 3019
Cost Principles	2 CFR 225 Old OMB A-87	2 CFR 220 Old A-21	2 CFR 230 Old A-122	48 CFR Subpart 31.2
Audit	7 CFR 3052 A-133 If expend \$500k or more in one year in Federal awards or Program-specific audit	7 CFR 3052 A-133 If expend \$500k or more in one year in Federal awards or Program-specific audit	7 CFR 3052 A-133 If expend \$500k or more in one year in Federal awards or Program-specific audit	DCAA
Suspension and Debarment	2 CFR 180 Go to www.epls.gov to ensure subgrantees are not on the suspended or debarred list before award. Form AD-1048 "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions" may be provided for signature to each subgrantee for the State department of agriculture's files.			
Statutory Requirements	Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note) of Public Law 108-465; amended under Section 10109 of the Food, Conservation, and Energy Act of 2008, Public Law 110-246 (the 2008 Farm Bill)			
Program Regulations	7 CFR Part 1291			
National Policy Requirements	Applicable National Policy requirements that affect certain types of grants may be included in your cooperative or contractual agreements.			
	Federal Policy on Research Misconduct http://www.ostp.gov/cs/federal_policy_on_research_misconduct			

NATIONAL POLICY REQUIREMENTS¹

CIVIL RIGHTS

APPLICABLE STATUTES & REGULATIONS

- Civil Rights Act, 42 USC 2000, as implemented at 28 CFR Part 42;
- Age Discrimination Act, 42 USC 6101, as implemented at 45 CFR Part 90;
- Age Discrimination in Employment Act, 29 USC 621, as implemented at 29 CFR Part 1625;
- Title IX of the Education Amendments of 1972, 20 USC 1681, as implemented at 45 CFR Part 86;
- Section 504 of the Rehabilitation Act, 29 USC 791, as implemented at 28 CFR Part 41;
- Executive Order 11246; and
- Americans with Disabilities Act, Public Law (P.L.) 101-366.

IMPLICATIONS

- Certification(s) of compliance with one or more authorities may be required.
- Regulations dealing with access for the disabled may impact project plans (i.e., architectural plans for construction projects or requirements for including affected individuals on planning boards).

LABOR STANDARDS

APPLICABLE STATUTES & REGULATIONS

- Fair Labor Standards Act, 29 USC 207, as implemented at 29 CFR Part 500899;
- Davis-Bacon Act, 40 USC 3141-3148, as implemented at 29 CFR Parts 1, 3, 5, and 7; and
- Contract Work Hours and Safety Standards Act, 40 USC 327, as implemented at 29 CFR Part 5, 1926.

IMPLICATIONS

- Requirements may affect amounts budgeted for compensation, as well as require alterations in the organization's compensation policies.

INTERGOVERNMENTAL REVIEW

APPLICABLE STATUTES & REGULATIONS

- Executive Order 12372, as implemented at 7 CFR part 3015, subpart V; and
- The Intergovernmental Cooperation Act of 1968, 31 USC 6501.

¹ This is not a comprehensive listing of the statutes and regulations that affect the application and implementation of federal grant monies; however, this listing does provide an illustration of the laws and rules that must be applied.

IMPLICATIONS

- If applicable, applicants must file a Notification of Intent to apply for assistance with state and area-wide clearinghouses.
- If applicable, applicants must file completed applications with clearinghouses.
- Comments made by or through the clearing houses must be submitted to the federal agency with the application.
- Applications subject to intergovernmental review which have not been reviewed will not receive federal funding.

CONFIDENTIALITY

APPLICABLE STATUTES & REGULATIONS

- Freedom of Information Act, 5 USC 552, as implemented at 7 CFR Part 3019; and
- Privacy Act, 5 USC 552a.

IMPLICATIONS

- Portions of the application package and other records may be open to the public: confidential and proprietary information in grant applications (i.e., employee salaries, information on pending patents) should be marked to avoid disclosure.

DEBARMENT AND SUSPENSION

APPLICABLE STATUTES & REGULATIONS

- Executive Order 12549, as implemented at Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities.

IMPLICATIONS

- Excluded person(s) cannot be involved in a federal project.
- Certification is required with application for federal funding.

DRUG-FREE WORKPLACE

APPLICABLE STATUTES & REGULATIONS

- Drug-Free Workplace Act of 1988, P.L. 100-690, as implemented at 7 CFR Part 3017. Subpart F, Section 3017.600.

IMPLICATIONS

- Certification of a drug-free workplace is required with application for federal assistance.

LOBBYING RESTRICTIONS

APPLICABLE STATUTES & REGULATIONS

- Limitations on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions, 31 USC 1352, as implemented at 7 CFR Part 3018.

IMPLICATIONS

- Certification is required with application for federal assistance.
- Disclosure necessary if otherwise covered payment made with non-federal funds.

CONSERVATION IN PROCUREMENT

APPLICABLE STATUTES & REGULATIONS

- Resource Conservation and Recovery Act, 42 USC 6962 and Executive Order 12873, as implemented at 40 CFR Part 247.

IMPLICATIONS

- State and local governments should consider the impact of the requirements on their procurement system before applying for funds.

CRIMES AND PROHIBITED ACTIVITIES

APPLICABLE STATUTES & REGULATIONS

- Anti-Kickback (Copeland) Act, as implemented at 29 CFR Part 3.1;
- False Claims Act, 31 USC 3729; and
- Program Fraud Civil Remedies Act, 31 USC 3801-3812.

IMPLICATIONS

- Note: although these statutes do not have a significant impact on the application process, they are important later in the grants process, and prospective recipients should be aware of their provisions, (i.e., recipient liability for employee misuse of funds).

SEAT BELT USE

APPLICABLE STATUTES & REGULATIONS

- Highway Safety Act of 1966 as amended (23 USC 402-03);
- Government Organization and Employees Act as amended (5 USC 7902(c));
- Occupational Safety and Health Act of 1970 as amended (29 USC 668); and

- Increasing Seat Belt Use in the United States (Executive Order 13043).

IMPLICATIONS

- Applicants should make sure their staff are aware of this requirement and periodically audit seat belt usage while on official business.

PROTECTION OF HUMAN SUBJECTS

APPLICABLE STATUTES & REGULATIONS

- Government Organization and Employees, 5 USC 301, and President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 42 USC 300v-1(b), as implemented at 45 CFR Part 46.

IMPLICATIONS

- If applicable, applicants must file a Notification of Intent to apply for assistance with state and area-wide clearinghouses.
- Applicant must create an Institutional Review Board.
- Certification required before funds can be awarded.
- The rights to welfare of human subjects involved in research must be protected.

CARE AND USE OF LABORATORY ANIMALS

APPLICABLE STATUTES & REGULATIONS

- Animal Welfare Act, 7 USC 2131, as implemented at 9 CFR Sub Chapter A, Parts 1-4; and
- Marine Mammal Protection Act, 16 USC 1361-1407.

IMPLICATIONS

- Applicant must create an Institutional Animal Care and Use Committee (IACUC).
- Humane methods of treating laboratory animals must be used.

RECOMBINANT DNA MOLECULES

APPLICABLE STATUTES & REGULATIONS

- Implementing regulations published at 60 FR 20726, 59 FR 40170, and 59 FR 34496.

IMPLICATIONS

- Applicant must create an Institutional Biosafety Committee (IBC).
- Applicant must indicate the expected type and level of DNA usage in the research proposal.

BIOSAFETY IN LABORATORIES

APPLICABLE STATUTES & REGULATIONS

- *Biosafety in Microbiological and Biomedical Laboratories*, published jointly by the Centers for Disease Control and the National Institutes of Health. (Note: this document does not have the force of law.)

IMPLICATIONS

- Adherence to the Biosafety principles is usually factored into risk assessments conducted by agencies during application review.

CONFLICTS OF INTEREST

APPLICABLE STATUTES & REGULATIONS

- Agency implementations, i.e., 45 CFR Part 94; and OMB Circular A-21.

IMPLICATIONS

- Institution-wide policies regarding the permissible amount of professional services provided outside the institution should be established and maintained.

PATENTS AND COPYRIGHTS

APPLICABLE STATUTES & REGULATIONS

- Patent Rights in Inventions Made with Federal Assistance, 35 USC 202-204, as implemented at 37 CFR Part 401.

IMPLICATIONS

- Government rights to inventions should be considered before applying for federal funds.