

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

**GENERAL TERMS AND CONDITIONS - B
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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 grant award:

- (1) **OMB Circular No. A-102 common rule**, "Uniform Administrative Requirements for Grants and Cooperative Agreements to 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 grant awards shall be bound by the Administrative Provisions established for particular programs.

b. Federal Cost Principles. Allowable costs will be determined in accordance with the applicable program legislation, the purpose of the grant award, the terms and conditions of grant award as contained herein, and, if this grant is awarded 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 grantee, subaward) as are in effect at the time of grant 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 of 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 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."

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:

Grants Management Branch Office of Extramural Programs Cooperative State Research, Education, and Extension Service U.S. Department of Agriculture STOP 2246 1400 Independence Avenue, S.W. Washington, D.C. 20250-2246 Telephone: (202) 401-5050 Facsimile: (202) 401-3237	Agreements and Special Projects Branch Office of Extramural Programs Cooperative State Research, Education, and Extension Service U.S. Department of Agriculture STOP 2295 1400 Independence Avenue, S.W. Washington, D.C. 20250-2295 Telephone: (202) 401-4342 Facsimile: (202) 401-6271
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- 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. Principal Investigator (PI)/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, CSREES is exercising its option and is

waiving prior written approval (i.e., recipients need not obtain such prior approval) to **carry forward unobligated balances to subsequent funding periods** for all awards to which these terms and conditions apply.

4. PRIOR APPROVAL REQUIREMENTS

The following are the most common situations requiring prior approval. However, the awardee also is bound by any other prior approval requirements of the applicable administrative provisions and Federal cost principles (see Article 1.).

Scope or Objectives

When it is necessary to modify the scope or objectives of the award, the AOR shall 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 shall 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 PI/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 programmatic contact indicates that funds may be available for this purpose, the AOR shall submit to the applicable ADO address the following completed documents: Proposal Cover Page signed by the PI/PD and AOR, a budget and a budget narrative, and a justification of the need for additional funds.

Subcontractual Arrangements

To obtain authorization from the ADO, the AOR shall 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 PI/PD plans to:

- relinquish active direction of the project for a period of more than three consecutive months,
 - have a 25 percent or more reduction in time devoted to the project, or
 - sever his or her connection with the awardee,
- the awardee has several options and responsibilities.

- a. If the PI/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 PI/PD's absence, including his/her curriculum vita and his/her written concurrence).
- b. If the PI/PD severs his/her affiliation with the awardee, the awardee's options include:
 - 1) Replacing the PI/PD on the Project - The AOR must request, in writing, ADO approval of the replacement PI/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 PI/PD signifying his/her willingness to assume leadership of the project.
 - 2) Subcontracting to the Former PI/PD's New Organization - The awardee may request approval to replace the PI/PD (as outlined in above paragraph) and retain the award, but subcontract to the former PI/PD's new organization certain portions of the project to be completed by the former PI/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 PI/PD, to the ADO which indicates the awardee is relinquishing the award. The letter should include the date the PI/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 19.), which reflects the total amount of funds spent by the awardee, should be attached to the letter.
 - (b) Should the PI/PD wish to transfer the award to his/her new institution, the **AOR at the new institution** should submit the information listed below to: Proposal Services Unit; Office of Extramural Programs; CSREES/USDA; STOP 2245; 1400 Independence Avenue, S.W.; Washington, D.C. 20250-2245; Telephone (202) 401-5048), 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 PI/PD, showing his/her new organizational affiliation. (An Application Kit may be requested from the Proposal Services Unit.) 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 PI/PD may experience a delay in resuming the project at the new institution.)

No-Cost Extensions of Time

Where a no-cost extension of time 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 Office of Extramural Programs, 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 PI/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 (but note the asterisked paragraph at the end of this article).

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.

*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., National Agriculture Pesticide Impact Assessment Program and the Integrated Pest Management Program).

Pre-award Costs Incurred Outside the 90-Day Period

Where pre-award costs are incurred, 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 PI/PD.

Budget Changes

Where a modification to the CSREES approved budget is required, the modification must be approved in writing by the ADO if the cumulative amount of such modifications exceeds 10 percent (10%) of the total budget as last approved by CSREES. A request for a budget change shall include a description of the change, a justification for the change, and the AOR and PI/PD signatures. Note that if the cumulative amount of allowable budget changes is less than 10 percent, prior ADO approval is not required.

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 it 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 Branch
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) Awards to a Cooperative Extension Service for Extension Activities. A "Financial Status Report," **Form SF-269**, is due April 1 for the previous reporting period ending September 30. This report is required in lieu of Form SF-272, Federal Cash Transaction Report. Upon completion of the redesigning of the DHHS-PMS system, Form SF-272 will be required.

- (2) Awardees must complete a SF-272, Report of Federal Cash Transactions and, when necessary, the continuation sheet, SF-272-A no later than 15 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. The Funds Management Branch (FMB) sends a SF-272 to awardees with a DHHS-PMS Payee Identification Number (PIN) ending with a **▲.@**Awardees receiving the SF-272 from FMB should complete the report and send it to FMB at the address identified in Article 7. DHHS-PMS sends a SF-272 to awardees with a DHHS-PMS PIN ending with a **▲.@**Awardees receiving the SF-272 from DHHS-PMS should follow the DHHS-PMS instructions.
- (3) Awards that require the grantee to provide cost participation. An annual **▲**inancial Status Report, **@**Form SF-269, must be submitted no later than 30 days following the end of the Federal fiscal year, September 30.

b. Financial Status Report - See Article 19.

9. PERFORMANCE MONITORING (OTHER THAN RESEARCH AWARDS)

The performance monitoring requirements identified in this article apply to all awards (other than research awards) unless an attachment to these terms and conditions identifies otherwise (e.g., Higher Education programs).

This article does not apply to research awards. See Article 10. for performance monitoring of research awards.

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 19., Award Closeout, regarding the final technical report.

10. CURRENT RESEARCH INFORMATION SYSTEM (CRIS) REQUIREMENTS FOR RESEARCH AWARDS

All **research** projects supported by CSREES, 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 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) 690-0119
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** research projects in CRIS. These forms (Forms AD-416 and AD-417) are requested by the appropriate CSREES Program Manager.

Awardees are encouraged 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, the forms may be faxed to the CRIS office at (202) 690-0634.

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 forward to the awardee 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 February 1. Form AD-421 will be forwarded annually to the awardee for completion and submission. Electronically transmitted reports are acceptable where such capability is available. Otherwise, the form must be returned directly to the CRIS office at the address shown above.

Normally, **annual** performance reports are due 90 days after the anniversary date of the award. 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 award reporting schedule), the awardee may use the CRIS cycle instead of the 90-day requirement. The awardee has the option of returning the completed Form AD-421 by February 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 awardee's name, the award 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 with the Form AD-421:**

- (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 PI/PD. The PI/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/intro.htm>

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 Agreement 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 grant.

Any solicitation using Federal grant 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 PI/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:

Deputy Assistant General Counsel for Patents
Research and Operations Division
Office of the General Counsel, USDA
STOP 1415
1400 Independence Avenue, S.W.
Washington, D.C. 20250-1415

- 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 in accordance with the following instructions by (1) electronic submission to Interagency Edison, or (2) paper submission via facsimile or U.S. Mail:

Invention Disclosure

Electronic Submission Via Interagency Edison Web Interface: To access Interagency Edison for the purpose of electronically reporting patents and inventions: Get into Netscape or any SSL (secure socket layer) web browser. Once in an SSL browser, go to the URL: **<http://www.iedison.gov>** (Interagency Edison Home Page) and access the instructions component. Requests for detailed instructions or other questions regarding Interagency Edison should be directed to:

Division of Extramural Inventions and Technology Resources
National Institutes of Health
6701 Rockledge Drive, Room 3175, MSC 7750
Bethesda, Maryland 20892-7750
Telephone: (301) 435-1986
Facsimile: (301) 480-0272
E-mail: edison@nih.gov

After the disclosure of the invention is reported electronically through the Interagency Edison Web interface, a signed copy of the invention disclosure must be submitted to the Division of Extramural Inventions and Technology Resources (DEITR), National Institutes of Health (NIH) within 2 months of the electronic submission. 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). The awardee may fax the signed disclosure to the facsimile number identified above (it is not necessary to mail the original to DEITR). After the disclosure is received by DEITR and acknowledged in the Interagency Edison System, a copy of the disclosure will be sent to CSREES.

Paper Submission Via U.S. Mail: If access to Interagency Edison is unavailable, the invention disclosure should be sent directly to the DEITR at the above address. After the disclosure is received by DEITR, it will be entered into the Interagency Edison database prior to being 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), domestic manufacturing waiver and invention utilization reports.

Even if information is submitted via Interagency Edison, hard copies of several documents must be submitted to DEITR.

1. Once a patent is applied for and an application serial number is available, a 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).
2. Commensurate with patent application or patent issue 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 of the inventor. The certification process is defined and can be carried out through the Interagency Edison web site. The signed certification must be submitted to DEITR via facsimile (preferable) or U.S. Mail.
4. Requests for waiver of domestic manufacturing must be received in hard copy including a detailed justification. Once the relevant information is received by DEITR and entered into the Interagency Edison system, copies of the correspondence will be forwarded to CSREES.

Paper Submission Via U.S. Mail: If access to Interagency Edison is unavailable, any changes to the disposition of the invention, including title election or non-election, assignment of rights to third parties, patent application(s), domestic manufacturing waiver and invention utilization reports should be sent directly to the DEITR at the above address. After such actions are received by DEITR, they will be entered into the Interagency Edison database prior to being sent to CSREES.

- b. Within two years of an invention 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 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 data bases 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

- c. Recipients who submit genome sequencing data information to GenBank must report this fact as part of the final reporting requirements identified in Article 19.

19. 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 Branch 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 SF-269 report must not show any unpaid obligations. If the awardee still has valid obligations that remain unpaid when the SF-269 is due, it 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 awardee shall inform the Funds Management Branch when it expects to submit a true report. If the Funds Management Branch waives provisional reports, the awardee will be so notified.

b. Final Technical Report.

- (1) If this is a research award, 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.