
AMS Policy: Grant and Cooperative Agreement Appeals

Implementation Through Closeout

This document outlines the U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) policy on appeals for post award actions, including the suspension or termination of an award for failure to carry out the approved project in accordance with applicable laws and the terms and conditions of the award and for other reasons as detailed in [2 CFR 200.339-343](#) Non-compliance, and [2 CFR Part 417](#).

AMS awards are subject to applicable laws, federal cost principles, USDA regulations, USDA Terms and Conditions, and [AMS General Terms and Conditions](#) aligned with 2 CFR 200 as well as [2 CFR Part 417](#). Failure by a recipient to carry out the approved project in accordance with the applicable laws and the terms and conditions of the award may result in AMS taking the necessary steps to remedy noncompliance, as detailed under [2 CFR 200.339](#). This may include suspensions or terminations, addressed in AMS' [associated policy](#).

APPEALS PROCESS FOR AWARDED AGREEMENTS

- **Appeal Eligibility**
 - Recipients may request an appeal if they disagree with a post-award administrative action issued under [2 CFR 200.339-343](#) or [2 CFR Part 417](#). Eligible actions include post-award decisions other than terminations.
 - For agreements that include a clause indicating that the Agency may terminate them with a period of notice, AMS will indicate in the termination letter that the decision is final and not subject to appeal.
 - For terminations due to the award no longer effectuating program goals and/or Agency priorities, AMS may decide whether or not to offer an appeals process if the recipient or cooperative partner has been deemed otherwise compliant with the implementation of the grant. In these cases, the process will be delineated in the termination letter.
- **Filing an Appeal:** Recipients of grants or cooperative agreements that disagree with a post-award action (other than a termination) may submit a written request for reconsideration within 15 calendar days of receiving the notice. The request must include justification and supporting documentation as described below.

For terminated grants or cooperative agreements where the Notice of Termination offers a right to appeal, the recipient must submit a written appeal within 30 calendar days of receiving the termination notice.

- **Appeal Request Content:** The recipient appeal request must include all of the following:
 - The program name
 - Award number (Federal Award Identification Number (FAIN))

- Applicant/appellant name and email
 - Project title
 - A detailed statement of the action and reason for appeal, and fact-based documentation to support the appeal
 - As applicable, copy of the notification and any other documentation to support the appeal.
- **Appeal Decision:** AMS will review requests on a case-by-case basis and notify the recipient of its decision in writing. Appeals will be reviewed, and decisions will be based on the information and supporting documentation provided.

DENIED APPEALS

- ***Denied Appeals:*** If AMS denies the appeal, the recipient must fulfill all post-award requirements outlined in the decision notice. For corrective or continuing actions, the recipient must continue with project implementation as directed. For terminations, the recipient must fulfill all financial and programmatic requirements listed in the notice and submit the necessary documentation to complete the grant closeout.

REFERENCES

- [2 CFR 200.339](#) Remedies
- [2 CFR 200.340](#) Termination
- [2 CFR 200.342](#) Opportunities to object, hearings, and appeals
- [2 CFR 200.472](#) Termination and standard closeout costs
- [2 CFR Part 180](#) OMB Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement)
- [2 CFR Part 417](#) Nonprocurement Debarment and Suspension

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