




# National Policy Requirements for Recipients of NSF Awards

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Statutory/Regulatory/and Executive Based Requirements	Type of Award	Type of Recipient	Specific Situation
<b>a) Nondiscrimination</b>			
<b>By signing or accepting funds under the agreement, the recipient agrees that it will comply with applicable provisions of the following, national policies prohibiting discrimination:</b>			
a. On the basis of race, color, or national origin, in Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, et seq.), as implemented by:  45 CFR Part 611	Grants, cooperative agreements, and other financial assistance	All	All
b. On the basis of race, color, religion, sex, or national origin, in Executive Order 11246, as implemented by Department of Labor regulations at 41 CFR Part 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.
c. On the basis of sex or blindness, in Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.).  45 CFR Part 618	Grants, cooperative agreements, and other financial assistance included at 20 U.S.C. 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.
d. On the basis of age, in the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), as implemented by Department of Health and Human Services regulations at 45 CFR part 90.  45 CFR Part 617	Grants, cooperative agreements, and other awards defined at 45 CFR 90.4 as "Federal financial assistance."	All	All
e. On the basis of handicap, in:  1. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by Department of Justice regulations at 28 CFR Part 41 and  45 CFR Part 605	Grants, cooperative agreements, and other awards included in "Federal financial assistance"	All	All

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<b>a) Nondiscrimination</b>			
2. The Architectural Barriers Act of 1968 (42 U.S.C. 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.
3. Americans with Disabilities Act 42 USC 12101 et. seq	All	All	
f. 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
<b>b) Live Organisms</b>			
<b>By signing or accepting funds under the agreement, the recipient assures that it will comply with applicable provisions of the following national policies concerning live organisms:</b>			
1. For human subjects:			
a. For human subjects, the Common Federal Policy for the Protection of Human Subjects. Codified by the: 45 CFR Part 690	All	All	Research, development, test, or evaluation involving live human subjects, with some exceptions [see agency implementations for exemptions.
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 Pt 46 FDA Regulations governing INDs or IDEs (Title 21 CFR Parts 312 or 812) FDA IRB & informed consent regulations (Title 21 CFR Parts 50 & 56) Research on Transplantation of Fetal Tissue (PHS Act 489A)	As applicable	All	Research involving Human Stem Cells



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<b>b) Live Organisms</b>			
c. P.L. 104-191 Health Insurance Portability and Accountability Act (HIPAA)  45 CFR Part 160 and Subparts A and E of Part 164 Subpart C to be effective 4/20/2005 (Security)	As applicable	Covered Entities	As applicable
2. For animals:	All	All	
a. Rules on animal acquisition, transport, care, handling, and use in: (i) 9 CFR Parts 1-4, Department of Agriculture rules that implement the Laboratory Animal Welfare Act of 1966 (7 US+A160C. 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 Part 1232 EPA at 40 CFR Part 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 Parts 10-24) and Commerce (50 CFR Parts 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 U.S.C. 1531-1543); Marine Mammal Protection Act (16 U.S.C. 1361-1384); Lacey Act (18 U.S.C. 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.
<b>c) Environmental Standards</b>			
<b>By signing the agreement or accepting funds under this agreement, the recipient assures that it will comply with the following requirements:</b>			
1. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et. Seq.) and Clean Water Act (33 U.S.C. 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.
2. Identify to the awarding agency all impact this award may have on:			



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<b>c) Environmental Standards</b>			
<p>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 U.S.C. 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.</p> <p>45 CFR Part 640</p>	All	All	All actions that may affect the environment
<p>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 U.S.C. 4001, et. seq.), which require flood insurance, when available, for Federally assisted construction or acquisition in flood-prone areas.</p>	All	All	Awards involving construction, land acquisition or development, with some exceptions [see 42 U.S.C. 4001, et. seq.].
<p>c. Coastal barriers, and provide help the agency may need to comply with the Coastal Barriers Resource Act (16 U.S.C. 3501, et. seq.), concerning preservation of barrier resources.</p>	Grants, cooperative agreements, and other "financial assistance" (see 42 U.S.C. 4003).	All	Awards that may affect barriers along the Atlantic and Gulf coasts and Great Lakes' shores
<p>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 U.S.C. 1271, et seq.).</p>	Grants, cooperative agreements, and other "financial assistance" (see 16 U.S.C. 3502).	All	Awards that may affect existing or proposed element of National Wild and Scenic Rivers system.
<p>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 U.S.C. 300h-3).</p>	All	All	Construction in All area with aquifer that the EPA finds would create public health hazard, if contaminated.
<p>3. Resource Conservation and Recovery Act</p> <p>42 USC 6901</p>	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)	
<p>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.</p>	All	Awards to states or a political subdivision of a state (which for this purpose includes state and	Purchase of items designated within the regulations at 40 CFR 247 using federal funds.



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<b>c) Environmental Standards</b>			
		local institutions of higher education or hospitals)	
<b>d) Health and Safety Guidelines</b>			
<b>By signing the agreement or accepting funds under this agreement, the recipient assures it will comply with the following requirements:</b>			
1. Applicable OSHA Standards in Laboratories	All	All	Research involving use of hazardous chemicals or bloodborne pathogens
2. Handling and transport of etiologic agents	All	All	Research involving etiologic agents
3. Biosafety standards in microbiological and biomedical laboratories	All	All	Microbiological and biomedical research
4. Controlled Substances	All	All	Research involving controlled substances
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
6. Hotel and Motel Fire Safety Act of 1990 - P.L. 101-39	Conference or meeting support	All	
7. Labor Standards under Federally Assisted Construction: Construction Work Hours and Safety Standards Act	All	All	



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8. Text Messaging While Driving - EO 13513	All	All	When performing work for or on behalf of government
9. 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	
<b>e) National Security Guidelines</b>			
<b>By signing the agreement or accepting funds under this agreement, the recipient assures it will comply with the following requirements:</b>			
<p>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 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c)(UNPA), and section 301 of title 3, United States Code.</p>	All		<p>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.</p>



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<b>e) National Security Guidelines</b>			
2. Select Agents and Toxins  42 CFR Pt 73  See also 15 CFR Chapter 7 for Export Administration Regulations (EAR) <a href="http://www.bxa.doc.gov">www.bxa.doc.gov</a> and 49 CFR Pts 171 – 180 for transportation requirements	As applicable	All	Research with or storage of Select Agents and Toxins
<b>f) General/Miscellaneous Requirements</b>			
<b>By signing or accepting funds under the agreement, the recipient agrees that it will comply with the following general national policy requirements:</b>			
1. SAM Registration - 2 CFR Part 25	All	Recipient only; does not apply to subrecipients	
2. Drug Free Workplace  45 CFR Part 630	All	All	
3. DUNS number - 2 CFR Part 25	All	Recipient and 1st tier subrecipient	
4. False Claims Act Provisions			
a. Civil False Claims Act	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 (Non-procurement)  2 CFR Part 2520	All	All	



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<b>f) General/Miscellaneous Requirements</b>			
<p>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.</p> <p>45 CFR Part 604</p>	All		
<p>7. Research Misconduct</p> <p>Policies and responsibilities associated with prevention, detection, and handling of misconduct in science allegations as stipulated in agency implementing regulations:</p> <p>45 CFR Part 689</p>	All	All	All
<p>8. National Historic Preservation</p> <p>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.</p> <p>16 USC 470f</p>	All	All	All
<p>9. Recipient Integrity and Performance Matters</p> <p>Reporting of Matters Related to Recipient Integrity and Performance; Appendix XII to 2CFR 200</p>	All	Recipient only. Does not apply to subrecipients	
<p>10. American Security Drone Act of 2023</p>	All	All	



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<b>f) General/Miscellaneous Requirements</b>			
Subtitle B, Title XVIII, of the National Defense Authorization Act for Fiscal Year 2024, §§ 1821-1833			
11. Trafficking in Persons By signing or accepting funds under the agreement, the recipient agrees that it will comply with Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) as implemented by 2 CFR 175	Grants and Cooperative Agreements and contracts	175.15(b)l.a. applies to private entities 175.15(b)l.b. applies to other than private entities if award includes subrecipient award to a private entity 117.15(b)l.c. applies to all recipients	
12. Use of United States Flag Vessels  46 CFR 381	Grants, Cooperative Agreements, Loans and Guarantee and Advance of Funds Agreements	All	
13. Patents, Trademarks and Copyrights  35 USC 202-204 and 37 CFR 401	Grants and Cooperative Agreements	Awards to non-profits and small businesses	
14. Privacy Act  5 USC 552a	All	All	
15. Pro Children Act of 1994  20 USC Sections 6081-6084. Restrictions on smoking in facilities where federally funded children's services are provided.  20 USC 7183	All	All	All awards performed in facilities where children are served.
16. Uniform Relocation Assistance and Real Property Acquisition Policies Act  42 USC 4601 and 49 CFR 24	All	All	
17. Confidentiality of Patient/Client Records  42 USC 290dd-2 and 42 USC 290ee-3	All	All	
18. Constitution Day  PL 108-447	All	All	



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19. Copeland Act 40 USC 3145 and 29 CFR part 3	All	All	
20. Earthquake Hazards Reduction Act 42 USC 7701 et seq., EO 12699	All	All	Construction awards within applicable geographic areas
21. Faith-Based and Other Neighborhood Organizations EO 13559	All	All	
22. Federal Technology Transfer Act 15 USC 63	All	All	
23. Freedom of Information Act 5 USC 552	All	All	
24. Hatch Act 5 USC 7321-7328	All	State or Local Governments	
25. Limited English Proficiency EO 13166	All	All	
26. Military Recruiting and Reserve Officer Training Access to Institutions of Higher Education 10 USC 983	All	Domestic Institutions of Higher Education	
27. Native American Graves Protection and Repatriation 25 USC 3001-3013	All	All	
28. Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities (Executive Order on Campus Free Speech) EO 13864	All	Institutions of Higher Education	



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## f) General/Miscellaneous Requirements

<p>29. Risk review of applications and the Federal Awardee Performance and Integrity Information System (FAPIIS)</p>			<p>Agencies must review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) before making any award in excess of the simplified acquisition threshold (currently \$250,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency previously entered. Agencies will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR § 200.205 Federal Awarding Agency Review of Risk Posed by Applicants.</p> <p>As required by 2 CFR 200 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive federal awards</p>
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<b>f) General/Miscellaneous Requirements</b>			
			(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.