

**U.S. ARMY MEDICAL RESEARCH ACQUISITION ACTIVITY (USAMRAA)
RESEARCH TERMS AND CONDITIONS
AGENCY SPECIFIC REQUIREMENTS
Effective October 1, 2011**

Applicable Links:

USAMRAA Home Page: <https://www.usamraa.army.mil>

Research Terms and Conditions: <http://www.nsf.gov/awards/managing/rtc.jsp>

Department of Defense Grant and Agreement Regulations 3210.6-R (DODGAR):
<http://www.dtic.mil/whs/directives/corres/html/321006r.htm>

2 Code of Federal Regulations (CFR) Parts 215, 220, 230 (Office of Management and Budget Circulars (OMB)): <http://www.whitehouse.gov/omb/circulars/>

Electronic Code of Federal Regulations (e-CFR): <http://ecfr.gpoaccess.gov>

NOTE: Articles referenced with numbers (e.g., 1, 2, 3) refer to the Research Terms and Conditions. Articles referenced with Roman numerals (e.g., I, II, III) refer to these USAMRAA Agency Specific Requirements.

THE RESEARCH TERMS AND CONDITIONS ARE IMPLEMENTED AS FOLLOWS:

Article I. Awards Covered by the Research Terms and Conditions.

Effective October 1, 2011, awards to organizations subject to 2 CFR Part 215 shall incorporate by reference the Research Terms and Conditions dated June 2011, the DODGAR Part 32, and the USAMRAA Agency Specific Requirements dated October 1, 2011.

The USAMRAA Agency Specific Requirements apply to all assistance agreements (grants and cooperative agreements) issued on or after October 1, 2011 to organizations subject to 2 CFR Part 215.

Article II. Prior Approval Requirements not Included in the Research Terms and Conditions.

See Articles XII and XIV.

Article III. Unallowable Direct Costs Aside from those in 2 CFR Parts 220 (OMB Circular A-21) and 230 (OMB Circular A-122).

See Article XIV. Charging fee or profit to an assistance agreement, either by the recipient, subrecipient, or subcontractor, is prohibited. Any additional unallowable direct costs will be addressed in each specific award.

Article IV. Contact Information for Technical Matters.

Questions regarding programmatic or technical matters should be directed to the Grants Officer Representative named in the appointment letter sent to the recipient upon award.

Article V. Contact Information for Administrative Matters.

Questions regarding administrative matters should be directed to the USAMRAA Grants Officer or Contract/Grants Specialist named in the award document.

Article VI. Contact Information for Intellectual Property Matters.

Questions regarding intellectual property matters should be directed to the USAMRAA Grants Officer or Contract/Grants Specialist named in the award document for referral, as needed, to the appropriate legal counsel representative.

Article VII. Revised Budget Requirements.

Revised budgets, when required, should be submitted on the SF424 Research & Related budget form.

Article VIII. Technical Reporting.

Specific technical reporting requirements will be included in the award document.

Article IX. Financial Reporting.

See Article XXII. The SF425, "Federal Financial Report," is required for financial reporting.

Article X. Incremental Funding Actions.

When applicable, specific requirements regarding incremental funding or option periods will be included in the award document.

USAMRAA AGENCY SPECIFIC REQUIREMENTS RELATED TO ARTICLES IN THE RESEARCH TERMS AND CONDITIONS:

Article XI. Definitions.

Reference Article 10 and DODGAR §32.13.

Recipients shall comply with the policy and procedural requirements in the OMB guidance on nonprocurement debarment and suspension (2 CFR part 180), as implemented by the Department of Defense in 2 CFR part 1125.

Article XII. Revision of Budget and Program Plans.

Reference Article 25 and DODGAR §32.25.

Article 25 of the Research Terms and Conditions is supplemented as follows:

Recipients shall request prior written approval from the USAMRAA Grants Officer for:

- (1) Change in the scope or the objectives of the project as stated in the approved Statement of Work or approved modifications thereto, such as a change in the phenomenon(a) under study, even if there is no associated budget revision.
- (2) Change in approved protocols and consent forms involving the use of animals or human subjects.
- (3) Change in the principal investigator (PI) or change in any key personnel specified in the award document.
- (4) The absence for more than 3 months, or a 25 percent reduction in time devoted to the project, by the approved PI or any key personnel specified in the award document.
- (5) The need for additional Federal funding.
- (6) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.
- (7) The subaward, transfer, or contracting out of any work not approved under the original award. This provision does not apply to the purchase of supplies, materials, equipment, or general support services.
- (8) Pre-award expenditures prior to the funding of any optional requirements/periods.
- (9) Change in Performance Period. Before initiating a one-time, no-cost extension in accordance with the DODGAR §32.25(d), a recipient must be in compliance with the terms and conditions of the award. The recipient shall notify the USAMRAA Grants Officer or Grants/Contract Specialist in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award document. This one-time extension shall not be exercised merely for the purpose of using unobligated balances. An official modification to the award document must be issued by the USAMRAA Grants Officer to extend the period of performance.

(10) Expenditures for individual items of general-purpose equipment and specific-purpose equipment costing \$5,000 or more, unless identified in the budget that is incorporated as part of the award.

(11) Charging as direct costs capital expenditures for improvements to equipment that materially increases the equipment's value or useful life.

(12) Making any fund or budget transfers over \$25,000 involving alteration or renovation costs, for research projects that provide funds for alterations and renovations.

Article XIII. Non-Federal Audits.

Reference Article 26 and DODGAR §32.26.

Hospitals that are subrecipients and are not covered by the audit provisions of revised OMB Circular A-133 shall be subject to the audit requirements specified in DODGAR §34.16.

Article XIV. Allowable Costs.

Reference Article 27 and DODGAR §32.27.

In accordance with 32 CFR 22.205(b), fee or profit is not an allowable cost for the recipient, subrecipient, or subcontractor.

Also, see Article XII, "Revision of budget and program plans" for allowable costs and prior approval requirements.

Article XV. Real Property.

Reference Article 32 and DODGAR §32.32.

Real property acquired in whole or in part with Federal funds is subject to the requirements of DODGAR §32.32.

Article XVI. Federally-owned and Exempt Property.

Reference Article 33 and DODGAR §32.33.

Title to Federally owned property remains vested in the Federal Government and is subject to the requirements of DODGAR §32.33(a).

Title to exempt property is subject to the requirements of DODGAR §32.33(b). Unless otherwise specified in the award document, title to exempt property vests in the recipient upon acquisition without further obligation to the Federal Government.

Article XVII. Equipment.

Reference Article 34 and DODGAR §32.34.

Title to equipment acquired by a recipient with Federal funds is subject to the requirements of DODGAR §32.34.

The Grants Officer may require that title be transferred to the Federal Government or to a third party if the project or program for which the equipment was purchased is transferred to another recipient. In any such case, the USAMRAA Grants Officer will notify the recipient of the intent to transfer title within 120 days following the expiration or termination of the project and paragraph DODGAR §32.34(g) then applies.

Article XVIII. Supplies.

Reference Article 35 and DODGAR §32.35.

Title and use of supplies is subject to the requirements of DODGAR §32.35.

Article XIX. Intangible Property.

Reference Article 36 and DODGAR §32.36.

The recipient shall include in all subawards to for-profit organizations other than small business concerns, regardless of tier, for experimental developmental or research work, the patent rights clauses required by FAR Part 27 and DFAR Part 227.

Questions regarding intellectual property matters should be directed to the USAMRAA Grants Officer or Contract/Grants Specialist named in the award document for referral, as needed, to the appropriate legal counsel representative.

Reference individual award document for patent and invention reporting requirements.

Article XX. Procurement Procedures.

Reference Article 40 and DODGAR §32.44.

In addition to the requirements of Article 40 of the Research Terms and Conditions, recipients shall comply with the policy and procedural requirements in the OMB guidance on nonprocurement debarment and suspension (2 CFR part 180), as implemented by the Department of Defense in 2 CFR part 1125.

Article XXI. Monitoring and Reporting Program Performance.

Reference Article 51 and DODGAR §32.51.

Article 51(a) through (c) is replaced with the following:

Publication. The recipient is encouraged to publish results of the research, unless classified, in appropriate media. One copy of each paper planned for publication shall be submitted to the technical representative simultaneously with its submission for publication. Copies of all publications resulting from the research shall be forwarded to the Grants Officer or Contract/Grants Specialist as they become available, even though publication may in fact occur subsequent to the termination date of the award.

Acknowledgment. The recipient agrees that in the release of information relating to this award such release shall include statements to the effect that the project or effort depicted was sponsored by the U.S. Army Medical Research and Materiel Command and shall include:

- a. The Award Number;
- b. "The U.S. Army Medical Research Acquisition Activity, 820 Chandler Street, Fort Detrick MD 21702-5014 is the awarding and administering acquisition office." and;
- c. A statement that the content of the information does not necessarily reflect the position or the policy of the Government, and no official endorsement should be inferred. For purposes of this article, information includes news releases, articles, manuscripts, brochures, advertisements, still and motion pictures, speeches, trade association proceedings, etc.

Public release. Prior to release to the public, the recipient shall notify the Grants Officer and the Grants Officer's Representative (GOR) of the following: planned news releases, planned publicity, advertising material concerning grant/cooperative agreement work, and planned presentations to scientific meetings. This provision is not intended to restrict dissemination of research information; the purpose is to inform the U.S. Army Medical Research and Materiel Command (USAMRMC) of planned public release of information on USAMRMC funded research, in order to adequately respond to inquiries and to be alert to the possibility of inadvertent release of information which could be taken out of context.

Laboratory animals. If the research involves the use of laboratory animals, the recipient must include the following statement in any publication resulting from the research: "Research was conducted in compliance with the Animal Welfare Act Regulations and other Federal statutes relating to animals and experiments involving animals and adheres to the principles set forth in the Guide for Care and Use of Laboratory Animals, National Research Council."

Technical report. The final technical report, in accordance with 2 CFR 215.51(b) through (d), is due 90 calendar days after the expiration or termination of the award, unless the award-specific terms and conditions state that a final report is not required.

Site visits. The Grants Officer, or authorized representative, has the right to make site visits to review project accomplishments and to provide such technical assistance as may be required. If any site visit is made by the Government representative on the premises of the recipient or subrecipient, the recipient shall provide, and shall require its subrecipients to provide, all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations will be performed in such a manner as will not unduly interfere with or delay the work.

Article XXII. Financial Reporting.

Reference Article 52 and DODGAR §32.52.

Article 52 is replaced with the following:

Recipients are required to submit Standard Form (SF) 425, Federal Financial Report. Reference individual award document for financial reporting requirements.

Article XXIII. Retention and Access Requirements for Records.

Reference Article 53 and DODGAR §32.53.

Article 53, paragraph (a) is clarified as follows:

(a) With the exception of types of records described in 2 CFR 215.53(b)(1) through (4), the recipient must retain financial and programmatic records, supporting documents, statistical records, and all other records of a recipient that are required by the terms of an award, or may reasonably be considered pertinent to an award, for a period of 3 years from the date the final Financial Status Report (SF 425) is submitted.

In addition to requirements of Article 53 of the Research Terms and Conditions, recipients shall comply with the following:

If the information described in this section is maintained on a computer, recipients shall retain the computer data on a reliable medium for the time periods prescribed. Recipients may transfer computer data in machine readable form from one reliable computer medium to another. Recipients' computer data retention and transfer procedures shall maintain the integrity, reliability, and security of the original computer data. Recipients shall also maintain an audit trail describing the data transfer. For the record retention time periods prescribed in this section, recipients shall not destroy, discard, delete, or write over such computer data.

Article XXIV. Termination.

Reference Article 61 and DODGAR §32.61.

In addition to the requirements of Article 61 of the Research Terms and Conditions, the recipient shall comply with the following:

The Grants Officer may terminate or suspend, in whole or in part, this agreement by written notice to the recipient upon a finding that the recipient has failed to comply with the material provisions of this agreement, if the recipient materially changes the objective of the agreement, or if appropriated funds are not available to support the program. However, the Grants Officer may immediately suspend or terminate the award without prior notice when such action is necessary to protect the interests of the Government.

No costs incurred during a suspension period or after the effective date of a termination will be allowable, except those costs which, in the opinion of the Grants Officer, the recipient could not reasonably avoid or eliminate, or which were otherwise authorized by the suspension or termination notice, provided such costs would otherwise be allowable under the terms of the award and the applicable Federal cost principles. In no event will the total of payments under a terminated award exceed the amount obligated in the award.

Article XXV. Enforcement.

Reference Article 62 and DODGAR §32.62.

In addition to the requirements of Article 62 of the Research Terms and Conditions, the procedures of 32 CFR 22.815 govern for processing recipient claims and disputes and for deciding appeals of Grants Officers' decisions.

Appeals of a Grants Officer's decision will be resolved by the Head of the Contracting Activity. The decision by the Head of the Contracting Activity will be final and not subject to further administrative appeal. However, the recipient does not waive any legal remedy, such as formal claims, under Title 28 United State Code 1491, by agreeing to such provision.

The enforcement remedies identified in this section, including suspension and termination, do not preclude a recipient from being subject to debarment and suspension under 2 CFR part 1125.

Article XXVI. Closeout Procedures.

Reference Article 71 and DODGAR §32.71.

In addition to the requirements of Article 71 of the Research Terms and Conditions, the procedures prescribed by 32 CFR 22.820 apply.

Reference individual award document for closeout requirements.

Article XXVII. Trafficking Victims Protection Act.

Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity—

i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you 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 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1125.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity--

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award;

ii. 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 Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1125.

c. Provision applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2. or b of this section:

i. Implements section 106(g) of the Trafficking Victims

Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For the purpose of this award term:

1. "Employee" means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

ii. Another person engaged in the performance of the project or program under this award and not compensated by you 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 or matching requirements.

2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity" means:

i. Any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

Article XXVIII. Requirements for Federal Funding Accountability and Transparency Act Implementation.

Reference 2 CFR part 170, Appendix A to Part 170.

I. Reporting Subawards and Executive Compensation

A. Reporting of first-tier subawards.

1. Applicability. Unless you are exempt as provided in paragraph D. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

B. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if--

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <http://www.ccr.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if--

i. in the subrecipient's preceding fiscal year, the subrecipient received--

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization;

iv. A domestic or foreign for-profit organization;

v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. Executive means officers, managing partners, or any other employees in management positions.

3. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. --- .210 of the attachment to OMB Circular A-133, ``Audits of States, Local Governments, and Non-Profit Organizations").

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

i. Salary and bonus.

ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above-market earnings on deferred compensation which is not tax- qualified.

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

Article XXIX. Financial Assistance Use of Universal Identifier and Central Contractor Registration.

Reference 2 CFR part 25, Appendix A to Part 25.

I. Central Contractor Registration and Universal Identifier Requirements

A. Requirement for Central Contractor Registration (CCR). Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration,

and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.

2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions. For purposes of this award term:

1. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

2. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

3. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

a. A Governmental organization, which is a State, local government, or Indian Tribe;

b. A foreign public entity;

c. A domestic or foreign nonprofit organization;

d. A domestic or foreign for-profit organization; and

e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

4. Subaward:

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ---.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").

c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

5. Subrecipient means an entity that:

a. Receives a subaward from you under this award; and

b. Is accountable to you for the use of the Federal funds provided by the subaward.

Article XXX. Campus Access for Military Recruiting and Reserve Officer Training Corps.

The following requirement applies to institutions of higher education.

As a condition for receipt of funds available to the Department of Defense (DOD) under this award, the recipient agrees that it is not an institution of higher education (as defined in 32 CFR part 216) that has a policy or practice that either prohibits, or in effect prevents:

(A) The Secretary of a Military Department from maintaining, establishing, or operating a unit of the Senior Reserve Officers Training Corps (in accordance with 10 U.S.C. 654 and other applicable Federal laws) at that institution (or any subelement of that institution);

(B) Any student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior ROTC at another institution of higher education;

(C) The Secretary of a Military Department or Secretary of Homeland Security from gaining access to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer; or

(D) Access by military recruiters for purposes of military recruiting to the names of students (who are 17 years of age or older and enrolled at that institution or any subelement of that institution); their addresses, telephone listings, dates and places of birth, levels of education, academic majors, and degrees received; and the most recent educational institutions in which they were enrolled.

If the recipient is determined, using the procedures in 32 CFR part 216, to be such an institution of higher education during the period of performance of this agreement, the Government will cease all payments of DOD funds under this agreement and all other DOD grants and cooperative agreements to the recipient, and it may suspend or terminate such grants and agreements unilaterally for material failure to comply with the terms and conditions of award.

Article XXXI. National Policy Requirements.

In addition to Appendix C of the Research Terms and Conditions, the National Policy Requirements of 32 CFR Part 22, Appendix B, apply.