| **COLUMN 1** | **COLUMN 2** | **COLUMN 3** |
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| **“Fixing America's Surface**  **Transportation Act” (“FAST Act”)**  **(Public Law 114-94)**  **Sec. 1121. Tribal Transportation**  **Self-Governance Program**  **(23 U.S.C. § 207) and related Statutes** | **PROPOSED REGULATION** | **COMMENTS** |
| Section 207(b)(1) establishes that eligibility to participate in the TTSGP is determined based upon a tribe's demonstration of "financial stability and financial management capability, and transportation program management capability."  As to financial stability/Management capability, the statute establishes a bright line test:  3 years with "no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe’s TTSGP compact or funding agreement. TTSGP compacts and funding agreements or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required financial stability and financial management capability."  Section 207(b)(2).  Given this is conclusive evidence, the regs should expressly state this standard in the Q&A. (This is being prepared by the Administration Workgroup)  As to Transportation program management capability,  Section 207(b)(3) states:  "The Secretary shall require an Indian tribe to demonstrate transportation program management capability, including the capability to manage and complete projects eligible under this title and projects eligible under chapter 53 of title 49, to gain eligibility for the program."  Under ISDEAA, a tribe must have financial, procurement and property management systems in place that meet the ISDEAA standards. Additionally, for procurement systems, the TTSGP does incorporate the Title V terms whereby FAR does not apply unless negotiated into an agreement: "Regarding construction programs or projects, the Secretary and Indian tribes may negotiate for the inclusion of specific provisions of division B (except sections 1123, 2303, 2304, and 2313) of subtitle I of title 41 and Federal acquisition regulations in any funding agreement entered into under this part. Absent a negotiated agreement, such provisions and regulatory requirements shall not apply."  25 USC 458aaa-9. (The Administration Workgroup has addressed this in its draft regulations) | General  **§ XXX.XXX — What is the purpose of this subpart?**  This subpart contains the minimum standards for the management systems used by Indian tribes or tribal organizations when carrying out TTSGP compacts and funding agreements. It provides standards for an Indian tribe or tribal organization's financial management system, procurement management system, and property management system.  **§ XXX.XXX — What program management requirements apply to Indian tribes or tribal organizations participating in the TTSGP?**  When carrying out TTSGP compacts and funding agreements, Indian tribes and tribal organizations shall develop, implement, and maintain systems that meet the minimum standards set forth in this subpart, unless one or more of the standards have been waived, in whole or in part.  **§ XXX.XXX — What provisions of 2 CFR Part 200 apply to TTSGP compacts and funding agreements?**  Tribes and tribal organizations are required to comply with the provisions of 2 C.F.R Part 200, including the provisions that make special accommodation for the operation of programs under the ISDEAA. Tribes are not required to comply with any provision of 2 CFR Part 200 that is not made expressly applicable to tribes administering PFSAs under the ISDEAA, including but not limited to, 2 CFR. Part 1201    **§ XXX.XXX – Are Indian tribes and tribal organizations required to comply with any other DOT or OMB regulations, guidance, policies, or circulars?**  No, unless agreed to by the Indian tribe or tribal organization in its TTSGP compact or funding agreement.  **§ XXX.XXX — Do these standards apply to the contractors of an Indian tribe or tribal organization?**  An Indian tribe or tribal organization has the authority to require that its contractors comply with some or all of the standards in this subpart when contractors are retained to assist the Indian tribe or tribal organization in carrying out a TTSGP compact or funding agreement.  **§ XXX.XXX — What is the difference between a standard and a system?**  **(a)** Standards are the minimum baseline requirements for the performance of an activity. Standards establish the “what” that an activity should accomplish.  **(b)** Systems are the procedural mechanisms and processes for the day-to-day conduct of an activity. Systems are “how” the activity will be accomplished.  **§ XXX.XXX — How are an Indian tribe's or tribal organization's management standards and management systems evaluated?**  Management systems are evaluated by an independent auditor through the annual single agency audit report that is required by the Single Agency Audit Act.  **§ XXX.XXX — When does the Secretary review the management systems of an Indian tribe or tribal organization participating in the TTSGP?**  **(a)** When the Indian tribe or tribal organization submits an initial request to enter into a TTSGP contract, the Indian tribe or tribal organization shall demonstrate to the Secretary that it has the management systems in place to meet the standards set forth in this subpart. The Secretary shall confirm in writing within ## days that the Indian tribe or tribal organization's management systems are sufficient to meet the standards in this subpart.  **§ XXX.XXX — How long must an Indian tribe or tribal organization keep management system records?**  The Indian tribe or tribal organization must retain records as required in 2 C.F.R. § 200.333.  STOPPED HERE 11-17-2016 (11:45am)  Standards for Financial Management Systems  **TO BE DEVELOPED AS HOMEWORK**  Standards for Financial Management Systems  **§ XXX.XXX — What are the general financial management system standards that apply to an Indian tribe carrying out a TTSGP compact or funding agreement?**  An Indian tribe shall expend and account for TTSGP funds in accordance with all applicable tribal laws, regulations, and procedures.  **§ XXX.XXX — What are the general financial management system standards that apply to a tribal organization carrying out a TTSGP compact or funding agreement?**  A tribal organization shall expend and account for TTSGP funds in accordance with the procedures of the tribal organization.  **§ XXX.XXX — What minimum general standards apply to an Indian tribe or tribal organization financial management systems when carrying out a TTSGP compact or funding agreement?**  The fiscal control and accounting procedures of an Indian tribe or tribal organization shall be sufficient to:  (a) Permit preparation of reports required by a TTSGP compact or funding agreement and the Act; and  (b) Permit the tracking of TTSGP funds to a level of expenditure adequate to establish that they have not been used in violation of any restrictions or prohibitions contained in any statute that applies to the TTSGP compact or funding agreement.  **§ XXX.XXX — What specific minimum requirements shall an Indian tribe or tribal organization's financial management system contain to meet these standards?**  An Indian tribe or tribal organization's financial management system shall include provisions for the following seven elements.  (a) Financial reports. The financial management system shall provide for accurate, current, and complete disclosure of the financial results of TTSGP compact or funding agreement activities.  (b) Accounting records. The financial management system shall maintain records sufficiently detailed to identify the source and application of TTSGP compact or funding agreement funds received by the Indian tribe or tribal organization. The system shall contain sufficient information to identify contract awards, obligations and unobligated balances, assets, liabilities, outlays, or expenditures and income.  (c) Internal controls. The financial management system shall maintain effective control and accountability for all TTSGP funds received and for all Federal real property, personal property, and other assets furnished for use by the Indian tribe or tribal organization under the TTSGP compact or funding agreement.  (d) Budget controls. The financial management system shall permit the comparison of actual expenditures or outlays with the amounts budgeted by the Indian tribe or tribal organization for each TTSGP compact or funding agreement.  (e) Allowable costs. The financial management system shall be sufficient to determine the reasonableness, allowability, and allocability of TTSGP compact or funding agreement costs based upon the terms of the TTSGP compact or funding agreement.  **§ XXX.XXX — What requirements are imposed upon the Secretary for financial management by these standards?**  The Secretary shall establish procedures, consistent with Treasury regulations as modified by the Act, for the transfer of funds from the United States to the Indian tribe or tribal organization in strict compliance with the TTSGP compact and funding agreement.  Procurement Management System Standards  **§ XXX.XXX — When procuring property or services with TTSGP funds, can an Indian tribe or tribal organization follow the same procurement policies and procedures applicable to other Indian tribe or tribal organization funds?**  Indian tribes and tribal organizations shall have standards that conform to the standards within this subpart. If the Indian tribe or tribal organization relies upon standards different than those described below, it shall identify the standards it will use as a proposed waiver in the initial TTSGP compact proposal or as a waiver request to an existing compact.  **§ XXX.XXX — If the Indian tribe or tribal organization does not propose different standards, what basic standards shall the Indian tribe or tribal organization follow?**  (a) The Indian tribe or tribal organization shall ensure that its vendors and contractors perform in accordance with the terms, conditions, and specifications of their purchase agreements, contracts,purchase orders, or other tribal procurement protocols.  (b) The Indian tribe or tribal organization shall maintain written standards of conduct governing the performance of its employees who award and administer contracts funded by a TTSGP compact or funding agreement.  (1) No employee, officer, elected official, or agent of the Indian tribe or tribal organization shall participate in the selection, award, or administration of a procurement supported by Federal funds if a conflict of interest, as defined in the tribe or tribal organizations conflict of interest policies, would be involved.  (2) An employee, officer, elected official, or agent of an Indian tribe or tribal organization, or of a contractor of the Indian tribe or tribal organization, is not allowed to solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, with the following exemptions. The Indian tribe or tribal organization may exempt a financial interest that is not substantial or a gift that is an unsolicited item of nominal value.  (3) These standards shall also provide for penalties, sanctions, or other disciplinary actions for violations of the standards.  (c) The Indian tribe or tribal organization shall review proposed procurements to avoid buying unnecessary or duplicative items and ensure the reasonableness of the price. The Indian tribe or tribal organization should consider consolidating or breaking out procurement to obtain more economical purchases. Where appropriate, the Indian tribe or tribal organization shall compare leasing and purchasing alternatives to determine which is more economical.  (d) The Indian tribe or tribal organization shall conduct all major procurement transactions by providing full and open competition, to the extent necessary to assure efficient expenditure of contract funds and to the extent feasible in the local area. Indian tribes or tribal organizations shall;  (1) develop their own procurement transaction thresholds including but not limited to micro-purchase, small purchase, or sole-source procurement transactions or;  (2) adopt the procurement transaction thresholds defined within 2 CFR. Part 200.  (e) The Indian tribe or tribal organization shall make procurement awards only to responsible entities who have the ability to perform successfully under the terms and conditions of the proposed procurement. In making this judgment, the Indian tribe or tribal organization may evaluate such factors as the contractor's integrity, its prior history of compliance with tribal and federal laws and permitting requirements, its record of past performance, its financial and technical resources, or any other relevant considerations.  (f) The Indian tribe or tribal organization shall maintain records fof all major procurement transactions. These records may include, but are not limited to, the rationale for the method of procurement, the selection of contract type, the contract selection or rejection, and the basis for the contract price.  (g) The Indian tribe or tribal organization is solely responsible, using good administrative practice and sound business judgment, for processing and settling all contractual and administrative issues arising out of a procurement.  **§ XXX.XXX — What Indian and tribal preference standards apply to TTSGP procurement transactions?**  The Act requires that tribes and tribal organizations apply an Indian preference in all procurement transactions. The Act recognizes the authority for tribes and tribal organizations to apply tribal preference to any procurement transaction in accordance with its own tribal law and policies.  **§ XXX.XXX — What terms and conditions must be included in contracts funded by a TTSGP compact or funding agreement?**  Each contract shall at a minimum:  (a) Be in writing;  (b) Identify the interested parties, their authorities, and the purposes of the contract;  (c) State the work to be performed under the contract;  (d) State the process for making any claim, the payments to be made, and the terms of the contract; and  (e) Be subject to Indian and tribal preferences to the extent required by the Act and this Part.  **§ XXX.XXX — What Federal laws and regulations apply to an Indian tribe's or tribal organization's contractors?**  Certain provisions of the Act and this Part, may apply to contracts funded by TTSGP compacts and funding agreements. As a result, contracts should contain a provision informing the contractor that their award is funded with TTSGP funds and that the contractor is responsible for identifying and ensuring compliance with applicable Federal laws and regulations.  Property Management System Standards  **§ XXX.XXX — What property management systems and standards apply when an Indian tribe carries out a TTSGP compact or funding agreement?**  An Indian tribe shall account for property purchased or otherwise acquired with TTSGP funds in accordance with all applicable tribal laws, regulations, and procedures.  **§ XXX.XXX — What property management systems and standards apply when a tribal organization carries out a TTSGP compact or funding agreement?**  A tribal organization shall account for property purchased or otherwise acquired with TTSGP funds in accordance with the procedures of the tribal organization.  **§ XXX.XXX — What is an Indian tribe or tribal organization's property management system expected to do?**  An Indian tribe or tribal organization's property management system shall account for all property furnished or transferred by the Secretary for use under a TTSGP compact or funding agreement or acquired with TTSGP compact funds. The property management system shall include requirements for the use, maintenance, and disposition of such property. :  **§ XXX.XXX — What type of property is the property management system required to track?**  The property management system of the Indian tribe or tribal organization shall track:  (a) Personal property with an acquisition value in excess of $5,000 per item;  (b) Sensitive personal property, which is all personal property that is subject to theft and pilferage, as defined by the Indian tribe or tribal organization; and,  (c) Real property provided by the Secretary for use under the contract.  **§ XXX.XXX — What kind of records shall the property management system maintain?**  The property management system shall maintain records that accurately describe the property, including any serial number or other identification number. These records should contain information such as the source, titleholder, acquisition date, cost, share of Federal participation in the cost, location, use and condition of the property, and the date of disposal and sale price, if any.  **§ XXX.XXX — Should the property management system prescribe internal controls?**  Yes. Effective internal controls should include procedures:  (a) For the conduct of periodic inventories;  (b) To prevent loss or damage to property; and  (c) To ensure that property is used for an Indian tribe or tribal organization's TTSGP compact or funding agreement(s) until the property is declared excess to the needs of the PSFAs assumed under the TTSGP compact, consistent with the Indian tribe or tribal organization's property management system.  **§ XXX.XXX — What are the standards for inventories?**  A physical inventory should be conducted at least once every 2 years. The results of the inventory shall be reconciled with the Indian tribe or tribal organization's internal property and accounting records.  **§ XXX.XXX — What maintenance is required for personal property?**  Subject to the availability of funding, required maintenance includes the performance of actions necessary to keep the personal property in a state of good repair for its expected useful life.  **§ XXX.XXX — What if the Indian tribe or tribal organization chooses not to take title to personal property furnished or acquired under the TTSGP compact or funding agreement?**  If the Indian tribe or tribal organization chooses not to take title to personal property furnished by the government or acquired with TTSGP funds, title to the personal property remains vested in the Secretary. A list of Federally-owned property to be used under the TTSGP compact shall be included in the funding agreement. End of Day (1) 12-6-2016  **§ XXX.XXX — Do the same accountability and control procedures described above apply to real and personal Federal property?**  Yes, except that requirements for the inventory and disposal of real and personal Federal property are different.  **§ XXX.XXX — How are the inventory requirements for real and personal Federal property different than for tribal property?**  There are three additional requirements:  (a) The Indian tribe or tribal organization shall conduct a physical inventory of the Federally-owned property and reconcile the results with the Indian tribe or tribal organization's property records annually, rather than every 2 years;  (b) Within 90 days following the end of a TTSGP compact , the Indian tribe or tribal organization shall certify and submit to the Secretary an inventory of all Federally-owned real and personal property used in carrying out PSFAs under TTSGP compact or funding agreements ; and  (c) The inventory submission provided to the Secretary at the end of the TTSGP compact shall identify any increase or decrease of $5,000 or more in the value of any item of real property.  **§ XXX.XXX — Is a facility located on tribal or individually owned trust land federal or tribal real property for the purpose of these inventory requirements?**  It is tribal real property.  **§ XXX.XXX — How does an Indian tribe or tribal organization dispose of Federal personal property?**  The Indian tribe or tribal organization shall report to the Secretary in writing any Federally-owned personal property that is worn out, lost, stolen, damaged beyond repair, or no longer needed for the performance of the PSFAs assumed under the TTSGP compact. After providing this report to the Secretary, an Indian tribe or tribal organization may dispose, by sale or otherwise, of any real or personal property with an asset value of less than $5,000 at its own discretion. For real or personal property with an asset value of $5,000 or more, the following shall apply;  (a) The Indian tribe or tribal organization shall state whether the Indian tribe or tribal organization wants to dispose of or return the property.  (b) If the Secretary does not respond within 60 days, the Indian tribe or tribal organization may, at its discretion, dispose of the property (including a sale of the property) or return the property to the Secretary, who shall accept transfer, custody, control, and responsibility for the property (together with all associated costs).  **§ XXX.XXX — How do these property management regulations relate to the regulations governing the return, sale or disposal of surplus or excess federal property?**  These property management regulations are not intended to conflict with the rights and responsibilities granted to Indian tribes and tribal organizations with regard to surplus and excess federal property. In the event that a conflict is claimed by the Secretary or an Indian tribe or tribal organization, the regulations governing surplus and excess federal property shall control. | The Title IV regulations contain terms on management systems that are fairly simple.  25 USC § 1000.396 states that a "Tribe/Consortium must maintain management systems that are determined to be adequate by an independent audit through the annual single agency audit report that is required by the Act and OMB Circular A-133."  The specific standards for these management systems are set forth in Title I of the ISDEAA regulations, 25 CFR Part 900, Subpart F. The Proposed regulations are modeled on the Part 900, Subpart F terms.  THIS Q&A SHOULD CROSS REFERENCE THE WAIVER PROVISION THAT HAS BEEN DRAFTED FOR THIS REGULATION.  THIS SET OF Q&As SHOULD INCLUDE THE STATUTORY INCORPORATION PROVISION THAT DEEMS OMB AND OTHER GUIDANCE INAPPLICABLE.  "Contractors" – this term may need definition – its broad meaning is intended here (anyone with an agreement with tribe to perform services)  BE SURE TO REVIEW THIS Q&A WITH THE ADMIN WG's PROVISIONS ON ELIGIBILITY PROCESS  AND ON THE DENIAL PROCESS?  CHECK WITH ADMIN WORKGROUP ON RECORDS RETENTION  Note: further investigate conflict of interest and definitions associated with tribes  25 CFR. 1000.460  42 CFR. 137.160  We need to cite the new ISDEAA code section here.  NOTE: The workgroup has had extensive discussion of concerns related to available funding sources for the maintenance of property  **§ 200.312 Federally-owned and exempt [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=1&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312).**  **(a)** Title to federally-owned [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=2&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) remains vested in the Federal Government. The [non-Federal entity](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e70d4d5b3d21f635ea2aec391214bde6&term_occur=1&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) must submit annually an inventory listing of federally-owned [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=3&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) in its custody to the [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=2&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312). Upon completion of the Federal award or when the [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=4&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) is no longer needed, the [non-Federal entity](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e70d4d5b3d21f635ea2aec391214bde6&term_occur=2&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) must report the [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=5&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) to the [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=1&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) for further [Federal agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b467b6bef43ffc6a4d3fc9c56efe37f3&term_occur=1&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) utilization.  **(b)** If the [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=3&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) has no further need for the [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=7&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312), it must declare the [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=6&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) excess and report it for disposal to the appropriate Federal disposal authority, unless the [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=4&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) has statutory authority to dispose of the [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=8&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) by alternative methods (e.g., the authority provided by the Federal Technology Transfer Act ([15 U.S.C. 3710](https://www.law.cornell.edu/uscode/text/15/3710) (i)) to donate research [equipment](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=b1658c99a7150eed9938e13b0cc5d5e6&term_occur=1&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) to educational and non-profit organizations in accordance with Executive Order 12999, “Educational Technology: Ensuring Opportunity for All Children in the Next Century.”). The [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=5&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) must issue appropriate [instructions](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=9061e1ac37d08217fd52c700dda430e6&term_occur=1&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) to the [non-Federal entity](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e70d4d5b3d21f635ea2aec391214bde6&term_occur=3&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312).  **(c)** Exempt federally-owned [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=9&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) means [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=10&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) acquired under a Federal award where the [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=6&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) has chosen to vest title to the [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=11&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) to the [non-Federal entity](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e70d4d5b3d21f635ea2aec391214bde6&term_occur=4&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) without further obligation to the Federal Government, based upon the explicit terms and conditions of the Federal award. The [Federal awarding agency](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a56842fe7ffc1adf97444068765fa6be&term_occur=7&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the Federal award, title to exempt federally-owned [property](https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=cd1b615176564046b0a6fa05da9b1aa8&term_occur=12&term_src=Title:2:Subtitle:A:Chapter:II:Part:200:Subpart:D:Subjgrp:30:200.312) acquired under the Federal award remains with the Federal Government.  [[78 FR 78608](http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=%7b2013%7d_register&position=all&page=78608), Dec. 26, 2013, as amended at [79 FR 75884](http://frwebgate.access.gpo.gov/cgi-bin/getpage.cgi?dbname=%7b2014%7d_register&position=all&page=75884), Dec. 19, 2014]  Note; drafting committee needs to establish uniform convention for referencing other provisions within these regulations |