Grant Training

Module 1





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Module 1: Laws, Regulations, and Guidance

Terminal Objective

At the completion of this module, you will have knowledge of laws, regulations, policies, practices, and guidance for grant or cooperative agreement programs, including their legal order of precedence and their relevance to different recipient types.

Lessons included in Module 1 are:

- O Lesson 1: Statutes, Regulations, and Guidance
- O Lesson 2: Governing Regulations by Recipient Type



Select each lesson. Then, select Next to continue.



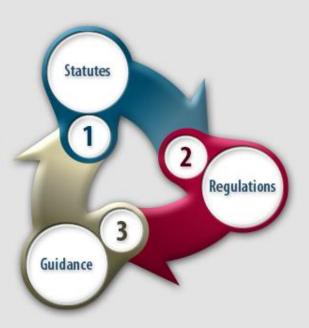


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Lesson 1: Statutes, Regulations, and Guidance

Lesson 1 includes the following:

- O Statutes and Authorization
- O Appropriation Law for Grants
- O Federal Agency Regulations and Grants Guidance
- O Executive Orders and the Role of the Office of Management and Budget (OMB)
- O Award Terms and Conditions
- O Legal Order of Precedence



Select each section. Then, select Next to continue.





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Statutes and Authorization

Objective

At the completion of this training, you will have a basic understanding of the terms:

- Statutes
- Authorization





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Statutes

Federal financial assistance is governed by Federal statutes as well as Federal agency regulations.

A Federal statute is a law enacted by Congress. It is the written will of Congress as expressed formally by an Act of Congress. These legislative acts become law with or without the approval of the President. Federal statutes may be published in two formats: public and private laws and codified law.

Most laws passed by Congress are public laws, which affect society as a whole. Each new statute is assigned a number according to its order of enactment within a particular Congress (e.g., the 4th public law enacted in the 113th Congress was numbered as Pub. L. 113-4). Private laws are enacted for the benefit of a named individual or entity. In contrast, public laws are of general applicability and permanent and continuing in nature. Public laws form the basis of the *United States* Code (U.S.C). In the U.S.C., statutes are grouped by subject into fifty titles, each consisting of chapters and sections.

Public and private laws may be found online through the U.S. Government Publishing Office's Federal Digital System (FDsys)

Reference: Congressional Research Service "Federal Statutes: What They Are and Where to Find Them."





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Authorization

Most Federal grant programs are created by an authorizing statute. This statute sets forth the purpose and requirements of the program. The statute may have time limits, such as 5 years, or may be indefinite.

If there are time limits, Congress may reauthorize the program to extend the time limit. If a program's authorizing legislation has expired, the program is still authorized if it receives an appropriation.



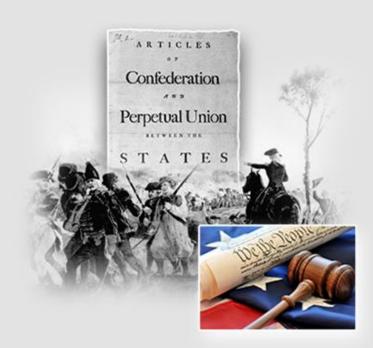


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Other Statutes

Other statutes may apply to grant programs generally or to specific activities under grant programs. Examples of these statutes include nondiscrimination requirements, drug-free workplace, and audits.

The statutes may apply to the Federal agencies and/or to the grantees. Examples of statutes which apply to the Federal agencies include paperwork reduction and environmental review of grant activities.



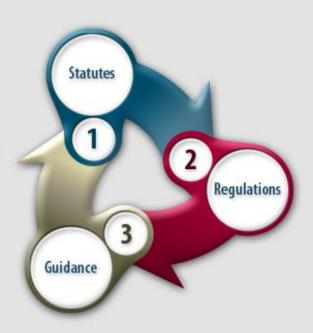


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Select each section. Then, select Next to continue.





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Appropriations Law for Grant Management

Objective

At the completion of this training, you will have a basic understanding of appropriations law.

- Introduction
- Types of Appropriations
- O Availability of Appropriations

For a brief summary of the rules for spending Federal money, look at the <u>Appropriations Law Brochure</u>. This brochure can be printed out and used as a reference tool.



Select each topic for more information, then select Next to continue.



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Introduction

Under the Constitution, Congress has the authority to make laws that authorize programs as well as appropriate funds to Federal agencies to carry out those programs. Under our system of government, Congress has the final word on how much money can be spent by a Federal agency on a specific program.

- Congress may give the executive branch considerable discretion concerning how to implement the laws and how to obligate and expend funds appropriated, but it is ultimately up to Congress to determine how much the executive branch can spend.
- Even when there is authorizing legislation, Congress must first appropriate funds to provide the funding for the program.





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Introduction (continued)

Congress makes funds available for obligation and expenditure by means of appropriation acts (or occasionally by other legislation). The appropriation act describes the purposes for which the funds may be used, the length of time the funds may remain available for these uses, and the maximum amount a Federal agency may spend on particular elements of a program. In this manner, Congress may use its appropriation power to accomplish policy objectives and to establish priorities among Federal programs.







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Appropriations Law for Grant Management

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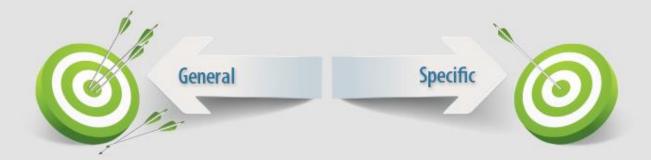


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Types of Appropriation

General appropriations: A general appropriation uses broader language that allows the funds to be obligated for several different purposes. For example, salaries and expenses of the Federal agency.

Reference: Principles of Federal Appropriations Law





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Types of Appropriation (continued)

Special or specific appropriation: A specific appropriation uses narrower language than a general appropriation to accomplish the specific project for which they were obligated. For example, disaster funding for Hurricane Sandy.

 If an agency has a specific appropriation for a particular item and also has a general appropriation broad enough to cover the same item, it does not have an option as to which to use. It must use the specific appropriation.

Reference: Principles of Federal Appropriations Law

General Specific



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Types of Appropriation (continued)

Supplemental appropriation: In some cases, there may be urgent need for further funding of a program or project that already received funding. Additional restrictions may be part of a supplemental appropriation. For example, grants for recovery from an unexpected natural disaster, such as Hurricane Sandy.

Reference: Principles of Federal Appropriations Law





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Types of Appropriation (continued)

Continuing appropriation/continuing resolution: Government Accountability Office defines this as "An appropriation act that provides budget authority for federal agencies, specific activities, or both to continue in operation when Congress and the President have not completed action on the regular appropriation acts by the beginning of the fiscal year."

For the most part, continuing appropriations are temporary (i.e. do not provide funding for an entire fiscal year). They are intended to keep existing federal programs functioning until Congress enacts regular appropriations.

Reference: Principles of Federal Appropriations Law





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Earmarks/Line-Item Appropriations

The Office of Management and Budget defines "earmarks" as funds provided by Congress for projects, programs, or grants where the purported Congressional direction circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process. For example, a specific infrastructure project for a jurisdiction.

The term "earmark" is used interchangeably with the term "lineitem".

References:

<u>Principles of Federal Appropriations Law</u>

Executive Order on Earmarks





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Knowledge Check

Match the type of appropriation with its description.

Description	Appropriation Type
Used when there is an urgent need for further funding of a program or project that already received funding.	*
Intended to keep existing federal programs functioning until regular appropriation acts is enacted.	~
Uses broader language that allows the funds to be obligated to several different purposes.	~
Cannot be expended except to accomplish the specific project for which they were obligated.	~



Check your Answer

Match the correct answers, and then select the Check your Answer button.





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Knowledge Check

Match the type of appropriation with its description.

Description	Appropriation Type
Used when there is an urgent need for further funding of a program or project that already received funding.	Supplemental Appropriations 🗸
Intended to keep existing federal programs functioning until regular appropriation acts is enacted.	Continuing Appropriations
Uses broader language that allows the funds to be obligated to several different purposes.	General Appropriations
Cannot be expended except to accomplish the specific project for which they were obligated.	Specific Appropriations



Check your Answer

Match the correct answers, and then select the Check your Answer button.





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Appropriations Law for Grant Management

Objective

At the completion of this training, you will have a basic understanding of appropriations law.

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Select each topic for more information, then select Next to continue.



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Availability of Appropriations

Funds must be "legally available" to be used. Funds are legally available if all of the following are met:

- The purpose is authorized
- The Federal agency obligates the funds within the time limits applicable to the appropriation
- The obligation and expenditure are within the amounts Congress has established.





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Purpose

As stated in Public Law 31 U.S.C. § 1301(a), "appropriations may be used only for the purpose(s) for which they were made."

This means that grant funds may be obligated and expended only for authorized grant purposes.

An "authorized grant purpose" is determined by examining the grant program statute, legislative history, and appropriation acts applicable to the program.





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Within the Time Limit

The placing of time limits on the availability of appropriations is one means of congressional control.

The period of availability of appropriated funds is the period of time provided by law in which the Federal agency has to obligate the funds (e.g., generally the funds are obligated when the Federal agency and recipient sign the grant agreement).

Funds must be obligated by the Federal agency within their period of availability.

Appropriations may be classified based on duration.

- One-year appropriation
- Multiple-year appropriation
- No-year appropriation



Select each appropriation classification for more information. Then, select Next to continue.



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Within the Amount Congress has Established

Congress determines how much the Federal agency can spend on a given program by stating the dollar amount in the appropriation act.



Select each type of appropriation for more information. Then, select Next to continue.

Progress



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Within the Amount Congress has Established (continued)

Antideficiency Act

The Antideficiency Act, 31 U.S.C. § 1341(a), prohibits Federal agencies from obligating or expending funds in excess of the appropriated amounts.

The Antideficiency Act is one of the primary "enforcement devices." It has been termed "the cornerstone of Congressional efforts to bind the Executive branch of government to the limits on expenditure of appropriated funds."

Its importance is underscored by both civil and criminal penalties for violation.





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Within the Amount Congress has Established (continued)

Antideficiency Act (continued)

The Antideficiency Act prohibits:

- Making or authorizing an expenditure from, or creating or authorizing an obligation under, any appropriation or fund in excess of the amount available in the appropriation or fund unless authorized by law. 31 U.S.C. § 1341(a)(1)(A)
- Involving the Federal Government in any contract or other obligation for the payment of money for any purpose in advance of appropriations made for such purpose, unless the contract or obligation is authorized by law. 31 U.S.C. § 1341(a)(1)(B)
- Accepting voluntary services for the United States, or employing personal services in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property. 31 U.S.C. § 1342
- Making obligations or expenditures in excess of an apportionment or reapportionment, or in excess of the amount permitted by agency regulations. 31 U.S.C. § 1517(a)

Poforonco: Drinciples of Fodoral Appropriations Law Select Next to continue.





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Within the Amount Congress has Established (continued)

Antideficiency Act (continued)

Federal employees who violate the Antideficiency Act are subject to two types of sanctions: civil and criminal.

Employees may be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office. In addition, employees may also be subject to fines, imprisonment, or both.

Thus there is personal liability for individuals obligating Federal funds.





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Knowledge Check

Funds are legally available when: (Select all that apply)

- A. The purpose is authorized
- The Federal agency obligates the funds within the time limits applicable to the appropriation
- The obligation and expenditure are within the amounts Congress has established.

Check your Answer





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Knowledge Check

Funds are legally available when: (Select all that apply)

- A. The purpose is authorized
- The Federal agency obligates the funds within the time limits applicable to the appropriation
- The obligation and expenditure are within the amounts Congress has established.

Check your Answer







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Knowledge Check

An "authorized grant purpose" is determined by examining:

(Select all that apply)

- A. Relevant program statute
- B. Legislative history of the program statute
- C. Public support for the program
- D. Appropriation acts applicable to the program

Check your Answer







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Knowledge Check

An "authorized grant purpose" is determined by examining:

(Select all that apply)

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- B. Legislative history of the program statute
- C. Public support for the program
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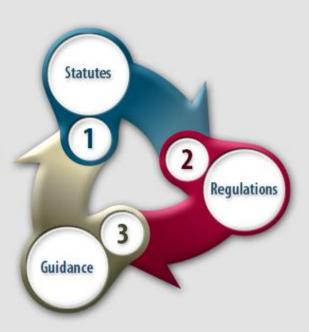


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Lesson 1: Statutes, Regulations, and Guidance

Lesson 1 includes the following:

- Statutes and Authorization
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- O Legal Order of Precedence



Select each section. Then, select Next to continue.





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Federal Agency Regulations

Objective

At the completion of this training, you will have a basic understanding of Federal agency regulations.

Topics in this section include:

- Federal Authority to Implement Statutes
- Federal Register
- Final Rule and Code of Federal Regulations
- Other Means of Implementation
- Grants Guidance





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Federal Agency Regulations

The Federal agency has the authority to implement statutes through regulations and other means. Typically, authorizing statutes only provide the basics of the grant program and the Federal agency provides the details through regulations. A regulation has the force and effect of law.

The rulemaking process is prescribed by the Administrative Procedures Act, 5 U.S.C. 551-559. The terms "regulation" and "rule" are used interchangeably. A regulation is the Federal agency's statement that implements, interprets, or prescribes law or policy. A regulation may also describe the organization, procedure, or practice requirements of the Federal agency.





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Federal Agency Regulations (continued)

The Federal agency publishes proposed regulations in the Federal Register for public review and comment. The Federal Register is a daily (Monday through Friday) publication printed and distributed by the Government Printing Office. The proposed regulation contains a preamble which explains the basis and purpose of the regulation.

The comment period is generally 30 to 60 days. Any interested person or organization may submit written comments.

The Federal agency considers the written comments and decides whether or not to revise its proposed regulation based on the comments. The preamble to the final rule gives the Federal agency's response to the comments and explains how the Federal agency resolved any significant problems raised by the comments in the final rule.





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Federal Agency Regulations (continued)

The final rule is published in the Federal Register, with an effective date, generally 30 days from the publication date.

The Federal agency can amend its regulations through the same process.

The regulations are codified in the Code of Federal Regulations, which the Government Printing Office updates and publishes annually. The Federal Register and Code of Federal Regulations are also available on the Government Printing Office's website.





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Other Means of Implementing Programs

The Federal agency may implement a program through means other than regulations. Because rulemaking is time-consuming, a Federal agency may decide to establish the requirements of a program in the notice inviting applications for program funds. The terms and conditions of the award contain the program requirements.





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Grants Guidance

The Federal agency may also provide written guidance for its programs. The guidance explains program requirements. Guidance documents may provide examples of ways a recipient can comply with requirements or recommended practices for carrying out grant activities. Guidance documents do not establish requirements.



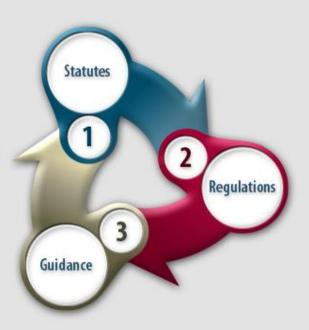


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Select each section. Then, select Next to continue.



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Executive Orders and the Role of the Office of Management and Budget

Objective

At the completion of this training, you will have a basic understanding of Executive Orders and the role of the Office of Management and Budget (OMB).

Topics in this section include:

- Executive Orders
- . The role of OMB





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Executive Orders

The United States President issues Executive Orders to manage the operations of the Executive branch of the Federal Government. An Executive Order is directed to one or more Federal agencies. Executive Orders do not apply to recipients.

If the Executive Order directs the Federal agency to impose requirements on grants, the Federal agencies must do this through rulemaking or other means to make the provisions of the Executive Order applicable to the grant program.





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Office of Management and Budget

The Office of Management and Budget (OMB) is part of the Executive Office of the President. It is the implementation and enforcement arm for Presidential policy government-wide. OMB carries out its mission through:

- 1. Budget development and execution
- 2. Management oversight of agency performance, Federal procurement, financial management, and information/Information Technology (including paperwork reduction, privacy, and security)
- 3. Coordination and review of all significant Federal regulations by Executive agencies, to reflect Presidential priorities and to ensure that economic and other impacts are assessed as part of regulatory decision-making, along with review and assessment of information collection requests
- 4. Legislative clearance and coordination (including Federal agency testimony and draft bills) to ensure consistency of agency legislative views and proposals with Presidential policy, and
- Executive Orders and Presidential Memoranda to agency heads and officials, the mechanisms by which the President directs specific government-wide actions by Executive Branch officials.

Executive Office of the President

Office of Management and Budget



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Knowledge Check

The _____ issues Executive Orders to manage the operations of the Executive branch of the Federal Government.

- A. Office of Management and Budget
- B. <u>United States President</u>
- C. Congress
- D. Department of Justice





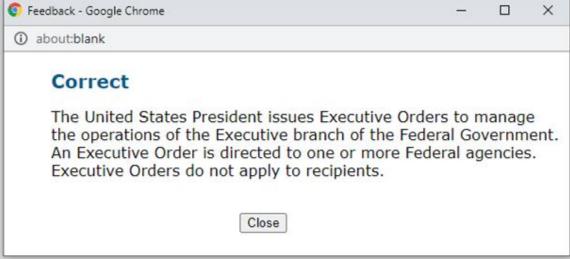
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Knowledge Check

The _____ issues Executive Orders to manage the operations of the Executive branch of the Federal Government.

- A. Office of Management and Budget
- B. United States President
- C. Congress
- D. Department of Justice







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Knowledge Check

The Office of Management and Budget is part of the Judicial Branch of United States Government. It is the implementation and enforcement arm for Presidential policy government-wide.

- A. True
- B. False



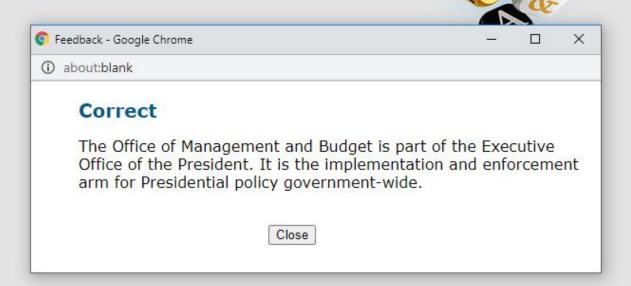


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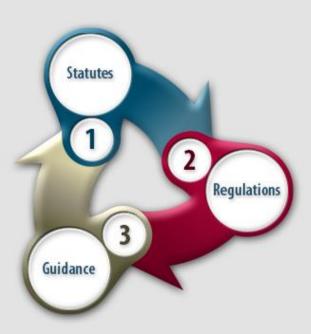


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Select each section. Then, select Next to continue.



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Award Terms and Conditions

Objective

At the completion of this training, you will have a basic understanding of the terms and conditions of award.

Topics in this section include:

- Grant Agreement or Cooperative Agreement
- · Terms and Conditions





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Grant Agreement or Cooperative Agreement

The grant agreement or cooperative agreement is a legal instrument of financial assistance between a federal awarding agency and the recipient that sets forth the information about the award and includes the terms and conditions of the award.

The principal purpose of a grant agreement or cooperative agreement is to carry out a public purpose authorized by a law of the United States (31 U.S.C. 6101(3)); and not to acquire property or services for the Federal awarding agency or recipient's direct benefit or use.

A cooperative agreement is distinguished from a grant in that it provides for substantial involvement between the Federal awarding or pass-through entity and the recipient in carrying out the activity contemplated by the Federal award.

Grant Agreement OR Cooperative Agreement?



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Grant Agreement or Cooperative Agreement (continued)

The terms and conditions of the award:

- Provide the administrative and programmatic requirements to which the recipient must comply
- Are based on the established policies of the Federal agency and (for awards made after December 26, 2014) the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200).

Grant Agreement OR **Cooperative Agreement?**



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Terms and Conditions of the Award

Some Federal agencies include the terms and conditions in the grant agreement or cooperative agreement. Others incorporate terms and conditions by reference to the Federal agency's web site.

Terms and conditions:

- Flow down to sub recipients of Federal financial assistance awards, unless otherwise noted.
- Contain the budget, spending limitations, and requirements for payments and reporting. They may also contain requirements prior Federal agency approvals.

Federal agenices typically apply general terms and conditions to all grants and cooperative agreements. They may also apply program-specific or award-specific terms and conditions to awards which are referred to as "special terms and conditions."





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Knowledge Check

The grant agreement or cooperative agreement between the Federal agency and the recipient is the legally binding agreement that sets forth the information about the award and includes the terms and conditions of the award.

- A. True
- B. False





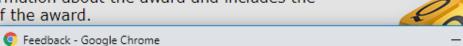
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Knowledge Check

The grant agreement or cooperative agreement between the Federal agency and the recipient is the legally binding agreement that sets forth the information about the award and includes the terms and conditions of the award.

- A. True
- B. False



(i) about:blank

Correct

The grant agreement or cooperative agreement between the Federal agency and the recipient is the legally binding agreement that sets forth the information about the award and includes the terms and conditions of the award.

The terms and conditions of the award:

- Provide the administrative and programmatic requirements to which the recipient must comply
- Are based on the established policies of the Federal agency and (for awards made after December 26, 2014) the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200).

Close

Select the correct answer

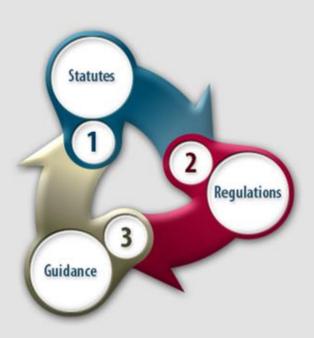


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Select each section. Then, select Next to continue.





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Legal Order of Precedence

Objective

At the completion of this training, you will be able to describe basic program requirements and their legal hierarchy as they apply to Federal awards.

Topics included in this section are:

- O Legal Order of Precedence
- Statutes



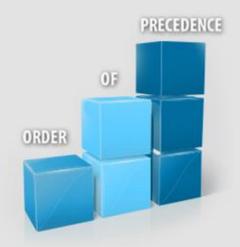
Select each topic to learn more, then select Next to continue.



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Legal Order of Precedence

With so many different statutes and regulations governing the use of Federal financial assistance, there can be confusion on what requirements take precedence. There is an order of precedence related to statutes, regulations, and other requirements which are enforceable to award recipients.





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Legal Order of Precedence (continued)

In the event of any inconsistency between provisions of the award, the inconsistency will be resolved by giving precedence in the following order:

- A. Applicable laws and states of the United States including an specific legislative provisions mandated in the statutory authority for the award.
- B. Code of Federal Regulations
- C. Standard Terms and Conditions
- D. Award Specifics Terms and Conditions
- E. Other documents and attachments







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Knowledge Check

Select the legal hierarchy (1-4) as it applies to grants management.

~	Government-wide requirements
~	Program specific requirements
~	The Consititution of the United States
~	Statutes

Check your Answer



Select the legal hierarchy (1-4) as it applies to grants management. After you finish, select Check your Answer. After reviewing the feedback, Select Next to continue.



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Knowledge Check

Select the legal hierarchy (1-4) as it applies to grants management.

Fourth 🗸	Government-wide requirements
Third 🗸	Program specific requirements
First 🗸	The Consititution of the United States
Second V	Statutes

Check your Answer



Select the legal hierarchy (1-4) as it applies to grants management. After you finish, select Check your Answer. After reviewing the feedback, Select Next to continue.



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Statutes

Statutes that apply to grants management include:

- O Paperwork Reduction Act of 1995 (P.L. 104-13)
- O Federal Program Information Act of 1984 (P.L. 98-169)
- O Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-08)
- O Freedom of Information Act of 1996 (FOIA)
- O Federal Funding Accountability and Transparency Act of 2006
- O Digital Accountability and Transparency Act of 2014



More information on additional statutes that apply to grants management can be found in the Appendix.

Select each statute for more information. Then, select Next to continue.



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Paperwork Reduction Act of 1995 (P.L. 104-13)

Statute/Act

The Paperwork Reduction Act (PRA) was designed to reduce the total amount of paperwork burden the Federal Government imposes on private businesses and citizens. It also established the requirement that will impose Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) to oversee Federal agencies' collection of information from the public and to establish information policies.

Federal Agency

The Federal agency must receive approval from OMB in the form of a "control number" - before issuing a paper form, website, survey or electronic data submission an information collection burden on ten or more persons (which is defined to include entities). People are not required to respond to collections that don't have a currently valid OMB control number.



Reference: Paperwork Reduction Act

More information



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Knowledge Check

The Act generally provides that every Federal agency must obtain approval from the Office of Management and Budget (OMB) before using identical questions to collect information from 10 or more persons.

- A. True
- B. False



Select each correct answer, and then select the Check your Answer button.



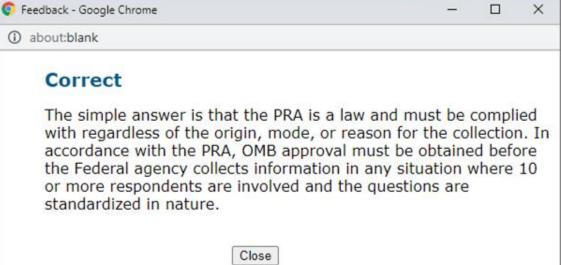
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Knowledge Check

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- A. True
- B. False





Select each correct answer, and then select the Check your Answer button.





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Federal Program Information Act of 1984 (P.L. 98-169)

Statute/Act

The Catalog of Federal Domestic Assistance (CFDA) is a government-wide compendium of Federal programsthat provide assistance or benefits to the American public. The program may in practice be called a program, project, service, activity, or some other name.

Federal Agency

Each funding program is required to have a CFDA number. The Federal agency must provide information in a specified format to the CFDA annually. The CFDA numbers must be included on:

- Notices of funding opportunities; and
- Award documents

Recipients must also provide the CFDA number to all subrecipients.

The CFDA number is also necessary for recipients, cubraciniante and





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Federal Program Information Act of 1984 (P.L. 98-169)

program, project, service, activity, | CFDA numbers must be or some other name.

included on:

- Notices of funding opportunities; and
- Award documents

Recipients must also provide the CFDA number to all subrecipients.

The CFDA number is also necessary for recipients, subrecipients, and auditors to comply with Single Audit requirements.

Reference: Federal Program Information Act

More Information

Exit Home







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Knowledge Check

The CFDA is one of the authoritative, governmentwide comprehensive sources of Federal financial assistance program information produced by the executive branch of the Federal government.

- A. True
- B. False



Select each correct answer, and then select the Check your Answer button.

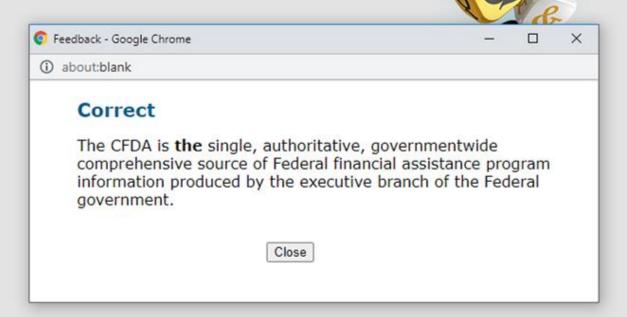


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Knowledge Check

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- A. True
- B. False



Select each correct answer, and then select the Check your Answer button.



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Statutes

Statutes that apply to grants management include:

- Paperwork Reduction Act of 1995 (P.L. 104-13).
- Federal Program Information Act of 1984 (P.L. 98-169)
- Pederal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-08)
- O Freedom of Information Act of 1996 (FOIA)
- O Federal Funding Accountability and Transparency Act of 2006
- O Digital Accountability and Transparency Act of 2014



More information on additional statutes that apply to grants management can be found in the Appendix.

Select each statute for more information. Then, select Next to continue.



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Federal Grant and Cooperative Agreement Act (FGCAA) of 1977

Statute/Act The Federal Grant and Cooperative Agreement Act of 1977 (FGCAA) defines the differences among grant agreements, cooperative agreements and procurement contracts. It provides criteria to use to determine which of the three legal instruments to use. It also encourages the use of competition.

The FGCAA is implemented through the selection of the appropriate legal instrument: grant agreement, cooperative agreement or contract. Funding opportunity notices often indicate which will be used. The program appropriations may preclude use of particular funding instruments.

Federal Agency

Federal Grant and Cooperative Agreement Act Grants (FGCAA) of 1977

Reference: USC 31

More Information



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Knowledge Check

The FGCAA: (Select all that apply)

- Defines the differences among grant agreements, cooperative agreements and procurement contracts
- Provides criteria to use to determine the appropriate funding instruments.
- C. Encourages the use of competition.

Check your Answer



Select each correct answer, and then select the Check your Answer button.



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Knowledge Check

The FGCAA: (Select all that apply)

- Defines the differences among grant agreements, cooperative agreements and procurement contracts
- Provides criteria to use to determine the appropriate funding instruments.
- C. Encourages the use of competition.

Check your Answer





Page 45 of 73

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Select each statute for more information. Then, select Next to continue.



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Freedom of Information Act of 1966 (FOIA)

Statute/Act	Federal Agency
The FOIA is overseen by the U.S. Department of Justice. It ensures people have a right, enforceable in court, to obtain access to Federal agency records, except to the extent that such records (or portions of them) are protected from public disclosure by one of nine exemptions or by one of three special law enforcement record exclusions.	A Federal agency must establish FOIA policies and processes. Each Federal agency posts information that is frequently requested under the FOIA on its website. Most Federal agencies have designated FOIA staff.

Reference: FOIA.gov.

More Information







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Knowledge Check

Under the FOIA, the Federal agency must disclose any information that is requested - unless that information is protected from public disclosure.

- A. True
- B. False



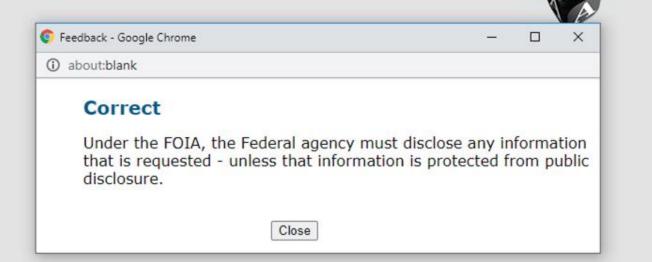


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Select each statute for more information. Then, select Next to continue.



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Federal Funding Accountability and Transparency Act (FFATA) of 2006, as Amended by the Government Funding Transparency Act of 2008

Federal Agency

Statute/Act This act was amended by the Government Funding Transparency Act of 2008, and is also known as FFATA or the Transparency Act. It required that OMB create a searchable, no-cost, publicly accessible website (http://usaspending.gov/) that includes basic information about the recipients, the subrecipients, and the projects being funded for grants, contracts, loans, awards, and cooperative agreements with individual transactions of over \$25,000. It was amended to require recipients to report information about executive compensation.

The Federal agency must submit data about relevant grants, loans, cooperative agreements, and contracts to USASpending.gov at least monthly, and communicate requirements to applicants and award recipients that award subgrants.



References:

FFATA Legislation

Implementation of the Federal Funding Accountability and Transparency Act of 2006 Select Next to continue.



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Federal Funding Accountability and Transparency Act (FFATA) of 2006, as Amended by the Government Funding Transparency Act of 2008 or the Transparency Act. It required that | about relevant

OMB create a searchable, no-cost, publicly accessible website (http://usaspending.gov/) that includes basic information about the recipients, the subrecipients, and the projects being funded for grants, contracts, loans, awards, and cooperative agreements with individual transactions of over \$25,000. It was amended to require recipients to report information about executive compensation.

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References:

FFATA Legislation

Implementation of the Federal Funding Accountability and Transparency Act of 2006

Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS)

More Information





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Knowledge Check

The purpose of Federal Funding Accountability and Transparency Act of 2006 is to: (Select all that apply)

- A. Increase transparency of Federal award spending
- Empower every American with the ability to hold the government accountable for each spending decision
 - Announce all Federal awards publicly and publish the
- C. required information on a publicly available OMBdesignated governmentwide Web site
 - Minimize transparency of and accountability for the over
 - D. \$1 trillion that Federal agencies award each year in contracts, loans, grants, and other awards.

Check your Answer







Page 55 of 73

Knowledge Check

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Page 45 of 73

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- O Digital Accountability and Transparency Act of 2014



More information on additional statutes that apply to grants management can be found in the Appendix.

Select each statute for more information. Then, select Next to continue.



FEDERAL GRANTS MANAGEMENT 101



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Digital Accountability and Transparency Act (DATA) of 2014 (P.L. 113-101)

Statute/Act

The DATA Act amends the Federal Funding Accountability and Transparency Act of 2006 (FFATA). It requires the Department of the Treasury and the White House Office of Management and Budget to improve and expand the data available on the publicly accessible website created under FFATA. Under the DATA Act, reporting is required for all awards.

Federal Agency

When implemented, Federal agencies will standardize and publish a variety of data related to spending: financial management, payments, budget actions, procurement, and assistance.

IN PROCESS: Between 2014 and 2017 Federal agencies will receive quidance, participate in pilots, provide quidance to staff and recipients, and ensure that the data reporting will meet the required standards





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Digital Accountability and Transparency Act (DATA) of 2014

(P. I. 113-101) Treasury and the White House Office of Management and Budget to improve and expand the data available on the publicly accessible website created under FFATA, Under the DATA Act, reporting is required for all awards.

data related to spending: financial management, payments, budget actions, procurement, and assistance.

IN PROCESS: Between 2014 and 2017 Federal agencies will receive guidance, participate in pilots, provide guidance to staff and recipients, and ensure that the data reporting will meet the required standards.



Reference: Digital Accountability and Transparency Act (DATA) of 2014

More Information



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Knowledge Check

Under the DATA Act, reporting is required only for awards made to State, Local, or Tribal governments.

- A. True
- B. False



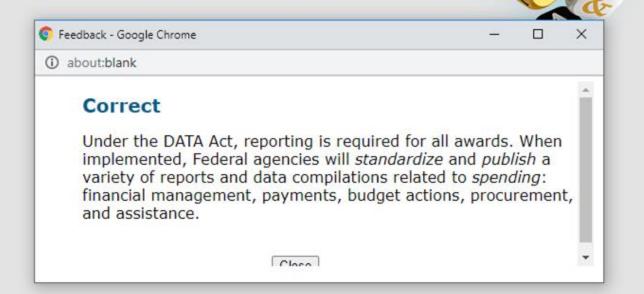


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Knowledge Check

Under the DATA Act, reporting is required only for awards made to State, Local, or Tribal governments.

- A. True
- B. False







Page 45 of 73

Statutes

Statutes that apply to grants management include:

- Paperwork Reduction Act of 1995 (P.L. 104-13)
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- Federal Funding Accountability and Transparency Act of 2006
- Digital Accountability and Transparency Act of 2014



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Select each statute for more information. Then, select Next to continue.



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Legal Order of Precedence

Objective

At the completion of this training, you will be able to describe basic program requirements and their legal hierarchy as they apply to Federal awards.

Topics included in this section are:

- Legal Order of Precedence
- Statutes



Select each topic to learn more, then select Next to continue.



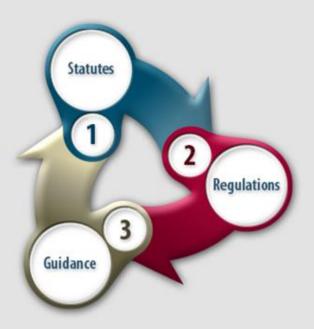


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Lesson 1: Statutes, Regulations, and Guidance

Lesson 1 includes the following:

- Statutes and Authorization
- Appropriation Law for Grants
- Federal Agency Regulations and Grants Guidance
- Executive Orders and the Role of the Office of Management and Budget (OMB)
- Award Terms and Conditions
- Legal Order of Precedence



Select each section. Then, select Next to continue.



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Module 1: Laws, Regulations, and Guidance

Terminal Objective

At the completion of this module, you will have knowledge of laws, regulations, policies, practices, and guidance for grant or cooperative agreement programs, including their legal order of precedence and their relevance to different recipient types.

Lessons included in Module 1 are:

- Lesson 1: Statutes, Regulations, and Guidance
- O Lesson 2: Governing Regulations by Recipient Type



Select each lesson. Then, select Next to continue.



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Lesson 2: Governing Regulations by Grantee Type

Objective

At the end of this lesson, you will be able to identify the different grantee types, as well as any specific grant regulations that apply to each grantee type.

The sections included in Lesson 2 are:

- Section 1: Introduction
- Section 2: Governing Regulations by Grantee Types



Select each section. Then, select Next to continue.



Page 4 of 73

Section 1: Introduction

Each grantee must comply with regulations governing:

- Cost Principles
- Administrative Requirements, and
- · Audit Requirements.

However, the requirements may vary depending on the type of grantee.

OMB Uniform Guidance Title 2 of the Code of Federal Regulations Part 200 (2 CFR Part 200), in combination with agency implementations of this Part and the terms and conditions of awards, provides information on the relevant requirements for each grantee.





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Introduction (continued)

Common grant requirements may vary depending on how a they were codified and implemented by each of the 26 Federal grant-making agencies. Awarding agencies have specific statutory and/or regulatory requirements, policies, and grant terms and conditions for various types of grantees (also referred to as non-Federal entities).

OMB maintains a <u>chart</u> which includes the locations of Federal agency codifications of these common rules:

- Administrative Requirements for State, Local, and Tribal Governments
- Administrative Requirements for Institutions of Higher Education (IHEs) and Nonprofits (2 CFR Part 215, formerly OMB Circular A-110)
- Nonprocurement Suspension and Debarment
- The Drug-Free Workplace Act, and
- The Byrd Anti-Lobbying Amendment

Reference: Codification of Governmentwide Grants Requirements by Department

Select Next to continue.

Codification of Governmentwide Grants Requirements by Department

Click here to be connected to the Code of Federal Reguli







Page 2 of 73

Lesson 2: Governing Regulations by Grantee Type

Objective

At the end of this lesson, you will be able to identify the different grantee types, as well as any specific grant regulations that apply to each grantee type.

The sections included in Lesson 2 are:

- Section 1: Introduction
- Section 2: Governing Regulations by Grantee Types



Select each section. Then, select Next to continue.



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Section 2: Governing Regulations by Grantee Type

The types of non-Federal entities governed by 2 CFR Part 200 include:

- State, Local, and Tribal Governments
- · Institutions of Higher Education (IHE) and Nonprofit Organizations
- Hospitals
- For-Profit Organizations
- · Foreign Public Entities
- Foreign Organizations
- Individuals



Tribal Governments



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State, Local, or Tribal Governments

Definition of State, Local, and Tribal Governments:

- State
- Local
- Tribal



Tribal Governments

Select each government type for more information. Then, select Next to continue.



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State (§200.90)

State government means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments (unless otherwise specified in programmatic statute).





Page 7 of 73

State, Local, or Tribal Governments

Definition of State, Local, and Tribal Governments:

- State
- Local
- Tribal



Tribal Governments

Select each government type for more information. Then, select Next to continue.

FEDERAL GRANTS MANAGEMENT 101



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Local Government (§200.64)

Local government means any unit of government within a State, including a:

- County
- Borough
- Municipality
- City
- Town
- Township
- Parish
- Local public authority, including any public housing agency under the United States Housing Act of 1937
- Special district
- School district
- Intrastate district



FEDERAL GRANTS MANAGEMENT 101



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Local Government (§200.64)

- Municipality
- · City
- Town
- Township
- Parish
- · Local public authority, including any public housing agency under the United States Housing Act of 1937
- · Special district
- · School district
- Intrastate district
- · Council of governments, whether or not incorporated as a nonprofit corporation under State law; and
- Any other agency or instrumentality of a multi-, regional, or intra-state or local government.





Page 7 of 73

State, Local, or Tribal Governments

Definition of State, Local, and Tribal Governments:

- State
- Local
- Tribal



Tribal Governments

Select each government type for more information. Then, select Next to continue.



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Tribal Governments

Government Indian Tribe (or "Federally recognized Indian Tribe") (§200.54)

Indian Tribe means any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Chapter 33), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b(e)).

Reference: Annually published Bureau of Indian Affairs list of Indian Entities Recognized and Eligible to Receive Services







Page 7 of 73

State, Local, or Tribal Governments

Definition of State, Local, and Tribal Governments:

- State
- Local
- Tribal



Tribal Governments

Select each government type for more information. Then, select Next to continue.



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Nonprofit Organizations (§200.70)

A nonprofit organization is defined as "any corporation, trust, association, cooperative, or other organization, not including institutions of higher education, that:

- Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest
- · Is not organized primarily for profit, and
- · Uses net proceeds to maintain, improve, or expand the operations of the organization."





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Institutions of Higher Education (§200.55)

An institution of higher education (IHE) is defined at 20 U.S.C. 1001 as a legally authorized, accredited, public or non-profit educational institution that admits persons having a certificate of graduation from a school providing a secondary education (i.e., high-school graduates or their equivalents) or individuals who meet the requirements of section 1091 (d).

Note: Program statutes may require specific accreditation.





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Hospitals (§200.52)

Hospital means a facility licensed as a hospital under the law of any State or a facility operated as a hospital by the United States, a State, or a subdivision of a State.

Hospitals follow a specific set of regulations for cost principles, established by the Department of Health and Human Services in 45 CFR Part 74, Appendix E - "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals" (Appendix IX to Part 200).





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For-profit Organization

For-profit organizations can receive grants and/or cooperative agreements, unless specifically excluded by statute. Agencies may apply the same or modified administrative requirements as other grantees (200.101(c)). However, the Uniform Guidance does not provide cost principles specifically applicable to grants to commercial organizations. Therefore, the cost principles set forth in Federal Acquisitions Regulations Systems 48 CFR 31.2 - Contracts with Commercial Organizations are typically used to determine allowable costs.

The Uniform Guidance Subpart F - Audit Requirements do not apply to for-profit entities. Agency regulations, policies and/or terms of award generally address audit requirements applicable to for-profit entities.







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Foreign Organizations

Foreign organizations can receive grants and/or cooperative agreements, unless specifically excluded by statute.

Agencies may apply the same or modified administrative requirements, cost principles and audit requirements as other grantees (200.101(c)).

However, always check each Agency's specific regulations in Subtitle B Federal Agency Regulations for Grants and Agreements.





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Individuals

Individuals can receive grants and/or cooperative agreements, unless specifically excluded by statute. Agencies may apply the same or modified administrative requirements as other grantees (200.101(c)).

However, the Uniform Guidance does not provide cost principles specifically applicable to grants to individuals.







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Knowledge Check

What are the different grantee types? (Select all that apply)

- A. State, Local, or Tribal Governments
- B. Non-Profit Organizations
- C. Institutions of Higher Education
- D. Individuals
- E. Hospitals
- Political Action Committees
- G. For-Profit Organizations

Check your Answer





Page 17 of 73

X

Knowledge Check

What are the different grantee types? (

- A. State, Local, or Tribal Governi
- B. Non-Profit Organizations
- C. Institutions of Higher Education
- D. Individuals
- Hospitals
- Political Action Committees
- G. For-Profit Organizations

Check your Answer

Incorrect

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(i) about:blank

You should have picked A, B, C, D, E and G. Political Action Committees are not an eligible grantee type.

Close

Select each correct answer, and then select



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Knowledge Check

Which of the grantee types follow unique regulations for cost principles? (Select all that apply)

- A. State, Local, or Tribal Governments
- B. Non-Profit Organizations
- C. Institutions of Higher Education
- D. Hospitals
- E. Commercial Organizations

Check your Answer





Page 18 of 73

Knowledge Check

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- C. Institutions of Higher Education
- D. Hospitals
- E. Commercial Organizations

Check your Answer

Incorrect

(i) about:blank

You should have picked D and E. Hospitals follow a specific set of regulations for cost principles, established by the Department of Health and Human Services in 45 CFR Part 74, Appendix E - Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals.

Close

Select each correct answer, and then select I

X