

## PARTS 2–24 [RESERVED]

### PART 25—UNIVERSAL IDENTIFIER AND SYSTEM FOR AWARD MANAGEMENT

#### Subpart A—General

- Sec.
- 25.100 Purposes of this part.
- 25.105 Types of awards to which this part applies.
- 25.110 Types of recipient and subrecipient entities to which this part applies.
- 25.115 Deviations.

#### Subpart B—Policy

- 25.200 Requirements for program announcements, regulations, and application instructions.
- 25.205 Effect of noncompliance with a requirement to obtain a unique entity identifier or register in the SAM.
- 25.210 Authority to modify agency application forms or formats.
- 25.215 Requirements for agency information systems.
- 25.220 Use of award term.

#### Subpart C—Definitions

- 25.300 Agency.
- 25.305 Award.
- 25.310 System of Award Management (SAM).
- 25.315 Unique entity identifier.
- 25.320 Entity.
- 25.325 For-profit organization.
- 25.330 Foreign public entity.
- 25.335 Indian Tribe (or “Federally recognized Indian Tribe”).
- 25.340 Local government.
- 25.345 Nonprofit organization.
- 25.350 State.
- 25.355 Subaward.
- 25.360 Subrecipient.

#### APPENDIX A TO PART 25—AWARD TERM

AUTHORITY: Pub. L. 109–282; 31 U.S.C. 6102.

SOURCE: 75 FR 55673, Sept. 14, 2010, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 25 appear at 79 FR 75879, Dec. 19, 2014.

#### Subpart A—General

##### § 25.100 Purposes of this part.

This part provides guidance to agencies to establish:

(a) The unique entity identifier as a universal identifier for Federal financial assistance applicants, as well as recipients and their direct subrecipients.

(b) The System for Award Management (SAM) as the repository for standard information about applicants and recipients.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014; 80 FR 54407, Sept. 10, 2015]

##### § 25.105 Types of awards to which this part applies.

This part applies to an agency’s grants, cooperative agreements, loans, and other types of Federal financial assistance included in the definition of “award” in § 25.305. The requirements in this part must be implemented for grants and cooperative agreements by October 1, 2010. The requirements in this part must be implemented for all other award forms listed in § 25.200 requirement at a date to be specified in the future.

##### § 25.110 Types of recipient and subrecipient entities to which this part applies.

(a) *General.* Through an agency’s implementation of the guidance in this part, this part applies to all entities, other than those exempted in paragraphs (b), (c), and (d) of this section, that—

(1) Apply for or receive agency awards; or

(2) Receive subawards directly from recipients of those agency awards.

(b) *Exemptions for individuals.* None of the requirements in this part apply to an individual who applies for or receives Federal financial assistance as a natural person (*i.e.*, unrelated to any business or non-profit organization he or she may own or operate in his or her name).

(c) *Exemptions for Federal agencies.* The requirement in this part to maintain a current registration in the SAM does not apply to an agency of the Federal Government that receives an award from another agency.

## § 25.115

(d) *Other exemptions.* (1) Under a condition identified in paragraph (d)(2) of this section, an agency may exempt an entity from an applicable requirement to obtain a unique entity identifier, register in the SAM, or both.

(i) In that case, the agency must use a generic unique entity identifier in data it reports to USASpending.gov if reporting for a prime award to the entity is required by the Federal Funding Accountability and Transparency Act (Pub. L. 109-282, hereafter cited as “Transparency Act”).

(ii) Agency use of a generic unique entity identifier should be used rarely for prime award reporting because it prevents prime awardees from being able to fulfill the subaward or executive compensation reporting required by the Transparency Act.

(2) The conditions under which an agency may exempt an entity are—

(i) For any entity, if the agency determines that it must protect information about the entity from disclosure, to avoid compromising classified information or national security or jeopardizing the personal safety of the entity’s clients.

(ii) For a foreign entity applying for or receiving an award or subaward for a project or program performed outside the United States valued at less than \$25,000, if the agency deems it to be impractical for the entity to comply with the requirement(s).

(3) Agencies’ use of generic unique entity identifier, as described in paragraphs (d)(1) and (2) of this section, should be rare. Having a generic unique entity identifier limits a recipient’s ability to use Governmentwide systems that are needed to comply with some reporting requirements.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

### § 25.115 Deviations.

Deviations from this part require the prior approval of the Office of Management and Budget (OMB).

## 2 CFR Ch. I (1–1–19 Edition)

### Subpart B—Policy

#### § 25.200 Requirements for program announcements, regulations, and application instructions.

(a) Each agency that awards types of Federal financial assistance included in the definition of “award” in § 25.305 must include the requirements described in paragraph (b) of this section in each program announcement, regulation, or other issuance containing instructions for applicants that either:

(1) Is issued on or after the effective date of this part; or

(2) Has application or plan due dates after October 1, 2010.

(b) The program announcement, regulation, or other issuance must require each entity that applies and does not have an exemption under § 25.110 to:

(1) Be registered in the SAM prior to submitting an application or plan;

(2) Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by an agency; and

(3) Provide its unique entity identifier in each application or plan it submits to the agency.

(c) For purposes of this policy:

(1) The applicant is the entity that meets the agency’s or program’s eligibility criteria and has the legal authority to apply and to receive the award. For example, if a consortium applies for an award to be made to the consortium as the recipient, the consortium must have a unique entity identifier. If a consortium is eligible to receive funding under an agency program but the agency’s policy is to make the award to a lead entity for the consortium, the unique entity identifier of the lead entity will be used.

(2) A “program announcement” is any paper or electronic issuance that an agency uses to announce a funding opportunity, whether it is called a “program announcement,” “notice of funding availability,” “broad agency announcement,” “research announcement,” “solicitation,” or some other term.

(3) To remain registered in the SAM database after the initial registration, the applicant is required to review and update on an annual basis from the

## OMB Guidance, Grants and Agreements

## § 25.305

date of initial registration or subsequent updates its information in the SAM database to ensure it is current, accurate and complete.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

### **§ 25.205 Effect of noncompliance with a requirement to obtain a unique entity identifier or register in the SAM.**

(a) An agency may not make an award to an entity until the entity has complied with the requirements described in § 25.200 to provide a valid unique entity identifier and maintain an active SAM registration with current information (other than any requirement that is not applicable because the entity is exempted under § 25.110).

(b) At the time an agency is ready to make an award, if the intended recipient has not complied with an applicable requirement to provide a unique entity identifier or maintain an active SAM registration with current information, the agency:

- (1) May determine that the applicant is not qualified to receive an award; and
- (2) May use that determination as a basis for making an award to another applicant.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

### **§ 25.210 Authority to modify agency application forms or formats.**

To implement the policies in §§ 25.200 and 25.205, an agency may add a unique entity identifier field to application forms or formats previously approved by OMB, without having to obtain further approval to add the field.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

### **§ 25.215 Requirements for agency information systems.**

Each agency that makes awards (as defined in § 25.325) must ensure that systems processing information related to the awards, and other systems as appropriate, are able to accept and use the unique entity identifier as the uni-

versal identifier for financial assistance applicants and recipients.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

### **§ 25.220 Use of award term.**

(a) To accomplish the purposes described in § 25.100, an agency must include in each award (as defined in § 25.305) the award term in appendix A to this part.

(b) An agency may use different letters and numbers than those in appendix A to this part to designate the paragraphs of the award term, if necessary, to conform the system of paragraph designations with the one used in other terms and conditions in the agency's awards.

## Subpart C—Definitions

### **§ 25.300 Agency.**

*Agency* means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

### **§ 25.305 Award.**

(a) *Award*, for the purposes of this part, means an award of Federal financial assistance that a non-Federal entity described in § 25.110(a) receives or administers in the form of—

- (1) A grant;
- (2) A cooperative agreement (which does not include a cooperative research and development agreement pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a));
- (3) A loan;
- (4) A loan guarantee;
- (5) A subsidy;
- (6) Insurance;
- (7) Food commodities;
- (8) A direct appropriation;
- (9) Assessed or voluntary contributions; or
- (10) Any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds.

(b) An *Award* does not include:

- (1) Technical assistance, which provides services in lieu of money; and
- (2) A transfer of title to Federally owned property provided in lieu of

## § 25.310

money, even if the award is called a grant.

### § 25.310 System of Award Management (SAM).

*System for Award Management* has the meaning given in paragraph C.1 of the award term in appendix A to this part.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014; 80 FR 54407, Sept. 10, 2015]

### § 25.315 Unique entity identifier.

*Unique entity identifier* has the meaning given in paragraph C.2 of the award term in appendix A to this part.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014]

### § 25.320 Entity.

*Entity*, as it is used in this part, has the meaning given in paragraph C.3 of the award term in Appendix A to this part.

### § 25.325 For-profit organization.

*For-profit organization* means a non-Federal entity organized for profit. It includes, but is not limited to:

- (a) An “S corporation” incorporated under Subchapter S of the Internal Revenue Code;
- (b) A corporation incorporated under another authority;
- (c) A partnership;
- (d) A limited liability corporation or partnership; and
- (e) A sole proprietorship.

### § 25.330 Foreign public entity.

*Foreign public entity* means:

- (a) A foreign government or foreign governmental entity;
- (b) A public international organization, which is an organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288–288f);
- (c) An entity owned (in whole or in part) or controlled by a foreign government; and
- (d) Any other entity consisting wholly or partially of one or more foreign governments or foreign governmental entities.

## 2 CFR Ch. I (1–1–19 Edition)

### § 25.335 Indian Tribe (or “Federally recognized Indian Tribe”).

*Indian Tribe* (or “*Federally recognized Indian Tribe*”) means any Indian Tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation (as defined in, or established under, the Alaskan Native Claims Settlement Act (43 U.S.C. 1601, *et seq.*)) that is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

### § 25.340 Local government.

*Local government* means a:

- (a) County;
- (b) Borough;
- (c) Municipality;
- (d) City;
- (e) Town;
- (f) Township;
- (g) Parish;
- (h) Local public authority, including any public housing agency under the United States Housing Act of 1937;
- (i) Special district;
- (j) School district;
- (k) Intrastate district;
- (l) Council of governments, whether or not incorporated as a nonprofit corporation under State law; and
- (m) Any other instrumentality of a local government.

### § 25.345 Nonprofit organization.

*Nonprofit organization*—

- (a) Means any corporation, trust, association, cooperative, or other organization that—
  - (1) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
  - (2) Is not organized primarily for profit; and
  - (3) Uses net proceeds to maintain, improve, or expand the operations of the organization.
- (b) Includes nonprofit—
  - (1) Institutions of higher education;
  - (2) Hospitals; and
  - (3) Tribal organizations other than those included in the definition of “Indian Tribe.”

**§ 25.350 State.**

*State* means—

- (a) Any State of the United States;
- (b) The District of Columbia;
- (c) Any agency or instrumentality of a State other than a local government or State-controlled institution of higher education;
- (d) The Commonwealths of Puerto Rico and the Northern Mariana Islands; and
- (e) The United States Virgin Islands, Guam, American Samoa, and a territory or possession of the United States.

**§ 25.355 Subaward.**

*Subaward* has the meaning given in paragraph C.4 of the award term in Appendix A to this part.

**§ 25.360 Subrecipient.**

*Subrecipient* has the meaning given in paragraph C.5 of the award term in Appendix A to this part.

## APPENDIX A TO PART 25—AWARD TERM

## I. SYSTEM FOR AWARD MANAGEMENT AND UNIVERSAL IDENTIFIER REQUIREMENTS

## A. Requirement for System for Award Management

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 SAM 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 unique entity identifier

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 unique entity identifier to you.
- 2. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

## C. Definitions

For purposes of this award term:

- 1. *System for Award Management (SAM)* 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 SAM Internet site (currently at <http://www.sam.gov>).

2. *Unique entity identifier* means the identifier required for SAM registration to uniquely identify business entities.

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 2 CFR 200.330).

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.

[75 FR 55673, Sept. 14, 2010, as amended at 79 FR 75879, Dec. 19, 2014; 80 FR 54407, Sept. 10, 2015]

## PARTS 26–169 [RESERVED]

## PART 170—REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION

## Subpart A—General

Sec.

- 170.100 Purposes of this part.
- 170.105 Types of awards to which this part applies.
- 170.110 Types of entities to which this part applies.
- 170.115 Deviations.

## Subpart B—Policy

- 170.200 Requirements for program announcements, regulations, and application instructions.