

**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 Exceptions to which this part applies.

**Subpart B—Policy**

170.200 Federal awarding agency reporting requirements.

170.210 Requirements for notices of funding opportunities, regulations, and application instructions.

170.220 Award Term.

**Subpart C—Definitions**

170.300 Federal agency.

170.301 Federal awarding agency.

170.305 Federal award.

170.307 Foreign organization.

170.308 Foreign public entity.

170.310 Non-Federal entity.

170.315 Executive.

170.320 Federal financial assistance subject to the Transparency Act.

170.322 Recipient.

170.325 Subaward.

170.330 Total compensation.

**APPENDIX A TO PART 170—AWARD TERM**

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

SOURCE: 75 FR 55669, Sept. 14, 2010, unless otherwise noted.

**Subpart A—General****§ 170.100 Purposes of this part.**

This part provides guidance to Federal awarding agencies on reporting Federal awards to establish requirements for recipients' reporting of information on subawards and executive total compensation, as required by the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282), as amended by section 6202 of Public Law 110–252, hereafter referred to as “the Transparency Act”.

[85 FR 49525, Aug. 13, 2020]

**§ 170.105 Types of awards to which this part applies.**

This part applies to Federal awarding agency's grants, cooperative agreements, loans, and other forms of Federal financial assistance subject to the Transparency Act, as defined in § 170.320.

[85 FR 49525, Aug. 13, 2020]

**§ 170.110 Exceptions to which this part applies.**

(a) *General.* Through a Federal awarding agency's implementation of the guidance in this part, this part applies to recipients, other than those exempted by law or excepted in accordance with paragraphs (b) and (c) of this section, that—

(1) Apply for or receive Federal awards; or

(2) Receive subawards under Federal awards.

(b) *Exceptions.* (1) None of the requirements in this part apply to an individual who applies for or receives a Federal award as a natural person (*i.e.*, unrelated to any business or nonprofit organization he or she may own or operate in his or her name).

(2) None of the requirements regarding reporting names and total compensation of a non-Federal entity's five most highly compensated executives apply unless in the non-Federal entity's preceding fiscal year, it received—

(i) 80 percent or more of its annual gross revenue in Federal procurement contracts (and subcontracts) and Federal financial assistance awards subject to the Transparency Act, as defined at § 170.320 (and subawards); and

(ii) \$25,000,000 or more in annual gross revenue from Federal procurement contracts (and subcontracts) and Federal financial assistance awards subject to the Transparency Act, as defined at § 170.320; and

(3) The public does not have access to information about the compensation of senior executives, unless otherwise publicly available, 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.

(c) *Exceptions for classes of Federal awards or recipients.* OMB may allow exceptions for classes of Federal awards or recipients subject to the requirements of this part when exceptions are not prohibited by statute.

[85 FR 49525, Aug. 13, 2020]

### Subpart B—Policy

#### § 170.200 Federal awarding agency reporting requirements.

(a) Federal awarding agencies are required to publicly report Federal awards that equal or exceed the micro-purchase threshold and publish the required information on a public-facing, OMB-designated, governmentwide website and follow OMB guidance to support Transparency Act implementation.

(b) Federal awarding agencies that obtain post-award data on subaward obligations outside of this policy should take the necessary steps to ensure that their recipients are not required, due to the combination of agency-specific and Transparency Act reporting requirements, to submit the same or similar data multiple times during a given reporting period.

[85 FR 49525, Aug. 13, 2020]

#### § 170.210 Requirements for notices of funding opportunities, regulations, and application instructions.

(a) Each Federal awarding agency that makes awards of Federal financial assistance subject to the Transparency Act must include the requirements described in paragraph (b) of this section in each notice of funding opportunity, regulation, or other issuance containing instructions for applicants under which Federal awards may be made that are subject to Transparency Act reporting requirements, and is issued on or after the effective date of this part.

(b) The notice of funding opportunity, regulation, or other issuance must require each non-Federal entity that applies for Federal financial assistance and that does not have an exception under §170.110(b) to have the necessary processes and systems in place to comply with the reporting re-

quirements should they receive Federal funding.

[85 FR 49526, Aug. 13, 2020]

#### § 170.220 Award term.

(a) To accomplish the purposes described in §170.100, a Federal awarding agency must include the award term in appendix A to this part in each Federal award to a recipient under which the total funding is anticipated to equal or exceed \$30,000 in Federal funding.

(b) A Federal awarding agency, consistent with paragraph (a) of this section, is not required to include the award term in appendix A to this part if it determines that there is no possibility that the total amount of Federal funding under the Federal award will equal or exceed \$30,000. However, the Federal awarding agency must subsequently modify the award to add the award term if changes in circumstances increase the total Federal funding under the award is anticipated to equal or exceed \$30,000 during the period of performance.

[85 FR 49526, Aug. 13, 2020]

### Subpart C—Definitions

#### § 170.300 Federal agency.

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

[85 FR 49526, Aug. 13, 2020]

#### § 170.301 Federal awarding agency.

*Federal awarding agency* has the meaning given in 2 CFR 200.1.

[85 FR 49526, Aug. 13, 2020]

#### § 170.305 Federal award.

*Federal award*, for the purposes of this part, means an award of Federal financial assistance that a recipient receives directly from a Federal awarding agency.

[85 FR 49526, Aug. 13, 2020]

#### § 170.307 Foreign organization.

*Foreign organization* has the meaning given in 2 CFR 200.1.

[85 FR 49526, Aug. 13, 2020]