

APPENDIX A

Federal Regulations and Cost Principal Reference

Below are regulations and cost principles related to spending federal funding. A very brief summary is provided. Please see the referenced document for specifics or call the Bureau of Nutrition and Health Services at the Iowa Department of Education with your questions.

Government-wide Regulations

☐ 2 CFR Part 25: “Universal Identifier and Central Locator Contractor Registration”

This guidance relates to DUNS numbers for recipients and subrecipients. Note: Organizations participating in NSLP or CACFP have reported their numbers to IDOE for our required reporting.

☐ 2 CFR Part 170: “Reporting Sub-award and Executive Compensation Information”

This part provides guidance concerning requirements for Federal Funding Accountability and Transparency Act of 2006 (FFATA) reporting. One example, the Department of Education must report federal fund awards of more than \$25,000. Subawards also fall under reporting requirements but please note that the definition of “Subaward” does not include your procurement of property and services needed to carry out the project.

☐ 2 CFR Part 175: “Trafficking in Persons”

A condition that authorizes the agency to terminate the award, without penalty, if the recipient or a subrecipient—(a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect; (b) Procures a commercial sex act during the period of time that the award is in effect; or (c) Uses forced labor in the performance of the award or subawards under the award.

☐ 2 CFR Part 200: “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”

On December 26, 2014 this “Super Circular” replaced multiple previous documents: A-21, A-87, A-110, A-122, A-89, A-102, A-133, A-50, 2 CFR Parts 215, 220, 225, and 230, and 7 CFR 3015, 3016, 3019. It combines all OMB’s government-wide grants management guidance into single document. We are still gathering information and guidance on specifics and interaction with state requirements. One change is an establishment of a “Micro-purchases” procurement method for purchases with the aggregate value up to \$3,000 or the state designated level which may be lower.

This part establishes uniform administrative requirements, cost principles, allowability of costs, audit requirements including many of the requirements and principles previously in place. Sections that may be of particular interest: 200.400 – 200.475 contains allowable cost rules for specific items (previously Appendix B) and 200.318 – 200.326 contain procurement rules

☐ 2 CFR Part 180: “OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-Procurement)”

This part provides Office of Management and Budget (OMB) guidance for Federal agencies on the government wide debarment and suspension system for nonprocurement programs and activities.

2 CFR Part 417: Implementation of OMB Guidance on Non-procurement Debarment & Suspension”

The USDA policies and procedures for nonprocurement debarment and suspension

2 CFR Part 421: “Requirements for Drug-Free Workplace (Financial Assistance)”

This part requires that the award and administration of USDA grants and cooperative agreements comply with Office of Management and Budget (OMB) guidance implementing the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701-707, as amended, hereafter referred to as “the Act”) that applies to grants.

41 USC Section 22 “Interest of Member of Congress”

No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

Sections 738 and 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (P.L. 112-55)

Section 738 does not allow making a grant or a loan to any organization convicted of a felony and or with unpaid tax liability.

Section 739: None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability.

USDA Regulations

7 CFR Part 15: “Nondiscrimination”

(a) The purpose of the regulations in this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Act”) to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

Freedom of Information Act (FOIA)

Public access to Federal Financial Assistance records shall not be limited, except when such records must be kept confidential and would have been excepted from disclosure pursuant to the “Freedom of Information” regulation (5 U.S.C. 552

ASSURANCE OF CIVIL RIGHTS COMPLIANCE

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d- et seq.), USDA regulations at 7 CFR Part 15, Nondiscrimination, and Department of Justice regulations at 28 CFR Part 42, Nondiscrimination; Equal Employment Opportunity: Policies And Procedures;

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance;

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 1681 et seq.) and USDA regulations at 7 CFR Part 15a, Education Programs or Activities Receiving or Benefiting from Federal Financial Assistance, and Department of Justice regulations at 28 CFR Part 41, Implementation of Executive Order 12250, Nondiscrimination on the Basis of Handicap In Federally Assisted Programs; and

Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) The Grantee assures that it will immediately take any measures necessary to effectuate the requirements in these laws, regulations, and directives. The Grantee gives this assurance in consideration of and for the purpose of obtaining the funds provided under this agreement.

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in employment (Title I), state & local government services (Title II), places of public accommodation and commercial facilities (Title III). (42 U.S.C. 12101-12213)

Non Discrimination Statement:

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political belief, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the

[USDA Program Discrimination Complaint Form](#), found online at

http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.