agreements, and technology investment agreements are examples of legal instruments used to provide assistance.

§ 603.1220 Award-specific audit.
An audit of a single TIA, usually done at the cognizant contracting officer's request, to help resolve issues that arise during or after the performance of the RD&D project. An award-specific audit of an individual award differs from a periodic audit of a participant (as defined in § 603.1295).

§ 603.1225 Cash contributions.
A recipient's cash expenditures made as contributions toward cost sharing, including expenditures of money that third parties contributed to the recipient.

§ 603.1230 Commercial firm.
A for-profit firm or segment of a for-profit firm (e.g., a division or other business unit) that does a substantial portion of its business in the commercial marketplace.

§ 603.1235 Consortium.
A group of RD&D-performing organizations that either is formally incorporated or that otherwise agrees to jointly carry out a RD&D project (see definition of “articles of collaboration,” in § 603.1210).

§ 603.1240 Cooperative agreement.
A legal instrument which, consistent with 31 U.S.C. 6305, is used to enter into the same kind of relationship as a grant (see definition of “grant,” in § 603.1270), except that substantial involvement is expected between the DOE and the recipient when carrying out the activity contemplated by the cooperative agreement. The term does not include “cooperative research and development agreements” as defined in 15 U.S.C. 3710a.

§ 603.1245 Cost sharing.
A portion of project costs from non-Federal sources that are borne by the recipient or non-Federal third parties on behalf of the recipient, rather than by the Federal Government.

§ 603.1250 Data.
Recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. It does not include information incidental to administration, such as financial, administrative, cost or pricing, or other management information related to the administration of a TIA.

§ 603.1255 Equipment.
Tangible property, other than real property, that has a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

§ 603.1260 Expenditure-based award.
A Federal Government assistance award for which the amounts of interim payments or the total amount ultimately paid (i.e., the sum of interim payments and final payment) are subject to redetermination or adjustment, based on the amounts expended by the recipient in carrying out the purposes for which the award was made, as long as the redetermination or adjustment does not exceed the total Government funds obligated to the award. Most Federal Government grants and cooperative agreements are expenditure-based awards.

§ 603.1265 Expenditures or outlays.
Charges made to the project or program. They may be reported either on a cash or accrual basis, as shown in the following table:

<table>
<thead>
<tr>
<th>If reports are prepared on a</th>
<th>Expenditures are the sum of</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Cash basis ................</td>
<td>(1) Cash disbursements for direct charges for goods and services;</td>
</tr>
<tr>
<td></td>
<td>(2) The amount of indirect expense charge;</td>
</tr>
<tr>
<td></td>
<td>(3) The value of third party in-kind contributions applied; and</td>
</tr>
<tr>
<td></td>
<td>(4) The amount of cash advances and payments made to any other organizations for the performance of a part of the RD&amp;D effort.</td>
</tr>
<tr>
<td>(b) Accrual basis ..........</td>
<td>(1) Cash disbursements for direct charges for goods and services;</td>
</tr>
<tr>
<td></td>
<td>(2) The amount of indirect expense incurred;</td>
</tr>
<tr>
<td></td>
<td>(3) The value of in-kind contributions applied; and</td>
</tr>
</tbody>
</table>

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If reports are prepared on a
... 
(4) The net increase (or decrease) in the amounts owed by the recipient for goods and other
property received, for services performed by employees, contractors, and other payees and
other amounts becoming owed under programs for which no current services or perform-
ance are required.

§ 603.1270 Grant.
A legal instrument which, consistent
with 31 U.S.C. 6304, is used to enter into
a relationship:
(a) The principal purpose of which is
to transfer a thing of value to the re-
cipient to carry out a public purpose of
support or stimulation authorized by a
law of the United States, rather than
to acquire property or services for the
Department of Energy’s direct benefit
or use.
(b) In which substantial involvement
is not expected between the DOE and
the recipient when carrying out the ac-
tivity contemplated by the grant.

§ 603.1275 In-kind contributions.
The value of non-cash contributions
made by a recipient or non-Federal
third parties toward cost sharing.

§ 603.1280 Institution of higher edu-
cation.
An educational institution that:
(a) Meets the criteria in section 101 of
the Higher Education Act of 1965 (20
U.S.C. 1001); and
(b) Is subject to the provisions of
OMB Circular A-110, “Administrative
Requirements for Grants and Agree-
ments with Institutions of Higher Edu-
cation, Hospitals, and Other Non-Profit
Organizations,” as implemented by the
Department of Energy at 10 CFR 600,
Subpart B.

§ 603.1285 Intellectual property.
Patents, trademarks, copyrights,
mask works, protected data, and other
forms of comparable property pro-
tected by Federal law and foreign
countries.

§ 603.1290 Participant.
A consortium member or, in the case
of an agreement with a single for-profit
entity, the recipient. Note that a for-
profit participant may be a firm or a
segment of a firm (e.g., a division or
other business unit).

§ 603.1295 Periodic audit.
An audit of a participant, performed
at an agreed-upon time (usually a reg-
ular time interval), to determine
whether the participant as a whole is
managing its Federal awards in com-
pliance with the terms of those awards.
Appendix A to this part describes what
such an audit may cover. A periodic
audit of a participant differs from an
award-specific audit of an individual
award (as defined in §603.1220).

§ 603.1300 Procurement contract.
A Federal Government procurement
contract. It is a legal instrument
which, consistent with 31 U.S.C. 6303,
reflects a relationship between the
Federal Government and a State, a
local government, or other non-govern-
ment entity when the principal purpose
of the instrument is to acquire prop-
erty or services for the direct benefit
or use of the Federal Government. See
the more detailed definition of the
term “contract” at 48 CFR 2.101.

§ 603.1305 Program income.
Gross income earned by the recipient
or a participant that is generated by a
supported activity or earned as a direct
result of a TIA. Program income in-
cludes but is not limited to: income
from fees for performing services; the
use or rental of real property, equip-
ment, or supplies acquired under a TIA;
and license fees and royalties on patents and copy-
rights. Interest earned on advances of
Federal funds is not program income.

§ 603.1310 Program official.
A Federal Government program man-
ger, project officer, scientific officer,
or other individual who is responsible
for managing the technical program