

**COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE
U.S. DEPARTMENT OF AGRICULTURE**

**SPECIAL TERMS AND CONDITIONS - D
GRANTEES WHO ARE INDIVIDUALS
TABLE OF CONTENTS**

<u>Article</u>	<u>Subject</u>	<u>Article</u>	<u>Subject</u>
1.	Applicability, Definitions, and CSREES Contact Persons	23.	RESERVED
2.	Assurance, Certification, and Order of Precedence	24.	Revisions to Approved Budget
3.	Project-related Standards, Administrative Provisions, and Federal Cost Principles	25.	Changes in Project Scope or Objectives
4.	RESERVED	26.	RESERVED
5.	Unallowable Costs	27.	RESERVED
6.	Current Research Information System (CRIS) Requirements (Forms AD-416 & AD-417)	28.	Other Administrative Changes
7.	Payments	29.	No-cost Extensions of Time
8.	Financial Reporting	30.	Inspection, Records Retention, and Access to Records
9.	Performance Monitoring	31.	Suspension or Termination of Grant
10.	Acknowledgment of Support and Disclaimer	32.	Certification of Non-Delinquency
11.	Patents, Inventions and Copyrights	33.	Certification Regarding Drug-free Workplace Requirements (Grants)
12.	Nonexpendable Equipment	34.	Debarment or Suspension Requirements
13.	Subcontractual Arrangements	35.	Certification Regarding Lobbying
14.	Banking Arrangements	36.	Research Involving Recombinant DNA or RNA Molecules
15.	RESERVED	37.	Human Subjects
16.	RESERVED	38.	Animal Welfare
17.	RESERVED	39.	National Environmental Policy Act (NEPA)
18.	Use of American-made Equipment or Products	40.	Genome Map and Sequence Data Disclosure
19.	Use of U.S. Flag Carriers	41.	Release of Information
20.	Project-related Income	42.	Federal Participation Disclosure
21.	RESERVED	43.	Maximum Obligation of CSREES
22.	Data Collection	44.	Grant Closeout

1. APPLICABILITY, DEFINITIONS, AND CSREES CONTACT PERSONS

a. Applicability. The terms and conditions contained herein to **research grants awarded to grantees who are individuals** by the Cooperative State Research, Education, and Extension Service (CSREES), U.S. Department of Agriculture, **under the authority of Sec. 2(b) and Sec. 2(c)(1)(A) of the Act of August 4, 1965, as amended, Pub. L. 89-106** (National Competitive Research Initiative Grants Program), and under any other statutory authority indicated in Block 16 of Form S&E-451, "Agreement Face Sheet."

b. Definitions. As used herein, the following terms shall have the meanings set forth below:

- (1) **Authorized Departmental Officer** - the person, acting within the scope of delegated authority, who is responsible for awarding and administering grants on behalf of the U.S. Department of Agriculture.

- (2) **Awardee/Grantee/Recipient** - synonymous terms referring to the individual who is the receiver of this grant award from CSREES and who is financially accountable for the use of any CSREES funds provided for the performance of this project and who is legally responsible for carrying out the terms and conditions of the grant.
- c. **CSREES Contact Persons.** Except as otherwise noted, questions relating to programmatic and administrative aspects of this grant should be referred to the appropriate contact person whose name and telephone number appears in Block 4 of Form S&E-451, "Agreement Face Sheet."

2. ASSURANCE, CERTIFICATION, AND ORDER OF PRECEDENCE

- a. **Assurance.** As a condition of this grant, the recipient assures and certifies that he/she is in compliance and will comply in the course of the agreement with applicable laws, regulations, Executive Orders and other generally applicable requirements, including those set out in 7 CFR Part 3015.205(b), which hereby are incorporated in this agreement by reference, and such other statutory provisions as are set forth herein.
- b. **Certification.** In accepting this grant award, the grantee certifies that he/she will ensure stewardship of Federal funds, will manage all aspects of the project in accordance with sound practices, and will comply with all applicable laws and regulations and the terms and conditions of this grant award as stated herein, including Form CSRS-665, "Assurance of Compliance with the Department of Agriculture Regulations under Title VI of the Civil Rights Act of 1964 (as amended)," which is incorporated into this award by reference and is made a part hereof.
- c. **Order of Precedence.** Where the terms, conditions, or other requirements relating to this grant conflict with each other, the following order of precedence shall apply:
- (1) The program legislation that authorized the grant.
 - (2) The special terms and conditions set forth herein.
 - (3) The general terms and conditions as set out in 7 CFR Part 3015.205.

3. PROJECT-RELATED STANDARDS, ADMINISTRATIVE PROVISIONS, AND FEDERAL COST PRINCIPLES

- a. **Project-Related Standards.** The research work performed under this grant must conform to high professional standards. Responsibility for carrying out the research and for ensuring that high standards are maintained rests solely with the grantee.
- b. **Administrative Provisions.** Administratively, this grant shall be governed to the extent applicable by the provisions of 7 CFR Part 3015, "Uniform Federal Assistance Regulations," 7 CFR Part 3017, "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-free Workplace (Grants)," 7 CFR Part 3018, "New Restrictions on Lobbying," and 7 CFR Part 3051, "Audits of Institutions of Higher Education and Other Nonprofit Institutions." Subawards at any tier shall be governed by the above regulations and, to the extent applicable, by OMB Circular No. A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations," in effect at the time of grant award.
- c. **Federal Cost Principles.** Allowable costs shall be determined in accordance with the legislation authorizing this grant as stated in Article 1.a., the purpose of the grant award, the terms and conditions of award as stated herein, and by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of type of award or tier (e.g., awardee, subrecipient) as in effect the approximate time of award:
- (1) **OMB Circular No. A-21**, "Cost Principles for Institutions of Higher Education."
 - (2) **OMB Circular No. A-87**, "Cost Principles for State and Local Governments" (including certain Indian tribal governments).
 - (3) **OMB Circular No. A-122**, "Cost Principles for Nonprofit Organizations" other than institutions of higher education (nonprofit

organizations excluded from coverage are listed in Attachment C to OMB Circular No. A-122).

- (4) **Federal Acquisition Regulations (48 CFR Subpart 31.2)** - Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically exempted from the provisions of OMB Circular No. A-122.
- (5) **45 CFR Part 74, Appendix E**, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals."

Costs which have been determined to be generally unallowable under this grant are listed in Article 5.

4. RESERVED

5. UNALLOWABLE COSTS

The following costs are unallowable under this grant unless otherwise permitted by law or approved in writing by the Authorized Departmental Officer in advance of incurring such costs:

- a. Costs above the amount of funds authorized for the project;
- b. Costs incurred prior to the effective date of the grant as specified in Block 7 of Form S&E-451;
- c. Costs incurred after the expiration date of the grant (including any approved no-cost extensions of time). However, grant funds may be expended after the expiration date to liquidate legitimate obligations incurred by the grantee on or before the expiration date;
- d. Costs which lie outside the scope of the approved project and any amendments thereto;
- e. Indirect costs of the grantee;
- f. Entertainment costs, regardless of their apparent relationship to project objectives;
- g. Compensation for injuries to persons or damage to property arising out of project activities;
- h. Consulting services performed by a Federal employee during official duty hours when such consulting services result in the payment of additional compensation to the employee; and
- i. Renovation or refurbishment of research or related spaces; the purchase or installation of fixed equipment in such spaces; and the planning, repair, rehabilitation, acquisition, or construction of buildings or facilities.

This listing is not exhaustive. Questions regarding the allowability of particular items of cost should be directed to the administrative contact person as indicated in Article 1.c.

6. CURRENT RESEARCH INFORMATION SYSTEM (CRIS) REQUIREMENTS (FORMS AD-416 & AD-417)

All **research** projects supported by USDA **must** be documented in the Current Research Information System (CRIS). Forms AD-416, "Research Work Unit/Project Description-Research Resume," and AD-417, "Research Work Unit/Project Description-Classification of Research," are required to establish this project in CRIS. Except as noted below, the main USDA contact for all CRIS documentation is:

Current Research Information System
Cooperative State Research, Education, and
Extension Service
U.S. Department of Agriculture
5th Floor, NAL Building
Beltsville, Maryland 20705
Telephone: (301) 504-6846

- a. **Initial Documentation in the CRIS Data Base**--CSREES is requiring that CRIS documentation for all **NEW** research projects be submitted before funds will be released. These forms (Forms AD-416 and AD-417) were either requested by the appropriate CSREES Program Manager or by the Awards Management Division (AMD). If the required forms have not yet been submitted, the grantee is encouraged to do so immediately in order to initiate this project in a timely manner. The forms should be faxed to the Awards Management Division at (202) 401-3237.

CSREES WILL NOT RELEASE FUNDS FOR THIS PROJECT UNTIL THE REQUIRED FORMS HAVE BEEN RECEIVED BY AMD.

If submitting the forms electronically, you may follow guidance provided by the CRIS office. They in turn will print a hard copy of the forms and fax them to AMD so that funds can be released.

Once the information is entered in the CRIS data base and an accession number is assigned, a copy of the two forms will be returned to the grantee organization by the CRIS office.

- b. **Annual CRIS reports.**

Each year that the project is active, the CRIS office will forward to the grantee Forms AD-419, "Research Work Unit/Project Description-Research Funds and Staff Support," and AD-421, "Research Work Unit/Project Description-Progress Report." Form AD-419 should be completed in accordance with instructions that accompany the form and should be returned to the CRIS office by December 15. See Article 9 for requirements concerning the completion and submission of Form AD-421.

- c. **Additional Information.**

If necessary, a Classification Manual or the CRIS software program may be obtained from the CRIS office at the telephone number listed above. Questions relating to the technical (i.e., scientific) portions of Forms AD-416 and AD-417 should be referred to the programmatic contact person whose name appears in Block 4 of Form S&E-451.

7. PAYMENTS

Advance payments will be made to the grantee throughout the life of this award up to the total amount of funds authorized for the project as stated in Block 13 of Form S&E-451. Such payments shall be made on a monthly basis and will be drawn in the name of the grantee and forwarded to the address shown in Block 2 of Form S&E-451. Unless other arrangements are made between the grantee and the Cooperative Funds Division, each payment will be calculated by dividing the total amount of this award by the total number of months that the project is scheduled to be active as indicated in Block 7 of Form S&E-451. Payments will commence as soon as practicable after grantee acceptance of this award as instructed in the grant award letter transmitting the award instrument and these terms and conditions. Questions relating to the financial arrangements outlined in this article should be referred to:

Cooperative Funds Division
Cooperative Management Staff, CSREES
U.S. Department of Agriculture
AG Box 0995
Washington, D.C. 20250-0995
Telephone: (202) 401-4527

No employer-employee relationship is expressed, represented or implied by virtue of this award. Therefore, no insurance, income taxes, social security, or other items will be withheld from monthly payments. The grantee is responsible for making appropriate arrangements for payment of all insurance, taxes, and other items in connection with funds received or monies owed as a result of this award. Specific questions in this regard should be referred to the proper private source, the Social Security Administration, and/or to the Internal Revenue Service, as appropriate.

8. FINANCIAL REPORTING

The grantee shall submit Standard Form (SF) 272, "Report of Federal Cash Transaction," and, when necessary, its continuation sheet, SF-272-A, to the Cooperative Funds Division at the address shown in Article 7 above. These reports will be used to monitor cash advanced to grantees and to obtain disbursement or outlay information for each grant.

Where this report is required, the computer-generated SF-272 will be forwarded to the grantee by the Cooperative Funds Division. It must be completed and the original of the form returned to the Cooperative Funds Division at the address shown in Article 7 no later than 15 working days following the end of each quarter.

A "Financial Status Report," SF-269, is required from the grantee 90 days after the grant expires and is explained in Article 44.a.

9. PERFORMANCE MONITORING

The grantee is responsible for monitoring day-to-day project performance and for reporting annual progress to CSREES. To assist in fulfilling this requirement, Form AD-421 will be forwarded annually to the grantee for completion and submission. Electronically transmitted reports are acceptable where such capability is available. Otherwise, an original and one copy of the form must be returned directly to the CRIS office at the address shown in Article 6.

Normally, **annual** performance reports are due 90 days after the grant's anniversary date. Where the requested due date for submission of Form AD-421 does not correspond to the usual 90-day schedule for performance reporting (due to the fixed nature of the CRIS reporting cycle and the variable nature of the grant reporting schedule), the grantee may use the CRIS cycle in lieu of the 90-day requirement. The grantee has the option of returning the completed Form AD-421 by January 1 of each year (covering the prior Federal fiscal year of October 1 through September 30) or by April 1 of each year (covering the prior calendar year).

Form AD-421 must include appropriate identifying data (the grantee's name, the grant number assigned to the project by CSREES, and the title of the project) as well as a summary of research results and conclusions. **In addition, the following information, when applicable, must be submitted on a separate page attached to Form AD-421:**

- a. A comparison of actual accomplishments with the goals established for the reporting period (where the output of the project can be expressed readily in numbers, a computation of the cost per unit of output should be submitted if the information is considered useful);
- b. The reasons for slippage if established goals were not met; and
- c. Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or unexpectedly high unit costs. In the year the grant is completed, Form AD-421 should be marked "Terminated" and the report should encompass progress made on the entire project instead of covering accomplishments only during the final reporting segment of the project. In addition to supplying the information required under a. through c. of this article, the final report must include the following when applicable:
- d. A disclosure of any inventions not previously reported that were conceived or first actually reduced to practice during the performance of work under this grant; (see Article 11 regarding Patents, Inventions, and Copyrights); and
- e. A written statement on whether or not the grantee elects (or plans to elect) to obtain patent(s) on any such invention(s).

Awards that produce plant or animal genome mapping or sequencing data have additional reporting requirements. See Article 40, "Genome Map and Sequence Data Disclosure."

For additional information concerning the final technical report, refer to Article 44.b.

In addition to any requirement under this article, three copies of any publications, reports, and news articles resulting from activities supported under this grant, as well as announcements, press releases, statements, and photographs depicting grant activities, should be sent to the CSREES programmatic contact.

The grantee shall notify CSREES immediately whenever events occur that could materially impact costs or the attainment of approved

project goals or completion schedules.

If this project involves subcontractual arrangements, the grantee shall be responsible for monitoring the performance of project activities under those arrangements to ensure that approved goals and schedules are met.

10. ACKNOWLEDGEMENT OF SUPPORT AND DISCLAIMER

The following acknowledgment of CSREES support must appear in the publication of any material which is based upon or developed under this grant:

"This material is based upon work supported by the Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, under Agreement No. (the grantee should enter the applicable grant number here)."

In addition, all publications and other materials, except scientific articles or papers published in scientific journals, must contain the following statement:

"Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture."

11. PATENTS, INVENTIONS, AND COPYRIGHTS

a. Patents and inventions. The clause found at 37 CFR 401.14 is incorporated into this grant by reference. Further, this clause shall be incorporated into all subcontracts or other subawards, regardless of tier, for experimental, developmental, or other research work. Terms used in 37 CFR 401.14 are defined as follows:

- (1) Invention is defined at 37 CFR Part 401.14(a)(1). This includes new gene maps or sequences;
- (2) Contractor means the grantee as identified on Form S&E-451;
- (3) Contract means this agreement; and
- (4) Federal Agency, Agency, or funding Federal Agency means the U.S. Department of Agriculture.

b. Communications:

- (1) The central point of contact within the U.S. Department of Agriculture for communications relating to the administration of this clause is:

Director, Planning and Accountability
Cooperative State Research, Education, and Extension Service, USDA
1400 Independence Avenue, S.W., STOP 2213
Washington, D.C. 20250-2213
Telephone: (202) 720-5623 Fax: (202) 720-7714
E-mail: rmacdonald@csrees.usda.gov

- (2) Disclosure statements pursuant to 37 CFR Part 401.14(c) shall be made through the Authorized Departmental Officer to:

Coordinator, National Patent Program
Agricultural Research Service, USDA
Room 401, Building 005, BARC-West
Beltsville, Maryland 20705

- (3) Practice statements pursuant to 37 CFR Part 401.14(h) shall be made to the Patent Coordinator in (2) above.

c. **Copyrights.** The provisions of 7 CFR Part 3015.175(b) are incorporated by reference.

12. NONEXPENDABLE EQUIPMENT

Nonexpendable equipment is defined as any item of tangible personal property having a useful life of more than two years and an acquisition cost of \$500 or more. The cost of an item of nonexpendable equipment is the net invoice unit cost of the item, including necessary modifications, attachments, accessories, etc., that make it usable for the purpose for which it was acquired, fabricated, or constructed. Other charges such as the cost of installation, transportation, taxes, insurance, and the like, may be included or excluded from the unit acquisition cost in accordance with generally accepted accounting practices.

The grantee is discouraged from purchasing nonexpendable equipment with grant funds. Where practicable he/she should plan to use equipment already available within the host university. However, if the purchase, fabrication, or construction of nonexpendable equipment becomes essential to the project, is otherwise unavailable, and is authorized under the approved grant or any modification thereto, title to such equipment shall vest in the Federal Government from date of acquisition. At the conclusion of the project or expiration of the grant period, title shall be transferred to the host university and the grantee shall deliver or cause said equipment to be delivered to the host university in accordance with instructions to be requested from and provided by the Authorized Departmental Officer.

The grantee is responsible for the proper use of nonexpendable equipment acquired in whole or in part with grant funds and shall establish necessary safeguards to protect it against theft or casualty while it is in his/her possession. When title is transferred as stated in the preceding paragraph, responsibility for the proper use and safeguarding of said equipment also will transfer. The grantee shall promptly report to the Authorized Departmental Officer any loss or theft of or serious damage to equipment purchased in whole or in part with funds provided by CSREES. (For further information, see 7 CFR Part 3015.169 and 7 CFR Part 3015.170.)

13. SUBCONTRACTUAL ARRANGEMENTS

None of the substantive programmatic work supported under this grant may be contracted or otherwise transferred to another party without prior written consent from the Authorized Departmental Officer. If this project involves subcontractual arrangements and such arrangements are authorized in the grant award document, the approved budget will so state. If authorization is withheld pending receipt of additional documentation relating to the proposed arrangements, the approved budget will contain a statement to this effect. To obtain authorization in this latter case, the grantee shall submit to CSREES a justification for the proposed subcontractual arrangements, a performance statement, and detailed budget for the subcontract.

In addition to minimum provisions that define a sound and complete agreement (including a description of the work to be undertaken, the period of performance, total cost, and payment provisions), all subcontractual arrangements must contain provisions that are consistent with the program legislation, other programmatic requirements, 7 CFR Part 3017.510(b) relating to the grantee's responsibilities in connection with debarment and suspension requirements (see Article 34 below), 7 CFR Part 3015, the applicable Federal cost principles (see Article 3 above), and any "flowdown" provisions required by the terms and conditions contained herein.

Consulting services and fees charged by the host university for the use of equipment, instrumentation, or facilities do not constitute the transfer of substantive programmatic work and therefore do not require special documentation as outlined above. A reasonable fee for these services is normally allowable and, if authorized, is included in the approved budget.

The grantee is responsible without recourse to CSREES regarding the settlement and satisfaction of all contractual and legal issues arising out of contracts, grants, or other instruments entered into between the grantee and third parties to carry out approved project activities. Matters concerning violation of law should be referred to the Federal, State, or local authority having proper jurisdiction.

NOTE: In conjunction with 7 CFR Part 3017.510(b), the grantee is required to include in all lower-tier covered transactions the clause contained therein and to obtain certification from all subcontractors. (other than Federal agencies) as to their status with regards to this provision. **Form AD-1048** may be used to satisfy the debarment or suspension requirement, and **Form CSRS-662** may be used to satisfy the recombinant DNA or RNA, human subjects, and/or animal welfare requirement(s). The certification **must be retained with the grantee's records** for this award. It is not necessary to furnish USDA a copy of this certification.

14. BANKING ARRANGEMENTS

Funds awarded under this grant shall be deposited in a separate bank account and CSREES shall be informed of the name and location of the bank and CSREES or its authorized representative(s) shall have access to and the right to examine these financial records as outlined in Article 30. In addition, arrangements must be reached between the grantee and the bank of deposit of these grant funds in accordance with the following: the account must be of a nature that permits the bank of deposit to return unused funds remaining in that account to CSREES in the event of the grantee's demise. However, CSREES should not be named as joint owner of such an account, but rather as beneficiary. These arrangements also must be reported to CSREES through the Authorized Departmental Officer.

15. RESERVED

16. RESERVED

17. RESERVED

18. USE OF AMERICAN-MADE EQUIPMENT OR PRODUCTS

Pursuant to Section 719(b) of Pub. L. 103-330, in the use of any equipment or product that may be authorized to be purchased with funds provided under this grant, entities receiving such funds are encouraged to use such funds to purchase only American-made equipment or products.

19. USE OF U.S. FLAG CARRIERS

If this project involves the use of air transportation to, from, between, or within a country other than the United States, and the cost of such transportation will be assisted in whole or in part by grant funds, the grantee is required to use U.S. flag carriers in accordance with the provisions of 7 CFR Part 3015.205(b)(4).

20. PROJECT-RELATED INCOME

- a. Program income.** Royalties or equivalent income earned on patents, inventions, and copyrighted works may be retained by the grantee. General program income earned during the period of CSREES support of this project may be added to the total project funds and used to further the objectives of this grant or the legislation under which this award is made. Disposition of program income earned by subawardees shall be determined in accordance with the grantee's own policies.
- b. Interest income.** Any interest or investment income earned by the grantee or any subawardee on advances of funds under this grant shall be promptly remitted to CSREES.

21. RESERVED

22. DATA COLLECTION

The provisions of 5 CFR Part 1320 apply if this grant involves the collection of identical information from ten or more non-Federal persons or organizations and the collection of information is sponsored by USDA. A collection of information undertaken by the grantee is considered to be "sponsored" by the Department if:

- a.** The grantee is collecting information at the specific request of the Department; or
- b.** The terms and conditions of the grant require specific Departmental approval for information collection or collection procedures.

Any data collection activities performed under this grant are the responsibility of the grantee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The grantee shall not represent to

respondents that such data are being collected for or in association with the U.S. Department of Agriculture or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.

23. RESERVED

24. REVISIONS TO APPROVED BUDGET

During project performance, circumstances occasionally arise that necessitate modifications to the approved budget. The grantee must obtain prior written approval from the Authorized Departmental Officer whenever a proposed budget revision will:

- a. Involve a significant deviation from the original allocation plan as stated in the approved budget (e.g., the purchase of an item of nonexpendable equipment that was not approved at the time of grant award; performance of foreign travel not approved at the time of grant award);
- b. Involve an item of cost that is restricted as a condition of grant award, including any contained herein; or
- c. Involve one or more costs whose general allowability is questionable according to the terms and conditions of grant award as stated herein.

Failure to obtain approval as outlined above may result in the disallowance of costs. No budget change will be authorized that is inconsistent with the program legislation, the purpose of this grant award, or the terms and conditions of the award as stated herein.

25. CHANGES IN PROJECT SCOPE OR OBJECTIVES

The grantee is authorized to make minor changes in the programmatic portion of this grant project without approval from the Authorized Departmental Officer (e.g., a shift in procedures to better accommodate approved project goals). Any programmatic change of a significant nature, however, requires a written request from the grantee and written approval from the Authorized Departmental Officer prior to implementation.

26. RESERVED

27. RESERVED

28. OTHER ADMINISTRATIVE CHANGES

If a change in research location becomes necessary during the life of this grant, the grantee must inform the programmatic contact shown in Block 4 of Form S&E-451, "Agreement Face Sheet".

29. NO-COST EXTENSIONS OF TIME

The grantee is encouraged to complete the project within the time frame specified in Block 7 on Form S&E-451. However, if additional time is needed to complete activities within the approved scope of work and within the limit of funds already provided, CSREES will consider a request signed by the grantee for a no-cost extension of time. The grantee shall prepare and submit a **written request (which must be received by the Awards Management Division, CSREES, no later than 30 days prior to the expiration date of the grant) to the Authorized Departmental Officer** at the address or facsimile phone number shown below:

Awards Management Division
Cooperative State Research, Education, and
Extension Service
U.S. Department of Agriculture
AG Box 2245

Washington, D.C. 20250-2245
Facsimile phone number: (202) 401-3237

The need for an extension of time must be adequately justified. The request should include the length of additional time for which the extension is needed, a summary of progress to date (a copy of the current Form AD-421 is acceptable), an estimate of funds expected to remain unobligated on the scheduled expiration date, and a projected timetable to complete the portion(s) of the project for which the extension is being requested. **The fact that funds remain unobligated at the expiration of the grant is not in itself sufficient justification for an extension.**

Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be considered. The duration of this grant, including any approved extensions of time, may not exceed five (5) years.

NOTE: Requests for no-cost extensions of time received after the expiration date of the grant normally will NOT BE HONORED. Only in extremely rare instances where there are exceptional extenuating circumstances will such requests even be considered.

30. INSPECTION, RECORDS RETENTION, AND ACCESS TO RECORDS

Work performed under this grant is subject to inspection and evaluation at all times by officials of CSREES, or any of their duly authorized representative(s), through such mechanisms as the review of performance reports and site visits. To the extent possible, any site visits will be made at mutually acceptable intervals and will be timed to avoid disruption to both the research and the grantee.

In addition, CSREES and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the right of access to any books, documents, papers, or other records of the grantee and, if applicable, to the records of any subawardee under this grant which are pertinent to the project for examination and audit purposes and to obtain excerpts and transcripts. Microfilm, microfiche, photographs, etc., may be substituted for original records.

Most financial records of the grantee, along with supporting documents, statistical records, and all other records pertinent to the project must be retained for a period of three years after submission and acceptance of the Standard Form 269, "Financial Status Report" (see Article 44.a.). However, certain kinds of records (e.g., those pertaining to litigation or audits) may require longer retention periods. Additional information relating to records retention may be obtained from the administrative contact person. (Also see 7 CFR Part 3015, Subpart D.)

31. SUSPENSION OR TERMINATION OF GRANT

If it is determined by CSREES that the grantee has not complied with the requirements of the program, the terms and conditions of the grant, or with CSREES reporting requirements, the Authorized Departmental Officer may provide the grantee with written notification of noncompliance, corrective action(s) that must be taken by the grantee to come into compliance, and the date by which such action(s) must be taken or evidence provided that required corrective action has been satisfactorily initiated. Failure to achieve or initiate compliance may result in suspension of payments or suspension or termination of the grant award in whole or in part, as appropriate.

Circumstances also may arise in which either the grantee or CSREES wishes to terminate performance under this grant in whole or in part. Where there is agreement between the grantee and CSREES that continuation of the project would not produce results commensurate with the further expenditure of funds, the project may be terminated by mutual agreement. The inability of the grantee to continue performance under this project (or to continue at the level of effort necessary to accomplish approved project objectives) is also grounds for termination; therefore, the Authorized Departmental Officer must be notified immediately whenever it becomes known that the grantee will be unable to continue project activities or will have to devote substantially less time to the effort than was anticipated at the time of grant award. Where a grant or a portion thereof is suspended or terminated, the grantee generally may not incur any new obligations and must take necessary action to cancel as many outstanding obligations as possible, although legitimate obligations incurred prior to the effective date of the suspension or termination will be honored. Detailed instructions will be provided to the grantee if suspension or termination occurs. (See 7 CFR Part 3015, Subpart N.)

32. CERTIFICATION OF NON-DELINQUENCY

In accordance with OMB Circular No. A-129, "Managing Federal Credit Programs," and the requirements contained in OMB Memorandum M-87-32, as implemented by 7 CFR Part 3, no award of Federal funds may be made to an applicant who is delinquent on a Federal debt until the delinquent account is made current or satisfactory arrangements are made between the affected agency and the debtor except where the award is required by law or approved by the head of the awarding agency. Therefore, the grantee certifies in accepting this award that he/she is not delinquent on any Federal debt.

As used herein, delinquency represents the failure to pay an obligation or debt by the date specified in the agency's initial written notification or applicable contractual agreement, unless other satisfactory payment arrangements have been made by that date, or if, at any time thereafter, the debtor fails to satisfy the obligations under a payment agreement with the credit agency. If the debtor fails to pay the debt by the specified date, when the debt is delinquent and the "date of delinquency" is the date given as the payment due date for contractual agreements or the day notification of the debt was mailed, as appropriate.

Examples of debts include but are not limited to audit disallowances (as evidenced by the grantee's receipt of a "Notice of Grants Cost Disallowance") that have not been repaid or that have not been resolved, guaranteed and direct student loans, housing loans, and benefit overpayments.

33. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)

USDA's implementation of Sections 5151-5160 of the Drug-Free Workplace Act of 1988 is contained in 7 CFR 3017, Subpart F, Section 3017.600, which requires that a proposed grantee certify that it will make a good faith effort to provide and maintain a drug-free environment by prohibiting illicit drugs in the workplace, providing employees with drug-free policy statements (including penalties for noncompliance), and establishing necessary awareness programs to keep employees informed about the availability of counseling, rehabilitation and related services. This is an overview of the certification only and is not intended or represented to be all inclusive. Exact wording appears in the implementing regulatory language referenced above.

34. DEBARMENT OR SUSPENSION REQUIREMENTS

USDA's implementation of Executive Order 12549, Debarment and Suspension, is contained in 7 CFR Part 3017, Subpart E, Section 3017.510(a), which requires that a proposed grantee certify that he/she and his/her principals, are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency, have not recently been convicted or indicted under criminal or civil statutes, etc. Precise wording appears in the implementing regulations referenced above.

In accordance with 7 CFR Part 3017.510(c), the grantee shall provide immediate written notice to the Authorized Departmental Officer if at any time the grantee learns that his/her certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Additionally, as indicated in Article 13, all lower-tier covered transactions or solicitations for lower-tier covered transactions must include certifications as to the lower-tier participants' status regarding this requirement. (Form AD-1048 may be used for this purpose and should be retained with the grantee's records for the prime grant.) As used herein, lower-tier covered transactions generally include:

- a. Any transaction (other than a procurement contract) for goods and services, regardless of type;
- b. Any procurement contract for goods and services, regardless of type, that is expected to equal or exceed the Federal cap on small purchases (currently, \$25,000); and
- c. Any procurement contract for goods and services, regardless of amount, under which the recipient will have a critical influence on or substantive control over the covered transaction (i.e., principal investigators and providers of Federally-required audit services).

NOTE: The above paragraphs in this article are intended to highlight certain requirements only. USDA implementing regulations covering debarment and suspension (7 CFR Part 3017, Subparts A-E) contain precise language and requirements.

35. CERTIFICATION REGARDING LOBBYING

Section 319 of Pub. L. No. 101-121 (31 U.S.C. 1352) effective December 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

Current and prospective recipients (and their subtier contractors and/or subgrantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement or loan. In addition, for each award action in excess of \$100,000 (\$150,000 for loans) recipients and their subtier contractors and/or subgrantees must: (1) certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) disclose the name, address, payment details, and purpose of any agreements with lobbyists for whom recipients or their subtier contractors and/or subgrantees have paid or will pay with profits or nonappropriated funds on or after December 23, 1989; and (3) file quarterly updates about the use of lobbyists if material changes have occurred. The law establishes civil penalties for noncompliance.

USDA regulations implementing Section 319 of Pub. L. 101-121 are contained in 7 CFR Part 3018 and have been published as an Interim Final Rule by the Office of Management and Budget as Part III of the February 26, 1990, Federal Register, pp. 6736-6756.

36. RESEARCH INVOLVING RECOMBINANT DNA OR RNA MOLECULES

If this project involves the use of recombinant DNA or RNA molecules, the grantee shall assume primary responsibility for complying with both the intent and procedures of the National Institutes of Health's (NIH) "Guidelines for Research Involving Recombinant DNA Molecules," as revised (see 7 CFR Part 3015.205(b)(3)). This responsibility includes:

- a. Ensuring that the research plan is reviewed and approved by an appropriate Institutional Biosafety Committee (IBC) prior to commencing substantive work under this grant. IBC action must be documented in Section A. of the Form CSRS-662, "Assurance Statement(s)." It is suggested that the grantee negotiate with the host university to have this service performed.
- b. Registering with the IBC all experiments involving recombinant DNA or RNA molecules conducted with funds provided under this grant and complying with the containment requirements specified in Part II of the NIH Guidelines. Records of this research must be kept in a form that is available to USDA upon request.

In addition, the grantee must report the following to USDA and to the reviewing IBC:

- a. New technical information relating to risks and safety procedures;
- b. Serious accidents or releases involving recombinant DNA or RNA.
- c. Serious illness of a laboratory worker which may be project-related.
- d. Other safety problems.

The completed and signed Form CSRS-662, "Assurance Statements," is required with new or revised projects submitted to CSREES for approval.

Additionally, all lower-tier covered transactions or solicitations for lower-tier covered transactions must include certifications as to the lower-tier participants' status regarding this requirement. (Form CSRS-662 may be used for this purpose and should be retained with the grantee's records for the prime grant.) As used herein, lower-tier covered transactions generally include:

- a. Any transaction (other than a procurement contract) for goods and services, regardless of type;
- b. Any procurement contract for goods and services, regardless of type, that is expected to equal or exceed the Federal cap on small purchases (currently, \$25,000); and
- c. Any procurement contract for goods and services, regardless of amount, under which the recipient will have a critical influence on or

substantive control over the covered transaction (i.e., principal investigators and providers of Federally-required audit services).

37. HUMAN SUBJECTS

The grantee is responsible for protecting the rights and welfare of any experimental human subjects involved in research or related activities. If this project involves the use of human subjects, the grantee agrees to comply with the Department of Health and Human Services' regulations on the protection of human subjects as set forth in 45 CFR Part 46 and USDA requirements as set forth in 7 CFR Part 1c, implementation of the Federal Policy for the Protection of Human Subjects. It is suggested that the grantee consult with the host university regarding the details of these requirements.

Grantee responsibility includes ensuring that the project:

- a. Can in no way be considered a risk to the human subjects; or
- b. Is reviewed and approved by an institutional committee in accordance with institutional assurance approved by USDA and/or DHHS.

Certification of no risk or committee approval must be documented in Section C. of the Form CSRS-662, "Assurance Statement(s)." The completed and signed Form CSRS-662, "Assurance Statement(s)," is required with new or revised projects submitted to CSREES for approval.

Additionally, all lower-tier covered transactions or solicitations for lower-tier covered transactions must include certifications as to the lower-tier participants' status regarding this requirement. (Form CSRS-662 may be used for this purpose and should be retained with the grantee's records for the prime grant.) As used herein, lower-tier covered transactions generally include:

- a. Any transaction (other than a procurement contract) for goods and services, regardless of type;
- b. Any procurement contract for goods and services, regardless of type, that is expected to equal or exceed the Federal cap on small purchases (currently, \$25,000); and
- c. Any procurement contract for goods and services, regardless of amount, under which the recipient will have a critical influence on or substantive control over the covered transaction (i.e., principal investigators and providers of Federally-required audit services).

38. ANIMAL WELFARE

The responsibility for the humane care and treatment of laboratory animals used in any research project supported with grant funds provided by CSREES rests with the grantee. If this grant involves research using laboratory animals, all key personnel identified in the approved project are required to comply with the Animal Welfare Act (Pub. L. No. 89-544, 1966, as amended, Pub. L. No. 91-579, Pub. L. No. 94-279, and Pub. L. No. 99-198, 7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture in 9 CFR Parts 1, 2, 3 and 4 pertaining to the care, handling, and treatment of vertebrate animals held or used for research, teaching, or other activities supported by Federal awards. In the case of laboratory animals used or intended for use in CSREES-administered research, the grantee shall adhere to the principles enunciated in the Guide for the Care and Use of Laboratory Animals described in NIH Publication No. 86-23 (Revised, 1985), and to the USDA regulations and standards issued under the public laws stated above. In case of conflict, the higher standard shall be used.

The grantee may wish to consult with the host university in applying the regulations named in this article. Copies of the regulations themselves may be obtained from the administrative contact person listed in Block 4 of Form S&E-451.

Grantee responsibility includes ensuring that the project:

- a. Is in compliance with the Animal Welfare Act of 1966 and 9 CFR Subchapter A (Laboratory Animals), as amended.
- b. Is reviewed and approved by the Institutional Animal Care and Use Committee. Certification or committee approval must be documented in Section B. of the Form CSRS-662, "Assurance Statement(s)." The completed and signed Form CSRS-662, "Assurance Statement(s)," is required with new or revised projects submitted to CSREES for approval.

Additionally, all lower-tier covered transactions or solicitations for lower-tier covered transactions must include certifications as to the lower-tier participants' status regarding this requirement. (Form CSRS-662 may be used for this purpose and should be retained with the grantee's records for the prime grant.) As used herein, lower-tier covered transactions generally include:

- a. Any transaction (other than a procurement contract) for goods and services, regardless of type;
- b. Any procurement contract for goods and services, regardless of type, that is expected to equal or exceed the Federal cap on small purchases (currently, \$25,000); and
- c. Any procurement contract for goods and services, regardless of amount, under which the recipient will have a critical influence on or substantive control over the covered transaction (i.e., principal investigators and providers of Federally-required audit services).

39. THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

- a. The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*) establishes national policies and goals for the protection of the human environment. USDA's implementation of NEPA is contained in 7 CFR Part 3407.
- b. All CSREES actions will be analyzed by the appropriate CSREES program manager to determine whether the project under consideration will have a significant environmental effect prior to recommending to the official responsible for awarding a grant that the action be undertaken. Actions which do not require the preparation of an environmental assessment (EA) or Environmental Impact Statement (EIS) are those actions which ordinarily do not have significant individual or cumulative effect on the quality of the human environment. An EIS normally will be required for major actions where it is determined by CSREES that such activity will significantly affect the quality of the human environment.
- c. When a grantee is required to submit environmental data to CSREES, including preparation of an EA, CSREES shall provide instructions to the grantee relating to the preparation and submission of the required information.

40. GENOME MAP AND SEQUENCE DATA DISCLOSURE

- a. Grant recipients are required to promptly disclose to the Government any new gene maps or sequences developed or discovered under this grant pursuant to 37 CFR Part 401.14(c)(1). See Article 11.b. of the "Special Terms and Conditions." Grantees should mark these submissions confidential, as appropriate.
- b. Within two years of such disclosure, a recipient may elect to file for a patent(s). After the two-year election period, the recipient must either file for a patent(s) within one year, or notify this agency of its intentions pursuant to 37 CFR Part 401.14(c)(2) and (3). If the recipient fails to either 1) notify the Government of its intentions or 2) exercise its option to file for a patent within the specified time periods, then the Government may exercise its right of ownership pursuant to 37 CFR Part 401.14(d)(1) and (2).
- c. The Government shall not be entitled to publicly disclose or publish research results except under any one of the following circumstances:
 - (1) The grant recipient publicly discloses or gives permission for publication; or
 - (2) The grant recipient does not elect to file for a U.S. patent on such results, pursuant to 37 CFR Part 401.14(c)(2) and (3); or
 - (3) After the grant recipient files for a U.S. patent pursuant to 37 CFR Part 401.14(c)(3)."Publications" include publicly accessible data bases such as Genbank; and "research results" include genome maps and sequences.
- d. **Special Reporting Requirements.** In addition to any disclosures required under Article 11.b., the following information identified in (1) below shall be forwarded, in the indicated format, to the appropriate address identified in (2) below:

(1) Information Applicable to Genome Research

Date:

Investigator's name, institutional address, telephone and Fax numbers:

USDA Grant Number:

Type of map (genetic, RFLP, RAPD, physical, etc.):

Genus and species and common name if applicable:

Trait(s):

Brief description of the map:

Has a DNA sequence been obtained?

If no, no further information is required.

If yes, and the sequence is fewer than 50 base pairs, indicate the amount of sequence.

If yes, and the sequence is more than 50 base pairs, the sequence **must** be submitted to Genbank (see e. below).

Indicate that this has been done: _____

OR

this will be done: _____ (Notify the appropriate address below when the sequence **is** submitted.)

Indicated whether or not you intend to file for a patent. Yes, no, or undecided: _____.

(2) Mailing Addresses

For mammals, aquatic species, insects and animal related microbes:

USDA Animal Genome Research Program Leader
USDA/CSREES
AG Box 2220
Washington, D.C. 20250-2220

For plants, higher and lower phyla:

USDA Plant Genome Research Program
USDA/ARS
Bldg. 005, Room 331-C, BARC-West
Beltsville, Maryland 20705

e. The date of submission to Genbank required under d.(1) shall be the same as the date of the Government's right to publish as indicated in c. above. Submission of data to Genbank is without charge. Information concerning Genbank submission protocols may be obtained directly from Genbank by calling 1-800-477-2459.

f. Recipients who are required to submit genome sequencing information to Genbank must report this fact as part of the final technical

report. See Article 9., "Performance Monitoring," and Article 44., "Grant Closeout."

- g.** The Cooperative State Research, Education, and Extension Service generally advocates and encourages open scientific communication. It expects investigators to share with other researchers, as expeditiously as possible, the data, samples, physical collections, and other supporting materials created or gathered in the course of the work; and encourages awardees to share software and inventions, once appropriated protection for them has been secured.

41. RELEASE OF INFORMATION

The Freedom of Information Act of 1966 (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a), as implemented by USDA's regulations (7 CFR Part 1.1) and supplemented by CSREES regulations found at 7 CFR Part 3404, shall govern the release or withholding of information to the public in connection with this grant project. The release of information under these laws and regulations applies only to records held by CSREES and imposes no requirement on the grantee or on any subrecipient to permit or deny public access to their records. Requests for records or the release of information relating to this grant should be directed to:

FOIA Coordinator
Information Staff, ARS
U.S. Department of Agriculture
Room 450
6303 Ivy Lane
Greenbelt, Maryland 20770
Telephone: (301) 344-2207

The regulations cited herein do not affect retention periods for project-related records or rights of access to such records or documents by CSREES, the Comptroller General, or their authorized representatives as stated in Article 30.

42. FEDERAL PARTICIPATION DISCLOSURE

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, are statutorily required to clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

43. MAXIMUM OBLIGATION OF CSREES

The maximum financial obligation of CSREES under this grant is the amount of funds **authorized** for the award, including any incrementally funded award (e.g., renewal or continuation award). This amount is stated on the award instrument and on the approved budget. However, in the event that an erroneous amount is stated on the award instrument, the approved budget, or any supporting document relating to this grant, CSREES shall have the unilateral right to make the correction and to make an appropriate adjustment in the CSREES share of the award to align with the Federal amount authorized.

44. GRANT CLOSEOUT

Grant closeout is the process by which CSREES determines that all required project activities have been performed satisfactorily and all necessary administrative actions have been completed. This grant and any subawards hereunder shall be closed out as soon as possible after expiration or termination of the project. While the grantee may use his/her own policies and procedures in closing out awards made to his/her recipients, the following shall govern the closeout of this grant:

- a. Financial Status Report.** A "Financial Status Report," Form SF-269, is due 90 days after the expiration date of this award. An original and two copies must be submitted to the address shown in Article 7 in accordance with instructions contained in 7 CFR Part 3015.82.

- (1) The grantee shall report program outlays and program income on a consistently applied accounting basis (i.e., cash or accrual).

The grantee may wish to consult with the host university in determining which accounting basis will best protect Federal interests while also meeting his/her needs.

- (2) The SF-269 must not show any unpaid obligations. If the grantee still has valid unpaid obligations when the SF-269 is due, he/she shall submit a provisional report (showing the unpaid obligations) by the due date and a true report when all obligations have been liquidated. When submitting a provisional report, the grantee shall inform the Cooperative Funds Division when he/she expects to submit a true report. If the Cooperative Funds Division waives provisional reports, the grantee will be notified.

- b. Final Technical Report.** An original and two copies of the final technical report, Form AD-421, are due 90 days after the expiration date of the grant and must be forwarded to the CRIS office at the address shown in Article 6. More detailed instructions on submission criteria and due dates for final technical reports are contained in Article 9.

If plant or genome mapping or sequencing data is developed under this grant, then special additional reporting requirements are applicable. See Article 11., "Patents, Inventions, and Copyrights," and Article 40., "Genome Map and Sequence Data Disclosure," for specific instructions.

- c. Unobligated Funds and Passive Income.** Any unencumbered balance of funds advanced to the grantee, including any interest or investment income earned on advances of funds, must be refunded to CSREES as soon as practicable.
- d. Records Retention.** The closeout of this grant does not affect the retention period for, or CSREES rights of access to, project-related records. Records shall be maintained and made available to authorized officials in accordance with Article 30.
- e. Audit.** A final audit is not required to close out this grant. However, CSREES reserves the right to recover funds resulting from disallowances made in a subsequent audit.