

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

**GENERAL TERMS AND CONDITIONS - A
TABLE OF CONTENTS**

<u>Article</u>	<u>Subject</u>	<u>Article</u>	<u>Subject</u>
1.	Applicable Regulations	12.	Nonexpendable Equipment
2.	Definitions	13.	Data Collection
3.	Administrative Waivers	14.	Program Income
4.	Prior Approval Requirements	15.	Release of Information
5.	Unallowable Costs	16.	Sharing of Findings, Data, and Other Project Products
6.	Limit of Federal Liability	17.	Patents, Inventions, and Copyrights
7.	Payments	18.	Genome Map and Sequence Data Disclosure
8.	Financial Reporting	19.	Genetic Resources from Outside of U.S.
9.	Performance Monitoring	20.	Possession, Use, and Transfer of Biological Agents or Toxins
10.	Current Research Information System (CRIS) Requirements	21.	Laboratory Security
11.	Acknowledgment of Support and Disclaimer	22.	Research Misconduct
		23.	Award Closeout

1. APPLICABLE REGULATIONS

a. Administrative Provisions. This award, and subawards at any tier under this award, shall be governed to the extent applicable by the provisions of 7 CFR 3015, "Uniform Federal Assistance Regulations," 7 CFR Part 3016, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," 7 CFR Part 3019, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Non-profit Organizations," 7 CFR Part 3052, "Audit of States, Local Governments, and Non-profit Organizations," and the following administrative provisions in effect at the time of award award:

- (1) **OMB Circular No. A-102 common rule**, "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments" (including Indian Tribal governments), as adopted by USDA in 7 CFR Part 3016.
- (2) **OMB Circular No. A-110**, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Nonprofit Organizations."

In addition to any other terms and conditions stated herein, recipients of awards shall be bound by the Administrative Provisions established for particular programs.

The Code of Federal Regulations is accessible through the [National Archives and Records Administration](#).

b. Federal Cost Principles. Allowable costs will be determined in accordance with the applicable program legislation, the purpose of the award, the terms and conditions of award as contained herein, and, if this award is to a recipient other than a Federal agency, by the following Federal cost principles that are applicable to the type of organization receiving the award, regardless of type of award or tier (i.e., prime awardee, subaward) as are in effect at the time of award:

- (1) **OMB Circular No. A-21**, "Cost Principles for Educational Institutions."
- (2) **OMB Circular No. A-87**, "Cost Principles for State, Local and 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 of OMB Circular No. A-122).

A complete list of current OMB Circulars can be found on the [White House Web site](#).

- (4) **Federal Acquisition Regulations (48 CFR Subpart 31.2)**, "Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded 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."

The Code of Federal Regulations is accessible through the [National Archives and Records Administration](#).

2. DEFINITIONS

- a. **Authorized Departmental Officer (ADO)** - the individual, acting within the scope of delegated authority, who is responsible for executing and administering awards on behalf of the U.S. Department of Agriculture. ADO addresses, telephone, and facsimile numbers are as follows:
 - Awards Management Branch
 - Office of Extramural Programs
 - Cooperative State Research, Education, and Extension Service
 - U.S. Department of Agriculture
 - STOP 2271
 - 1400 Independence Avenue, S.W.
 - Washington, D.C. 20250-2271
 - Telephone: (202) 401-4986
 - Facsimile: (202) 401-1804
- b. **Authorized Organizational Representative (AOR)** - the individual who is authorized to commit the awardee's time and other resources to the project, to commit the awardee to comply with the terms and conditions of the award instrument including those set out herein, and to otherwise act for or on behalf of the awardee institution or organization.
- c. **Awardee** - an organization receiving financial assistance directly from Federal awarding agencies to carry out a project or program.
- d. **Project Director (PD)** - the individual(s) designated by the awardee in the award application and approved by the Cooperative State Research, Education, and Extension Service (CSREES) who is responsible for the direction and management of the project.
- e. **Programmatic Contact** - a CSREES individual who is responsible for the technical oversight of the award on behalf of the USDA.

3. ADMINISTRATIVE WAIVERS

In accordance with 3019.25(e) of the Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Non-Profit Organizations (i.e., 7 CFR 3019), CSREES is exercising its option and is waiving prior written approvals (i.e., recipients need not obtain such prior approval(s)) for the following situations for all awards to which these terms and conditions apply.

- a. The PD may incur pre-award costs within the 90-day period immediately preceding the effective date of the award providing: the approval of pre-award spending is made and documented in accordance with the awardee's normal procedures prior to the incurrence of the cost(s); the advanced funding is necessary for the effective and economical conduct of the project; and the costs are otherwise allowable. Pre-award expenditures are made at the awardee's risk. AOR authority to approve pre-award costs does not impose an obligation on CSREES: (1) in the absence of appropriations; (2) if an award is subsequently not made; or (3) if an award is made for a lesser amount than the awardee expected.

Pre-award costs incurred outside the 90-day period immediately preceding the effective date of the award must receive written approval from the ADO. Refer to Article 4. for instructions on how to request approval.

- b. The AOR may approve a first-time no-cost extension of time of up to 12 months under this award prior to its scheduled expiration date (but note the asterisked paragraph at the end of this article). The ADO must be notified by the AOR within 10 days of the approval. If the AOR fails to notify the ADO within 10 days of their approval and prior to the expiration of the award or should more than one no-cost extension or an extension of more than 12 months be required, approval is required from the ADO. See Article 4. for instructions.

- c. Carry forward unobligated balances to subsequent funding periods.
- d. The AOR may make allowable budget changes and other required administrative prior approvals except those which change the scope or objectives of the award, change key personnel, create a need for additional funding, or are specifically prohibited by the terms and conditions of the award. In addition, where a statutory prohibition exists the awardee may not approve such costs.

*Note that statutory language or agency policy may limit the maximum potential award period (including any awards transferred from another institution or organization). The award period will commence as of the effective date cited in the award instrument. Any such limitation also applies to subcontracts made under awards subject to an award period limitation.

- (1) The award period is limited to 3 years in duration if this award is issued under the authority of Secs. 2(c)(1)(A) and 2(c)(1)(B) of Pub. L. 89-106, as amended or Sec. 25 of the Food Stamp Act of 1977, as amended.
- (2) The award period is limited to 5 years in duration if this award is issued under an authority other than those identified in item (1). However, programs funded from more than one source whereby one proposal is submitted but two awards result, the award period for both awards will be limited to the shortest applicable award period (e.g., Integrated Pest Management Program).

4. PRIOR APPROVAL REQUIREMENTS

Scope or Objectives

When it is necessary to modify the scope or objectives of the award, the AOR must submit to the ADO a justification for the change along with the revised scope or objectives of the award. The request should be submitted to the applicable ADO address or facsimile number identified in Article 2.a.

Change Key Personnel

When it is necessary to change key personnel, the AOR must submit a written request to the ADO to replace the key personnel. The request should contain a copy of the new individual's curriculum vita and a signature of the proposed replacement signifying his/her willingness to serve on the project. The request should be submitted to the applicable ADO address or facsimile number identified in Article 2.a.

Create a Need for Additional Funding

When, due to unforeseen or unusual circumstances, there is a need for a small amount of additional funding to assure adequate completion of the original scope of work, a supplement can be requested. The PD should discuss with the CSREES programmatic contact the feasibility of such a supplemental award. Such an award may involve a short-term extension of the project. Requests of this nature will be evaluated on a case-by-case basis and approved only when there is sufficient justification to warrant such action. If the CSREES programmatic contact indicates that funds may be available for this purpose, the AOR must submit the following completed documents: Proposal Cover Page signed by the awardee, a budget and a budget narrative, and a justification of the need for additional funds. The information should be submitted to the following address as appropriate.

Address when using hand-delivered, express mail or overnight courier service:

Address when using the U.S. Postal Service:

[Include name of programmatic contact]
 c/o Proposal Services Unit
 Cooperative State Research, Education,
 and Extension Service
 U.S. Department of Agriculture
 Room 1420
 800 9th Street; S.W.
 Washington, D.C. 20024
 Telephone: (202) 401-5048

[Include name of programmatic contact]
 c/o Proposal Services Unit
 Cooperative State Research, Education,
 and Extension Service
 U.S. Department of Agriculture
 STOP 2245
 1400 Independence Avenue, S.W.
 Washington, D.C. 20250-2245

Subcontractual Arrangements

No more than 50 percent of the total award may be subcontracted to another party(ies) without prior written approval of the ADO except subcontracts to Federal agencies. **Any subcontract awarded to a Federal agency under this award must have prior written approval of the ADO.**

To obtain authorization, the AOR must submit to the ADO a justification for the proposed subcontractual arrangements, a statement of the work to be performed, and a detailed budget for the subcontract. Subcontractual arrangements that are disclosed in the proposal or modifications thereto do not require additional post-award approval unless language in the award specifically states otherwise.

Absence or a Change in Project Leadership

When a PD plans to:

- C relinquish active direction of the project for a period of more than three consecutive months,
- C have a 25 percent or more reduction in time devoted to the project, or
- C sever his/her connection with the awardee,

the awardee has several options and responsibilities.

- a. If the PD's absence is temporary, the AOR must notify the ADO in writing of arrangements for the continuing conduct of the project (i.e., identify who will be in charge during the PD's absence, including his/her curriculum vita and his/her written concurrence).
- b. If the PD severs his/her affiliation with the awardee, the awardee's options include:
 - 1) Replacing the PD on the Project - The AOR must request, in writing, ADO approval of the replacement PD and must include a copy of his/her curriculum vita and a Current and Pending Support form. The request also must contain the signature of the proposed replacement PD signifying his/her willingness to assume leadership of the project.
 - 2) Subcontracting to the Former PD's New Organization - The awardee may request approval to replace the PD (as outlined in above paragraph) and retain the award, but subcontract to the former PD's new organization certain portions of the project to be completed by the former PD.
 - 3) Relinquish the Award - If neither of the previous options is viable and the awardee wishes to relinquish the award, the following procedures should be followed:
 - (a) The awardee should send a letter, signed by the AOR and PD, to the ADO which indicates the awardee is relinquishing the award. The letter should include the date the PD is leaving and a summary of progress to date (if it is a research project, the progress report can be accomplished by attaching a final Current Research Information System (CRIS) Form AD-421 - see Article 10.). A final Form SF-269, "Financial Status Report" (see Article 23.), which reflects the total amount of funds spent by the awardee, should be attached to the letter.
 - (b) Should the PD wish to transfer the award to his/her new institution, the **AOR at the new institution** should submit the information listed below to the Proposal Services Unit at the address identified in Article 4, **Create a Need for Additional Funding**, as soon as the transfer date is firm and the amount of funds to be transferred is known: (i) the forms and certifications included in the "Application Kit"; (ii) a project summary/work statement covering the work to be completed under the project (the objectives must be the same as those outlined in the approved proposal); and (iii) an updated vita for the PD, showing his/her new organizational affiliation. (An Application Kit may be requested from the Proposal Services Unit or obtained via <http://www.csrees.usda.gov/funding/forms.html>.) Note that any cost-sharing requirements under the original award transfer to the new institution; therefore, cost-sharing information, if required, must be included in the proposal from the AOR at the new institution.

(NOTE: Experience has demonstrated that the transfer of an award from one institution to another can take up to 90 days to accomplish. If information is not submitted in a timely manner, the PD may experience a delay in resuming the project at the new institution.)

No-Cost Extensions of Time

Where more than one no-cost extension of time or an extension of more than 12 months is required, the extension(s) **must be approved in writing by the ADO**. The AOR shall prepare and submit **a written request to the applicable ADO** address or facsimile number identified in Article 2.a. **The request must be received by the Awards Management Branch, CSREES, no later than 30 days prior to the expiration date of the award** and must contain the following information:

- a. The length of additional time required to complete project objectives and a justification for the extension (see last paragraph of this article);
- b. A summary of progress to date (for research awards: a copy of the most recent Form AD-421 and, where applicable, the attachment, is acceptable provided the information is current);
- c. An estimate of funds expected to remain unobligated on the scheduled expiration date (see last paragraph of this article);
- d. A projected timetable to complete the portion(s) of the project for which the extension is being requested; and
- e. Signature of the AOR and the PD. Any request received in CSREES that does not meet this requirement will be returned for the necessary signature(s).
- f. A status of cost-sharing to date if cost-sharing is required under the award.

The fact that funds are expected to remain unobligated at the expiration of the award is not in itself sufficient justification to receive an extension of time unless otherwise authorized in the program legislation. Normally, no single extension may exceed 12 months and only in exceptional cases will more than one extension be considered. The award period (including any subsequent authorized extensions of time), shall not exceed any applicable limit (see the asterisked paragraph at the end of Article 3.).

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

Pre-award Costs Incurred Outside the 90-Day Period

Where pre-award costs are incurred outside the 90-day period immediately preceding the award, such costs must be approved in writing by the ADO. The AOR shall prepare and submit a written request to the applicable ADO address or facsimile number identified in Article 2.a. The request must be received and approved by the CSREES Office of Extramural Programs prior to charging such costs to the award. The request must include a justification for the incurrence of the pre-award costs and, if the costs are not reflected in the CSREES approved budget, a general breakdown of how the funds were used along with the dollar amounts. The request must contain the signature of the AOR and the PD.

5. UNALLOWABLE COSTS

The following costs are unallowable under this award unless otherwise permitted by law or approved in writing by the ADO:

- a. Costs above the amount authorized for the project;
- b. Costs incurred prior to the 90-day period immediately preceding the effective date of the award;
- c. Costs incurred after the expiration of the award including any no-cost extensions of time;
- d. Costs which lie outside the scope of the approved project and any amendments thereto;
- e. Entertainment costs regardless of their apparent relationship to project objectives;
- f. Business meals may not be charged as project costs when individuals decide to go to breakfast, lunch, or dinner together when no need exists for continuity of a meeting. Such activity is considered to be an entertainment cost. In contrast, it is CSREES policy that a formal group meeting being conducted in a business atmosphere may charge meals to the project if such activity maintains the continuity of the meeting and to do otherwise will impose arduous conditions on the meeting participants. Note: Meals consumed while in official travel status do not fall in this category. They are considered to be per diem expenses and should be reimbursed in accordance with the organization's established travel policies.
- g. Independent research and development costs;
- h. Indirect costs and tuition remission costs if this award is issued under the authority of Sec. 2(c)(1)(B) of the Act of August 4, 1965, Pub. L. 89-106; Sec. 1472, Sec. 1475(d), and Sec. 1480 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (NARETPA), as amended, Pub. L. 95-113); and the Smith-Lever Act of May 8, 1914, as amended. This limitation also applies to subcontracts made under awards subject to any of these authorities;

- i. Compensation for injuries to persons or damage to property arising out of project activities;
- j. 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;
- k. Renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or the planning, repair, rehabilitation, acquisition, or construction of buildings or facilities if this award is awarded under the authority of Sec. 2(b), Sec. 2(c)(1)(A) or Sec. 2(c)(1)(B) of Pub. L. 89-106, as amended.
- l. Statutory language may limit or prohibit the amount of allowable indirect costs. If such language applies to this award, the limit is identified on the budget as appropriate. When indirect costs are limited, the indirect costs allowable will be the lesser of the following amounts: (1) the Federally approved negotiated indirect cost rate and base, or (2) the limit identified in the statutory language. **Note: Any limitation or prohibition of indirect costs on the awardee also applies to subcontracts under the funded awards.**
- m. None of the funds under this award may be used towards travel costs for CSREES employees;

This listing is not exhaustive. Questions regarding the allowability of particular items of cost should be directed to the applicable ADO address or facsimile number identified in Article 2.a.

NOTE: Costs which have been determined to be unallowable, whether by statutory or regulatory mechanism, may not be used to meet any required non-Federal share of costs.

6. LIMIT OF FEDERAL LIABILITY

The maximum obligation of CSREES to the awardee is the amount indicated in the award as obligated by CSREES. Nothing in this article or in the other requirements of this award requires CSREES to make any additional award of funds or limits its discretion with respect to the amount of funding to be provided for the same or any other purpose. However, in the event that an erroneous amount is stated in the award, the approved budget, or any supporting documentation relating to the award, 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.

7. PAYMENTS

Payment will be made by electronic funds transfer through the Department of Health and Human Services Payment Management System (DHHS-PMS). Requests for payment should be in accordance with DHHS-PMS instructions. All questions relating to payments should be submitted to:

Funds Management Section
Office of Extramural Programs
Cooperative State Research, Education,
and Extension Service
U.S. Department of Agriculture
STOP 2298
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2298
Telephone: (202) 401-4527
Facsimile: (202) 401-3481

8. FINANCIAL REPORTING

- a. Report of Federal Cash Transactions.
 - (1) Awardees must complete a SF-272, Report of Federal Cash Transactions and, when necessary, the continuation sheet, SF-272-A no later than 45 working days following the end of each quarter. These reports are used to monitor cash advanced to awardees and to obtain disbursement and outlay information for each award. DHHS-PMS sends a SF-272 to awardees at the end of each quarter. Awardees should follow the DHHS-PMS instructions for completing this report.

- (2) For awards that require the awardee to provide cost participation, it may be necessary to submit an annual Form SF-269, Financial Status Report, to CSREES. If an annual SF-269 is required, it will be indicated on the Award Face Sheet, Form CSREES-2009.

b. Financial Status Report - See Article 23.

9. PERFORMANCE MONITORING (OTHER THAN RESEARCH AWARDS)

This article ONLY applies if it is specifically identified in the PROVISIONS section of Form CSREES-2009, Award Face Sheet.

Unless otherwise noted in the award, **annual** performance reports are due 90 days after the anniversary date of the award and should be submitted to the programmatic contact identified in the award. The performance report must include the following information:

- 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.

Refer to Article 23., Award Closeout, regarding the final technical report.

10. CURRENT RESEARCH INFORMATION SYSTEM (CRIS) REQUIREMENTS

This article ONLY applies if it is specifically identified in the PROVISIONS section of Form CSREES-2009, Award Face Sheet.

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 USDA contact for all CRIS documentation is:

Current Research Information System
Cooperative State Research, Education, and
Extension Service
U.S. Department of Agriculture
STOP 2270
1400 Independence Avenue, S.W.
Washington, D.C. 20250-2270
Telephone: (202) 690-0009
Facsimile: (202) 690-0634
E-mail: cris@cris.csrees.usda.gov

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

- a. **Initial Documentation in the CRIS Data Base**--CSREES requires CRIS documentation of all **NEW** projects, as applicable, in CRIS. These forms (Forms AD-416 and AD-417) are requested by the appropriate CSREES Program Manager.

Awardees are requested to submit forms electronically. To submit forms electronically, see item d. of this section for access information. For first-time users of the CRIS electronic submission system, please contact the CRIS office for further instructions. If access to the web is unavailable, please contact the CRIS office at (202) 690-0009.

Questions relating to the technical (i.e., scientific) portions of Forms AD-416 and AD-417 should be referred to the programmatic contact identified in the award.

- b. **Annual CRIS Reports.**

Each year that the project is active, the CRIS office will request Forms AD-419, "Research Work Unit/Project Description-Research Funds and Staff Support," and AD-421, "Research Work Unit/Project Description-Progress Report" from the awardee. Electronically transmitted reports are requested where such capability is available. When electronic reporting is not available, the CRIS office should be contacted at (202) 690-0009 for submission options.

Form AD-419 is requested annually in October and should be completed in accordance with the instructions that accompany the form. Form AD-419 reports are due February 1.

Form AD-421 is requested annually in the month of the project's anniversary date (i.e., start date) and should be completed in accordance with the instructions that accompany the Form. Form AD-421 reports are due within 90 days of the anniversary date of the project. **In addition to the AD-421 form, the following information, when applicable, must be submitted to the appropriate CSREES Program Manager:**

- (1) 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);
- (2) The reasons for slippage if established goals were not met; and
- (3) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or unexpectedly high unit costs.

c. Final CRIS Reports.

In the month that an award is due to terminate, a request for the final technical report (Form AD-421) will be forwarded to the PD. The PD must complete and submit the report within 90 days after the expiration or termination date of the award. The report should encompass progress made during the entire timeframe instead of covering accomplishments made only during the final reporting segment of the project. In addition to supplying the information required under section b. (1) through (3) of this article, the final report must include the following when applicable:

- (1) A disclosure of any inventions not previously reported that were conceived or first actually reduced to practice during the performance of work under this award; and
- (2) A written statement on whether or not the awardee elects (or plans to elect) to obtain patent(s) on any such invention.

d. CRIS Web Site Via Internet

Please note the importance of preparing well written progress and technical reports. The CRIS database is used extensively by Federal and State scientists and administrators, and is available to the public on the worldwide web. CRIS project information is available via the Internet CRIS web site at: <http://cris.csrees.usda.gov>.

To submit forms electronically, the CRIS forms web site can be accessed through the CRIS web site or accessed directly at: <http://cwf.uvm.edu/cris>.

11. ACKNOWLEDGMENT OF SUPPORT AND DISCLAIMER

The following acknowledgment of CSREES support must appear in the publication of any material, whether copyrighted or not, and any products produced in electronic formats (e.g., World Wide Web pages, computer programs, etc.) which is substantially based upon or developed under this award:

"This material is based upon work supported by the Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, under Award No. [the awardee should enter the applicable award 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."

The awardee is responsible for assuring that an acknowledgment of [agency] support is made during news media interviews, including popular media such as radio, television and news magazines, that discuss in a substantial way work funded by this award.

Any solicitation using Federal award funds to procure goods and services (including construction) costing \$500,000 or more must announce the amount and percentage of total to be funded with Federal funds.

12. NONEXPENDABLE EQUIPMENT

Entities purchasing any equipment or product with funds provided under this award are encouraged to use such funds to purchase only American-made equipment or products.

Title to equipment acquired by a recipient with funds provided under this award shall vest in the awardee.

The cost of an item of nonexpendable equipment is the net invoice cost of the item, including necessary modifications 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 the awardee's regular accounting practices.

If the approved award involves the acquisition of equipment to be maintained in a foreign country, the awardee is legally responsible for such equipment. The AOR should obtain a receipt from the cooperator in the foreign country and should send a copy of it to the programmatic contact. At the conclusion of the project, disposition instructions should be requested from the ADO.

When the equipment is no longer needed by the awardee and the per unit fair market value is less than \$5,000, the awardee may retain, sell, or dispose of the equipment with no further obligation to CSREES. If, on the other hand, the per unit fair market value is \$5,000 or more, then the awardee must submit a written request to the ADO for disposition instructions.

See 7 CFR Part 3019.34 for additional information pertaining to nonexpendable equipment.

13. DATA COLLECTION

The provisions of 5 CFR Part 1320 apply if this award involves the collection of identical information from ten or more non-Federal persons and the collection of information is conducted or sponsored by USDA. A collection of information undertaken by an awardee is considered to be conducted or sponsored by USDA if: 1) the awardee is conducting the collection of information at the specific request of CSREES; or 2) the terms and conditions of the award require specific approval by the agency of the collection of information or collection procedures.

Any data collection activities performed under this award are the responsibility of the awardee, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The awardee shall not represent to respondents that such data are being collected for or in association with USDA 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.

14. PROGRAM INCOME

Income derived from patents, inventions, or copyrights shall be disposed of in accordance with the awardee's own policies. General program income earned under this project during the period of CSREES support shall be added to total project funds and used to further the objectives of this award or the legislation under which this award is made. Disposition of program income earned by subawardees shall be determined in accordance with the policies of the awardee. Also see 7 CFR Part 3019.24.

15. 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 award project. The release of information under these laws and regulations applies only to records held by CSREES and imposes no requirement on the awardee or on any subrecipient to permit or deny public access to their records. Requests for records or the release of information relating to this award should be directed to:

FOIA Coordinator
Information Staff, ARS

U.S. Department of Agriculture
Mail Stop 5128
5601 Sunnyside Avenue
Beltsville, Maryland 20705-5128
Telephone: (301) 504-1640

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

16. SHARING OF FINDINGS, DATA, AND OTHER PROJECT PRODUCTS

- a. The PD is expected to publish or otherwise make publicly available the results of the work conducted under this award.
- b. At such time as any article resulting from research work under this award is published in a scientific, technical, or professional journal or publication, two reprints of the publication clearly labeled with the award number and other appropriate identifying information should be sent to the programmatic contact identified in the award. This includes notifying the programmatic contact, via a listing clearly labeled with the award number, of any World Wide Web-based materials resulting from the work.
- c. Copies of educational materials produced with project funds must be submitted as soon as they are available to the programmatic contact identified in the award. Five copies of educational publications and two copies of each audio-visual production are required. **This includes notifying the programmatic contact, via a listing clearly labeled with the award number, of any World Wide Web-based materials resulting from the work.**

17. PATENTS, INVENTIONS, AND COPYRIGHTS

The central point of contact within the U.S. Department of Agriculture for questions and issues pertaining to patents and inventions (this does **not** include questions and issues regarding Interagency Edison) is:

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

- a. **Invention Disclosure and Related Information Requirements.** 37 CFR Part 401.14 requires the disclosure of each subject invention to the Federal Agency within two months after the inventor discloses it in writing to contractor personnel responsible for patent matters. Invention disclosure statements pursuant to 37 CFR Part 401.14(c) shall be made by creating an invention record using Interagency Edison. If possible, all supporting documentation shall also be submitted electronically using Interagency Edison. However, if electronic submission of supporting documentation is not feasible, paper copies can be submitted via facsimile or U.S. Mail.

Invention Disclosure

Electronic Submission Via Interagency Edison Web Interface: Interagency Edison (iEdison) can be accessed at <http://www.iedison.gov>. An overview of the invention iEdison reporting process, an iEdison tutorial, and extensive help text can be found as links on the iEdison home page. Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Extramural Inventions and Technology Resources Branch
National Institutes of Health
6705 Rockledge Drive, MSC 7980
Bethesda, Maryland 20892-7980
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: edison@od.nih.gov

The report of the invention and a copy of the signed invention disclosure must be reported electronically through the Interagency Edison Web interface. To submit the signed disclosure electronically requires that it be rendered as a PDF or TIFF file. The signed disclosure should contain a brief description of the original invention including the Title, Inventor(s) Name(s), and source of Federal support used (e.g., Agency Award Number). After the report and disclosure are received in the iEdison system CSREES will have access to a copy of the disclosure document.

Paper Submission Via U.S. Mail: If it is not possible to electronically submit supporting documentation using Interagency Edison, documentation should be sent directly to NIH at the above address. After the documentation is received and recorded in the Interagency Edison database, it will be sent to CSREES.

Other Invention, Patent, and Utilization Reporting Information

Electronic Submission Via Interagency Edison Web Interface: The Interagency Edison is to be used to exact any changes to the disposition of the invention, including title election or non-election, assignment of rights to third parties, patent application(s), and patents received.

As with the invention disclosure, iEdison also supports electronic submission of documents required for several other aspects of the Bayh-Dole reporting process, as detailed below.

1. Once a patent is applied for and an application serial number is available, an executed confirmatory license to the Government must be submitted. Such a license must also be submitted in instances where the invention has been licensed but not patented (as is the case of biological materials and any inventions that fall within the scope of the Plant Variety Protection Act). For this purpose iEdison provides a confirmatory license template (<https://s-edison.info.nih.gov/iEdison/license.jsp>) that can be submitted via facsimile
2. Commensurate with patent application or issued patent the awardee organization must submit a copy of the portion of the patent that contains the "Government Support Clause," offering proof of formal acknowledgment of Government support of the patent's underlying invention.
3. Requests for assignment of rights to third parties (e.g., the inventor) must include certification by the inventor. The certification process is defined and can be carried out as described behind the USDA/CSREES link on the iEdison home page (<http://www.iedison.gov>). The signed certification must be submitted to the CSREES office listed above via facsimile (preferable) or U.S. Mail.
4. Requests for waiver of the domestic manufacturing requirement must be submitted to the CSREES office listed above via facsimile (preferable) or U.S. Mail, including a detailed justification.

Paper Submission Via U.S. Mail: If it is not possible to electronically submit supporting documentation using Interagency Edison, documentation should be sent directly to NIH at the above address (with the exception of requests for assignment of rights to third parties and waiver of domestic manufacturing requirements). After the documentation is received and recorded in the Interagency Edison database it will be sent to CSREES.

- b. Title Election and Patent Submission:** Within two years of an invention disclosure, a recipient must resolve the title to the invention: to elect to retain invention rights or waive rights. Should the recipient elect title, a non-provisional patent application must be filed, 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 award recipient publicly discloses or gives permission for publication; or
 - (2) The award 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 award recipient files for a U.S. patent pursuant to 37 CFR Part 401.14(c)(3).

"Publications" include publicly accessible databases such as Genbank; and "research results" include genome maps and sequences.

- d. Copyrights - See 7 CFR Part 3019.36.

18. GENOME MAP AND SEQUENCE DATA DISCLOSURE (RESEARCH AWARDS ONLY)

- a. See Article 17. for patent and invention requirements.
- b. If genome sequence data has been obtained, the sequence **must** be submitted to GenBank. The date of submission to GenBank shall be on the same date as the Government's right to publish as indicated in Article 17.c. Submission of data to GenBank is without charge. Information concerning GenBank protocols may be obtained via the worldwide web, <http://www.ncbi.nlm.nih.gov/>, or by contacting the National Center for Biotechnology Information at the following address:

National Center for Biotechnology Information
National Library of Medicine
Building 38A, Room 8N805
Bethesda, MD 20894
Telephone: (301) 496-2475
Facsimile: (301) 480-9241

- c. Recipients who submit genome sequencing data information to GenBank must report this fact as part of the final reporting requirements identified in Article 23.
- d. **Animal Genetic Mechanisms and Gene Mapping Requirements.** All investigators funded by the USDA Animal Genomics and Animal Genome Reagent and Tool Development Programs are expected to submit their data (preferably as reprints of published manuscripts) to the appropriate animal species genome databases developed and maintained by the National Animal Genome Research Program in cooperation with international partners. These are internationally shared databases and submission of animal genome data should be to the appropriate U.S. Technical Editor partners (see http://www.csrees.usda.gov/nea/animals/res/an_breeding_res_database.html). In addition, investigators are encouraged to make their data available via other means; e.g., laboratory, departmental or institutional worldwide web home pages.
- e. **Plant Genome Requirements.** All investigators funded by the **National Research Initiative Competitive Grants Program (NRI) Plant Genome, Bioinformatics and Genetic Resources Program, the NRI Functional Genomics of Agriculturally Important Organisms (Plants subsection) Program, the NRI Applied Plant Genomics Program and NRI interagency plant genome projects** are expected to submit sequence data and distribute genetic/genomic resources produced as described below. Investigators are encouraged to collaborate and make information available via the relevant community informatic worldwide web.
- Sequences (low pass whole genome sequencing, BAC end sequencing, EST's, full-length cDNA sequencing, etc.) must be released to GenBank (<http://www.ncbi.nlm.nih.gov/Genbank/index.html>) according to the currently accepted community standard (Bermuda and Ft. Lauderdale agreements), following the current guidelines for quality assessment (see <http://www.genome.gov/page.cfm?pageID=10506537>). For large-insert clone projects, it is expected that DNA sequence assemblies of 2kb or greater will be deposited in GenBank within 24 hours of generation. For whole genome shotgun projects, sequence traces are to be deposited to the National Center for Biotechnology Information (NCBI) Trace repository within one week of production, with whole genome assemblies deposited in GenBank as soon as possible after the assembled sequence has met the quality evaluation criteria stated in the proposal. Deposited data must be available to all for use without restriction.
 - If the award produces additional genomic/genetic resources (libraries, software, biological reagents, germplasm, software, etc.), these should be made available as soon as their quality is checked to satisfy the specifications approved prior to funding. Budgeting and planning for short-term and long-term distribution of the project outcomes and the timing of release should be as described in the original proposal or revisions prior to funding. The resources produced must be available to all segments of the scientific community, including industry and the international community. A reasonable charge is permissible for distribution, but the fee structure must be outlined prior to funding. If accessibility differs between industry and the academic community, the differences must be clearly spelled out. If a Material Transfer Agreement is required for release of project outcomes, the terms must be described in detail and provided to the NRI program for review and approval.
 - When the project involves the use of proprietary data or materials from other sources, the data or materials resulting from research supported by this program must be readily available without any restrictions to the users (no reach-through rights). The terms of any usage agreements should be stated clearly in the proposal or revisions prior to funding.

19. GENETIC RESOURCES FROM OUTSIDE OF U.S.

If this project will use genetic resources from outside the United States, it is strongly recommended that the Project Director (PD) seek information regarding any required prior informed consent from and benefit-sharing with the appropriate host country authorities. For further information, see “Information for U.S. Government Funded Researchers Collecting In Situ Genetic Resources Outside the United States,” housed on the U.S. Department of State’s web site at <http://www.state.gov/g/oes/rls/or/25962.htm> or contact the Plant Exchange Office, ARS, USDA, <http://www.barc.usda.gov/psi/ngrl/peo.htm> or the National Animal Germplasm Program, <http://www.barc.usda.gov/psi/ngrl/peo.htm>, as appropriate.

20. POSSESSION, USE, AND TRANSFER OF BIOLOGICAL AGENTS OR TOXINS

The possession, use, and transfer of biological agents or toxins is regulated under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. No. 107-188, and the implementing regulations at 7 CFR Part 331, 9 CFR Part 121, and 42 CFR Part 73. The awardee is responsible for full compliance with all applicable laws and regulations.

21. LABORATORY SECURITY

CSREES encourages all awardees to adopt appropriate laboratory security policies and procedures for facilities that work with any level of biological or chemical materials. Until the Federal Government develops applicable security standards, awardees are encouraged to consult the following resources for guidance on laboratory security:

- USDA Departmental Manual 9610-1, “USDA Security Policies and Procedures for Biosafety Level-3 Facilities” (available at <http://www.usda.gov/directives/>);
- USDA Departmental Manual 9610-2, “USDA Security Policies and Procedures for Laboratories and Technical Facilities (Excluding Biosafety Level (BSL)-3 Facilities)” (available at <http://www.usda.gov/directives/>); and
- Centers for Disease Control and Prevention and National Institutes of Health “Biomedical Laboratories” Manual, Appendix F “Laboratory Security and Emergency Response Guidance for Laboratories Working with Select Agents” (available at <http://www.cdc.gov/od/ohs/biosfty/biosfty.htm>).

22. RESEARCH MISCONDUCT

All research awards issued by CSREES are subject to the Federal Policy on Research Misconduct published in the Federal Register on December 6, 2000 (65 FR 76260). The following definitions will be utilized when applying this policy:

- a. **Research misconduct** means the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or difference of opinion.
- b. **Fabrication** is making up data or results and recording or reporting them.
- c. **Falsification** means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- d. **Plagiarism** is the appropriation of another person’s ideas, processes, results or words without giving appropriate credit.
- e. **Research** means all basic, applied, and demonstration research in all fields of science, engineering, mathematics, education, linguistics, medicine, psychology, social sciences, statistics, and research involving human subjects or animals.
- f. **Research institutions** includes all organizations using Federal funds for research, including, for example, colleges and universities, intramural Federal research laboratories, Federally funded research and development centers, national user facilities, industrial laboratories, or other research institutes.
- g. **Research record** is the record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronics, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.

To report allegations of research misconduct see <http://www.csrees.usda.gov/business/awards/researchmiscon.html>.

23. AWARD CLOSEOUT

Award 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 award and any subcontracts hereunder shall be closed out as soon as possible after expiration or termination of the project. While the awardee may use its own policies and procedures in closing out awards made to its recipients, the following shall govern the closeout of the prime award:

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 Funds Management Section at the address shown in Article 7.

- (1) The awardee shall report program outlays and program income on the same accounting basis (i.e., cash or accrual) that it uses in its normal accounting system.
- (2) When submitting a final financial report, the total matching contribution, if required, should be shown in Item 12., Remarks.
- (3) The Form SF-269 must not show unpaid obligations. Extension of reporting due dates may be approved by the Funds Management Section if the awardee still has valid unpaid obligations when the Form SF-269 is due. Such requests should be made to the address shown in Article 7.

b. Final Technical Report.

- (1) If this award is subject to the CRIS requirements, see Article 10., Final CRIS Reports.
- (2) If genome sequence data is developed under this award, special additional reporting requirements are applicable. See Article 18., "Genome Map and Sequence Data Disclosure," for specific instructions.
- (3) The final technical report should encompass progress made on the entire project instead of covering accomplishments only during the final reporting segment of the project. This report must be submitted to the programmatic contact.