

USDA/FNS/WIC Federal Procurement Clauses, May 2025

2 CFR 200.315 Intangible property

(a) Title to intangible property acquired under a Federal award vests upon acquisition in the recipient or subrecipient. The recipient or subrecipient must use that intangible property for the originally authorized purpose and must not encumber the property without the approval of the Federal agency or pass-through entity. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in [§ 200.313\(e\)](#).

(b) To the extent permitted by law, the recipient or subrecipient may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal agency reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes and to authorize others to do so. This includes the right to require recipients and subrecipients to make such works available through agency-designated public access repositories.

(c) The recipient or subrecipient is subject to applicable regulations governing patents and inventions, including government-wide regulations in [37 CFR part 401](#).

(d) The Federal Government has the right to:

- (1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal award; and
- (2) Authorize others to receive, reproduce, publish, or otherwise use the data for Federal purposes.

2 CFR 200.317 Procurements by states

When conducting procurement transactions under a Federal award, a State or Indian Tribe must follow the same policies and procedures it uses for procurements with non-Federal funds. If such policies and procedures do not exist, States and Indian Tribes must follow the procurement standards in [§§ 200.318](#) through [200.327](#). In addition to its own policies and procedures, a State or Indian Tribe must also comply with the following procurement standards: [§§ 200.321](#), [200.322](#), [200.323](#), and [200.327](#). All other recipients and subrecipients, including subrecipients of a State or Indian Tribe, must follow the procurement standards in [§§ 200.318](#) through [200.327](#).

2 CFR 421.10 Drug-Free Workplace Act

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. 8101-8106](#), as amended, hereafter referred to as “the Act”) that applies to grants. It thereby—

- (a) Gives regulatory effect to the OMB guidance (Subparts A through F of [2 CFR part 182](#)) for USDA's grants and cooperative agreements; and
- (b) Establishes USDA policies and procedures for compliance with the Act that are the same as those of other Federal agencies, in conformance with the requirement in [41 U.S.C. 8106](#) for Governmentwide implementing regulations.

28 CFR Part 35, Title II, Subtitle A (Americans with Disabilities Act)

The purpose of this part is to implement subtitle A of title II of the Americans with Disabilities Act of 1990 ([42 U.S.C. 12131-12134](#)), as amended by the ADA Amendments Act of 2008 (ADA Amendments Act) ([Pub. L. 110-325](#), 122 Stat. 3553 (2008)), which prohibits discrimination on the basis of disability by public entities.

2 CFR 200 Appendix II (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)