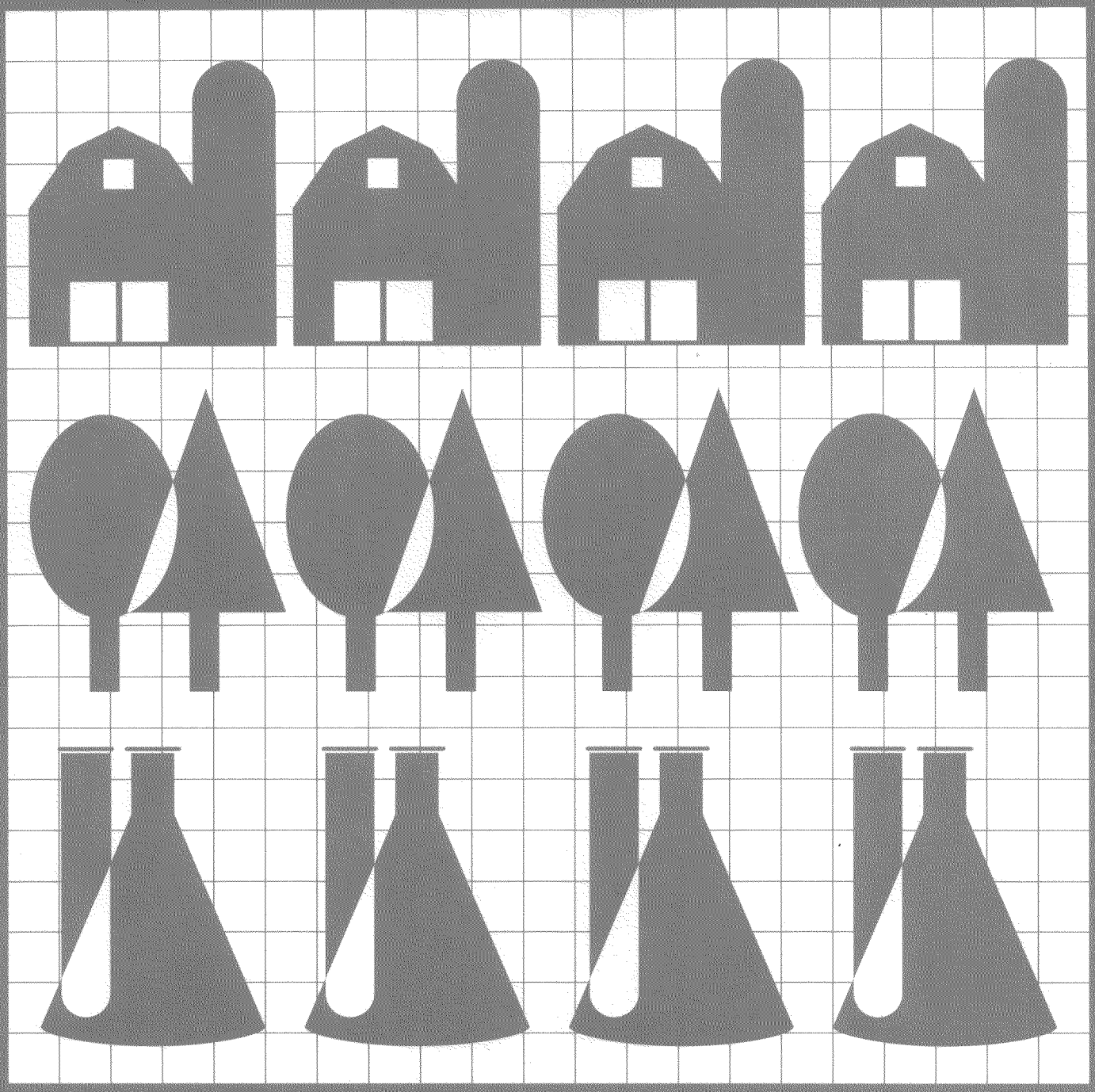
United States
Department of
Agriculture

Cooperative State
Research, Education,
and Extension Service

# Administrative Manual for Evans-Allen Cooperative Agricultural Research



*The U. S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).*

*To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.*

Cover Revised March 2000

CONTENTS


| | | Page |
|---|---|---|
| A. | GENERAL REQUIREMENTS | 1 |
| | Purpose | 1 |
| | Applicability of Regulations and General Provisions | 1 |
| | Definitions | 1 |
| B. | POLICY | 3 |
| | General | 3 |
| | Cooperative State Research Service | 3 |
| | Research Director | 3 |
| | Legal Custodian | 4 |
| C. | PROGRAM ADMINISTRATION | 4 |
| | Annual Research Program Development and Operations | 4 |
| | Submission and Review of Proposed Projects | 5 |
| | Regional Research | 6 |
| D. | FINANCIAL ADMINISTRATION | 7 |
| | Planning and Direction | 7 |
| | Obligations Limited to the Fiscal Year | 7 |
| | Financial Management and Accounting Operations | 7 |
| | Program Income | 7 |
| | Payment Requirements | 8 |
| | Allowable Costs | 8 |
| | Cash Depositories | 11 |
| E. | PROPERTY REQUIREMENTS | 11 |
| | Property Management Standards | 11 |
| | Patents, Inventions, and Copyrights | 11 |
| F. | PROCUREMENT REQUIREMENTS | 12 |
| | Procurement Standards | 12 |
| | Bonding and Insurance | 12 |
| G. | REPORTS, RECORDS, AND RETENTION | 13 |
| | Program Monitoring and Reporting | 13 |
| | Financial Reporting Requirements | 13 |
| | Retention and Custodial Requirements for Records | 13 |
| H. | CLOSE-OUT PROCEDURES | 13 |

I. GENERAL PROVISIONS ..... 14
Research Involving Recombinant DNA or RNA Molecules ..... 14
Animal Care ..... 14
Protection of Human Subjects ..... 15
Nondiscrimination Requirements ..... 15
Use of U.S. Flag Carriers ..... 16
Acknowledgment of Support and Disclaimer ..... 16
Data Collection ..... 16
Certification of Non-Delinquency ..... 16
Certification Regarding Drug-Free Workplace Requirements ..... 17
Suspension or Termination for Cause ..... 17
Debarment or Suspension Requirements ..... 17
Certification Regarding Lobbying ..... 18
Stevens Amendment ..... 19
National Historic Preservation Act of 1966 ..... 19
Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 ..... 19
Environmental Requirements ..... 19

J. APPENDICES
Section 1445, P. L. 95-113 ..... A
7 CFR 3015, as amended ..... B
7 CFR 3017 ..... C
7 CFR 3018 ..... D
OMB Circular A-21 ..... E
Essentials of a Project Proposal ..... F
Public Law 422 (7 U.S.C. 331) ..... G
Current Research Information System (CRIS) ..... H
Form CSRS-662 Assurance Statements ..... I
Example Flow Path for Proposed Projects ..... J
Payment Process (Smartlink II) ..... K
Financial Reports ..... L
Text of 7 CFR PART 3407, Implementation of National Environmental Policy Act ..... M
CSRS Form 166 ..... N

# ADMINISTRATIVE MANUAL FOR THE EVANS-ALLEN COOPERATIVE AGRICULTURAL RESEARCH PROGRAM

## A. GENERAL REQUIREMENTS

### 1. Purpose

This Manual sets forth administrative guidelines governing the use of funds allocated to the Eligible Institutions under the provisions of Section 1445 of Public Law 95-113, the Food and Agriculture Act of 1977 as amended (7 U.S.C. 3222) for the conduct of agricultural research by the 1890 Colleges and Tuskegee University (Appendix A, Section 1445, P. L. 95-113). This manual supersedes the Administrative Manual for Evans-Allen Cooperative Agricultural Research (Section 1445, Public Law 95-113), Cooperative State Research Service, May, 1982.

### 2. Applicability of General Provisions and Regulations

Except as otherwise provided herein, funds allotted under Section 1445 of Public Law 95-113, (Evans-Allen) are subject to the provisions of 7 CFR 3015, (Appendix B), and OMB Circular A-21 (Appendix E).

### 3. Definitions

a. The term "Administrative Project" means a component of the Eligible Institution's Research Program specifically authorizing expenditure of Evans-Allen funds for research planning and other activities directly associated with effective administration and direction of the Evans-Allen Research Program.

b. The term "Agricultural Research" means Research in the Food and Agricultural Sciences.

c. The term "Approved Project" means a research or administrative project for which documentation has been submitted to and approved by the Cooperative State Research Service (CSRS) for the expenditure of Evans-Allen funds.

d. The term "Cooperative State Research Service (CSRS)" means an agency of the United States Department of Agriculture that administers Federal funds appropriated for forestry and agricultural research at State Agricultural Experiment Stations, Forestry Schools, Land-Grant Institutions of 1890 and Tuskegee University, and selected Veterinary Schools

e. The term "Current Research Information System (CRIS)" refers to an automated system for storing and retrieving information on current research sponsored or conducted by the USDA, State Agricultural Experiment Stations, Forestry Schools, Land-Grant Institutions of 1890 and Tuskegee University, Schools of Veterinary Medicine, and other institutions receiving Competitive or Special Grants.

f. The term "Department of Agriculture" means the United States Department of Agriculture.

g. The term "Director" means the chief administrative officer of the State Agricultural Experiment Station.

h. The term "Eligible Institution" means a Land-Grant College or University established under the Act of August 30, 1890 (7 U.S.C. 321-326 and 328) including Tuskegee University. Only these Institutions are eligible to receive funds under the Evans-Allen program.

i. The term "Evans-Allen Funds" means those funds authorized in Section 1445 of Public Law 95-113, as amended.

j. The term "Fiscal Year" means the period of 12 months from October 1 of each year through September 30 of the following year.

k. The term "Hatch Act" means the Hatch Act of March 2, 1887, as amended, (7 U.S.C. 361a-361i).

l. The term "Legal Custodian" means the Treasurer or other officer appointed by the Eligible Institution to receive and account for all allotments of Evans-Allen funds.

m. The term "Letter of Authorization" means a certified authorization under which allocations of Evans-Allen funds are made available to an Eligible Institution for immediate disbursement needs in accordance with the provisions of Treasury Circular No. 1075.

n. The term National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, means Title XIV of the Food and Agriculture Act of 1977, 7 U.S.C. 1281, P. L. 95-113.

o. The term "Research Director" means the chief administrative officer appointed by the President of each Eligible Institution, to administer the research program authorized in Section 1445 of Public Law 95-113.

p. The term "Research Program" or "Evans-Allen Research Program" means a set of approved projects which defines the research to be conducted by an Eligible Institution with the support of Evans-Allen funds within a given fiscal year.

q. The term "Research Project" means a component of the Eligible Institution's Research Program having specific objective(s), defined research procedures, specific date of initiation, and a projected date of completion.

r. The term "Revised Project" means a CSRS approved revision of an approved project.

s. The term "Secretary" means the Secretary of Agriculture of the United States Department of Agriculture.

t. The term "State" or "States" for purposes of the Evans-Allen program means the 50 United States, Guam, the Virgin Islands, Puerto Rico, the District of Columbia, American Samoa, Micronesia, and Northern Mariana Islands.

u. The terms "State Agricultural Experiment Station" and "Station" mean an organization established under direction of the college or university or agricultural departments of the college or university in each State in accordance with the act approved July 2, 1862 (7 U.S.C. 301 et seq.); or such other substantially equivalent arrangements as any State shall determine.

v. The term "Section 1445 Funds" means those funds authorized in Section 1445 of Public Law 95-113, as amended.

## B. POLICY

### 1. General

The scope of research which may be conducted under Evans-Allen is very broad. It includes research on all aspects of agriculture, including soil and water conservation and use; plant and animal production, protection and health; processing, distributing, marketing, and utilization of food and agricultural products; forestry, including range management and range products, multiple use of forest and rangelands, and urban forestry; aquaculture; home economics, including human nutrition and family life; and rural and community development. Research may be conducted on problems of local, state, regional, or national concern.

Eligible Institutions are required to propose and conduct research projects supported with Evans-Allen Funds which comply with the purposes of Sections 1402 and 1445 of the National Agricultural, Research, Extension, and Teaching Policy Act of 1977, as amended, which have relevance to the special conditions and needs of the respective States. Consideration of the priorities and objectives of the Joint Council on Food and Agricultural Sciences and the National ESCOP/CSRS Strategic Plan is to be included in the project selection process.

### 2. Cooperative State Research Service (CSRS)

The Secretary of Agriculture is responsible for the proper administration of the provisions of Section 1445, Public Law 95-113. This function has been delegated to the Cooperative State Research Service.

Among the responsibilities of CSRS are the following:

a. Issuing necessary administrative guidelines;

b. Allocating funds to the Eligible Institutions;

c. Ensuring that Evans-Allen funds are utilized to carry out the purposes of the Evans-Allen Act; and

d. Providing advice and assistance to the Eligible Institutions as necessary to promote the purposes of the Evans-Allen research program.

### 3. Research Director

Eligible Institutions authorized to receive funds under Evans-Allen must have a chief administrative officer who carries the title of the Research Director. The Research

Director shall be responsible to the head of the institution and to its governing body within the State. He shall not be considered a Federal employee for any purpose.

The responsibilities of the Research Director include the following:

a. Determining the research to be conducted by the Eligible Institution using Evans-Allen funds, subject to the approval of CSRS.

b. Utilizing Evans-Allen funds for carrying out the purpose of Evans-Allen. The voucher, schedule or other evidence presented to the Custodian for payment should be at the signature of the Research Director or his designee.

c. Complying with the rules and regulations applicable to the conduct of the Evans-Allen research program.

4. Legal Custodian

Each Eligible Institution must have a legal custodian or other officer appointed by the governing board of the institution to receive and account for all Evans-Allen funds allocated to the Institution. On or before December 31 of each year, the legal custodian, with approval of the Research Director shall report receipts and disbursements of Evans-Allen funds to the Secretary of Agriculture on Standard Form 269 (Appendix L, Financial Reports) and according to 7 CFR 3015.82 (Appendix B).

C. PROGRAM ADMINISTRATION

1. Annual Research Program Development and Operations

To receive its annual allocation of Evans-Allen funds, each Eligible Institution must first submit its annual Research Program to CSRS for approval. This Research Program is due in CSRS by August 15 of each year for the fiscal years starting in October. An Eligible Institution's annual Research Program shall consist of a listing of all approved projects, including administrative projects. To facilitate the process, CSRS will provide each Eligible Institution with computer listings of 1) current projects which have received agency approval, 2) new projects currently in the approval/review process and 3) projects that have exceeded their estimated completion date, but, for which a termination report (CRIS Form AD-421) has not been received. The current project listing will serve as the annual Research Program document with the appropriate additions, deletions and/or corrections.

Upon receipt of an Eligible Institution's Research Program, CSRS will review its content for compliance with the purposes of Evans-Allen. An approved Research Program will serve as the basis upon which Evans-Allen funds will be provided by Letter of Authorization. When deficiencies in a proposed Research Program are found, CSRS may approve a portion of the Program, thereby permitting funds to be released for the funding of the approved segment only. The balance of the Program may be approved as the identified deficiencies are corrected.

An annual Research Program may be revised at anytime during the fiscal year upon written request to CSRS. In view of the continuing nature of Evans-Allen and its Research Program, funds are allocated on a program rather than a project basis. Accordingly, the requirements of 7 CFR 3015.110 (Appendix B) regarding revision

of financial plans are not applicable to the Evans-Allen Research Program. However, the following requirements must be observed:

a. All projects on which it is proposed to expend Evans-Allen funds during the fiscal year must be identified on the annual Research Program.

b. The approved Evans-Allen projects included in an approved annual Research Program constitute the research program upon which Evans-Allen funds may be expended.

c. Evans-Allen formula funds may be assigned or reassigned to approved Evans-Allen formula projects at the discretion of the Research Director.

d. New projects, project revisions, or project extensions, when approved, will automatically be added by CSRS to the approved annual Research Program as of the effective date as indicated on CSRS Form 166 (Appendix N).

## 2. Submission and Review of Proposed Projects

### a. Project Proposals

An example of a flow plan for project review and approval is found in Appendix J. Project proposals shall be written in the format set forth in Appendix F - "Essentials of a Project Proposal", and shall be supported by a certification that the project proposal was developed pursuant to the Eligible Institution's approved procedure. Project proposals may be submitted to CSRS for approval at any time.

### b. Project Approval Procedures

-- Merit Review

The Eligible Institution shall have the primary responsibility for determining the need, priority, and scientific feasibility of the projects proposed. Each Research Director, therefore, shall develop a procedure, subject to CSRS approval, for project documentation, merit review, and selection. This procedure should assure that the research project proposals are scientifically sound, relevant to society's agricultural and food needs, not duplicative of efforts undertaken elsewhere, and have been evaluated in terms of the National priorities.

A merit review process for Evans-Allen research proposals at a participating institution should accomplish the following:

1. Insure completeness of project proposal (all items in Appendix F should be included).
2. Evaluate relevance of the proposed research.
3. Evaluate quality and scientific value of the proposed research.
4. Consider opportunities for cooperation with other individuals or units.
5. Provide opportunity for the project leader to interact with reviewers and make adjustments as appropriate.
6. Provide CSRS with an indication, project by project, that the process was followed.

-- CSRS Review

To ensure compliance with the purposes of the Evans-Allen Act and the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, and to provide technical assistance where appropriate, each project to be funded with Evans-Allen funds, including administrative projects, must be approved by CSRS before inclusion in the Eligible Institution's Research Program and expenditure of Evans-Allen funds thereon.

1. CSRS will review project proposals for compliance with the provisions of the Evans-Allen Act. CSRS will review project proposals for scientific and technical adequacy when an Eligible Institution has not provided an adequate system for internal documentation and merit review. CSRS will also review classification coding of projects as they are approved to insure accurate identification and recording of those that address National research priorities.

2. Along with the project proposal, the following forms must be completed and submitted to CSRS:

   - transmittal letter with merit review statement
   - CRIS Form AD-416, (Appendix H)
   - CRIS Form AD-417, (Appendix H)
   - Form CSRS-662 Assurance Statements, (Appendix I)

3. CSRS will notify the Research Director of approval or disapproval of each proposed project and of any deficiencies which preclude approval.

4. Evans-Allen funds may be expended on a project as of the effective date as indicated on CSRS Form 166 (Appendix N). Appropriate amendment of the Eligible Institution's annual Research Program will be made by CSRS.

**c. Life of Project -- Extensions**

Evans-Allen formula funded projects will be approved for periods not exceeding five years. Eligible Institutions may extend the life of a project for not more than one year beyond the approved estimated completion date by including the project on the annual Research Program for the succeeding year, or a letter extending the project for one year. To continue the research for more than one year beyond the approved estimated completion date, written justification for each project must be submitted. Disapproval of any proposed extension, and the reasons therefore, will be provided by CSRS to the concerned Research Director in writing. Upon receipt of notice of disapproval, the Research Director shall stop expenditure of Evans-Allen funds on the project.

**3. <u>Regional Research</u>**

Section 1445(a) states that "The Eligible Institutions are authorized to plan and conduct agricultural research in cooperation with each other and such agencies, institutions, and individuals as may contribute to the solution of agricultural problems, and moneys appropriated pursuant to this Section shall be available for paying the neces-

sary expenses of planning, coordinating, and conduction of such cooperative research." There shall be no automatic or restricted designation of any portion of the Eligible Institutions funds for regional research. When it is appropriate for Eligible Institutions to participate in regional research involving only 1890 Institutions and Tuskegee University the regional project in question should be endorsed by respective Research Directors or their Committee representatives and be developed in cooperation with and approved by CSRS. Regional research projects from Eligible Institutions that contribute to Hatch Regional projects should follow instructions in the Manual for Cooperative Regional Research, CSRS-OD-1082.

## D. FINANCIAL ADMINISTRATION

### 1. Planning and Direction

Evans-Allen funds may be used to pay the necessary expenses of administrative planning and direction of research which is to be supported by Evans-Allen funds. Likewise, such funds may be used in paying the necessary expenses involved in planning research authorized under Section 1445 in cooperation with such other appropriate agencies and individuals as may contribute to the planning process. Separate administrative projects designed to provide for the payment of the costs of such administrative planning and direction shall be transmitted to CSRS for approval and included in the Eligible Institution's Research Program.

### 2. Obligations Limited to the Fiscal Year

Obligations incurred by an Eligible Institution in any one fiscal year to be paid from Evans-Allen funds cannot exceed the amounts allotted to the Eligible Institution for that year. Evans-Allen funds are available for obligation only during the fiscal year for which appropriated. The accounts are closed for obligation on September 30. Funds obligated as of that date which represent unliquidated (unpaid) obligations remain available for subsequent payment. Any unobligated balance in the excess of 5 percent shall be deducted from the next succeeding annual allotment.

### 3. Financial Management and Accounting Operations

The standards for financial management systems applicable to the recipients of Evans-Allen funds are prescribed in 7 CFR 3015.60-61 (Appendix B). Accountability shall be based on the total annual Evans-Allen Research Program conducted by each Eligible Institution, rather than on individual projects. Accordingly, Research Directors may assign or reassign Evans-Allen formula funds to projects included in the institution's approved Research Program as necessary to carry out the research objectives.

Examinations in the form of audits or internal audits are required to occur not less than every 2 years. Generally, such examinations conducted on a university-wide basis to test the fiscal integrity of financial transactions, as well as compliance with the terms and conditions of Federal grants and other agreements, will meet the requirements of 7 CFR 3015.77 (Appendix B).

### 4. Program Income

The standards prescribed by 7 CFR 3015.40-46 (Appendix B) are applicable to

income related to projects financed in whole or in part with Evans-Allen funds, except as provided below:

a. Royalties received from copyrights or patents resulting from research conducted with Evans-Allen funds are not considered to be program income and represent no obligation to the Federal Government.

b. Proceeds from the sale of real and/or personal property purchased in whole or in part with Evans-Allen funds should be handled in accordance with Section E of this Manual.

c. Any interest earned on Evans-Allen funds shall be returned to CSRS.

d. All other program income shall be retained by the Eligible Institutions and used to further Evans-Allen program objectives.

## 5. Payment Requirements

The standards prescribed by 7 CFR 3015.100-105 (Appendix B) and shall apply to the Evans-Allen program.

All Eligible Institutions that meets the minimum annual funding level for issuance of a Letter of Authorization will receive Evans-Allen payments via the Department of Health and Human Services-Payment Management System (DHHS-PMS). A Letter of Authorization for each fiscal year's Research Program will be issued effective October 1 in an amount equal to the first quarter's payment. It will be amended quarterly to reflect subsequent quarterly payments in accordance with the provisions of Section 1445. It may include payments authorized under other CSRS programs, in which the amounts available for each program will be specified. See Appendix K for further information on the DHHS-PMS. Requests for payment under the DHHS-PMS should be timed to meet immediate disbursement needs. In addition, a copy of the Form CSRS-OD-1088(c), Distribution of Evans-Allen Funds will be sent to all Eligible Institutions during the first quarter of each fiscal year.

## 6. Allowable Costs

-- General

Requisitions, vouchers, schedules or other evidence presented to the Legal Custodian for payment shall bear the signature of the Research Director or his designee. The cost principles prescribed by OMB Circular A-21(Appendix E), are applicable for determining the allowability of costs charged to Evans-Allen funds except as provided below.

-- Indirect Costs and Tuition Remission

Indirect costs and tuition remission are not allowable under the Evans-Allen Program; and therefore may not be charge against Evans-Allen funds.

-- Joint Employment

Evans-Allen Funds cannot be used for paying salaries or wages for activities other than authorized research activities of the 1890 Institutions and Tuskegee

University as specified in the Act. The distribution of salaries and wages of professorial or professional staff will be based on either a system of monitored workload or a system of personnel activity reports. The personnel activity reports must be used for non-professional employees. Standards for providing auditable support for salaries and wages charged under these two systems are specified in Section J8c and J8d of OMB Circular A-21 (Appendix E).

The institution's accounting system must be able to show allocability to a particular funded program or objective.

The monitored workload system requires a budgeted or assigned workload, modified to reflect any significant changes which occur in the workload over the reporting period. Such changes are documented and signed by a responsible official. Under this system, at least annual confirmation of reasonable changes is required. The personnel-activity system reflects an after-the-fact reporting of the percentage of activity of each employee. A personnel-activity report, signed by the employee or responsible official, is required each academic term but not less frequently than every 6 months for professorial and professional staff and not less frequently than monthly for other individuals.

-- Employer Contributions to Retirement Systems

Under the provisions of an Act of March 4, 1940 (U.S.C. 331), (Appendix G), Public Law 422, (7 U.S.C. 331) employer contributions to land-grant college retirement systems from Evans-Allen funds are limited to 5 percent of that portion of the salaries paid, from Evans-Allen funds, to employees who participate in the system. Contributions from Evans-Allen funds may not exceed those contributions from non-Federal sources made by or on behalf of the individual concerned.

-- Employer Contributions to Social Security (Old Age Survivors Insurance) and other Faculty and Staff Benefits.

Evans-Allen funds may be used to pay employer contributions toward old age and survivors insurance on that portion of salary paid from Evans-Allen to any employee subject to the Federal Insurance Contributions Act. These employer contributions may be in addition to the 5 percent limitation on use of Evans-Allen funds for retirement imposed by the Act of March 4, 1940. Payment of employer contributions from Evans-Allen funds for other faculty and staff benefits is authorized as specified in Section J-15 of OMB Circular A-21 (Appendix E).

-- Travel

The Department recognizes the global dimension of agriculture and the importance of international exchange of scientific information. The Department deems domestic and foreign travel to be an important part of the Evans-Allen program. Approval of domestic and foreign travel is delegated to the Research Director.

Evans-Allen funds may be used to support domestic and foreign travel that will benefit the research progress or report results of the Evans-Allen project on which the scientist is working.

Evans-Allen funds may be used to support travel of prospective employees. In cases where the prospective employee will be employed jointly by the research

unit and in other units of the institution with which the research unit is connected, it is expected that a fair and equitable division of travel costs will be made. Such costs may be charged directly to the research project on which the prospective employee will be engaged or to the Research Director's approved administrative project.

-- Prohibition Against Lobbying

It is illegal for any Federal funds to be used directly or indirectly to pay for any lobbying activity. (18 U.S.C. 1913).

-- Publications

Publication and distribution costs associated with projects approved for Evans-Allen funds may be paid from those funds. Where the publication is based upon more than one project and not all projects reported upon are approved for Evans-Allen funds, the costs may be reasonably prorated. Expenses associated with providing editorial assistance are considered legitimate publication costs. Where an editorial staff is maintained for the purpose of providing assistance in publishing results of Evans-Allen research projects and for other purposes, Evans-Allen funds may be assessed a reasonable share of the common cost.

The printing and distribution of only those publications that will record the research and experimental work supported by Evans-Allen funds may be paid from such funds. Whenever results are published with other materials as, for instance, in an annual report of the research at an institution, prorated share of the cost of publication may be charged to the Evans-Allen funds.

-- Capital Expenditures for Special and General Purpose Equipment

CSRS, as part of each year's program approval, delegates to the Research Director the authority to make capital expenditures as direct charges to Evans-Allen funds for special purpose equipment having unit costs of $1,000 or more, and for the renovation of existing facilities and general purpose equipment.

All capital expenditures for purchase or construction of new buildings and purchase of land in all cases require prior approval of CSRS. Rental of land is allowable under the annual delegation.

This delegation is subject to the following provisions:

a. The Research Director or his designee must exercise the prior approval responsibility on an item-by-item basis.

b. The need for equipment and for the renovation of research facilities for Evans-Allen research is determined to the satisfaction of the Research Director or his designee.

c. The costs are reasonable and allocable to an approved Evans-Allen project or projects within an approved program.

d. Such purchases are made in accordance with procurement policies and procedures of the institution and standards established in 7 CFR 3015.180-184 (Appendix B).

e. Procedures for management of such equipment are in accordance with the provisions of 7 CFR 3015.160-175 (Appendix B).

7. Cash Depositories

The standards prescribed by 7 CFR 3015.10-13 (Appendix B) shall apply to the use of banks and other institutions as depositories for Evans-Allen funds.

## E. PROPERTY REQUIREMENTS

1. Property Management Standards

The standards prescribed by 7 CFR 3015.160-175 (Appendix B) and shall apply to the Evans-Allen program, except as provided below:

a. Title to real property purchased in whole or part with Evans-Allen funds shall vest in the State or parent university for the use and benefit of the agricultural research unit. Authority is delegated to the Research Director for approval of use of the real property in other projects when the Research Director determines that the property is no longer needed for the Evans-Allen research program. When the real property is no longer needed for other projects, the disposition provisions cited in 7 CFR 3015.168 (Appendix B) are applicable.

b. Title to nonexpendable personal property purchased with Evans-Allen funds shall be vested in the Eligible Institution upon acquisition as set forth in 7 CFR 3015.165-166 (Appendix B) and the Eligible Institutions shall have no other obligation or accountability to the Federal Government for its use or disposal, except that the property must be utilized on the project for which it was purchased and that proceeds from the disposal shall be applied to further Evans-Allen program objectives.

2. Patents, Inventions, and Copyrights

a. Patents and Inventions. The clause found at 37 CFR 401.14, Rights to Inventions Made by Nonprofit Organizations and Small Business Firms is incorporated by reference. Copies of this regulation can be obtained from:

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

Further, this clause shall be incorporated into all subcontracts or other subawards, regardless of tier, for experimental, developmental, or other research work.

Under these provisions, the research performer may retain the entire rights throughout the world, of the invention in question. No further patent agreement is required. However, each invention must be disclosed in writing to CSRS and the

Federal government shall have a paid-up license for its use of the invention.

b. Disclosures. Disclosure statements shall be made via the annual CRIS form AD-421 Progress report. If applicable, enter the following information on the bottom of the form.

1. If a patent has already been issued, provide the Patent number and the issue date.

2. If a patent has been applied for but not yet issued, provide the patent application serial number and the filing date.

3. If disclosure information has not been submitted prior to the termination of the project, please include it on the AD-421 Termination Report.

c. Central Point of Contact.

Deputy Assistant General Counsel for Patents
Research and Operations Division
Office of the General Counsel, USDA
Room 2332, South Building
14th and Independence Avenue, S.W.
Washington, DC 20250-1400

d. Copyrights. The provisions of 7 CFR 3015.175(b) (Appendix B) are applicable to copyrights.

## F. PROCUREMENT REQUIREMENTS

### 1. Procurement Standards

The standards prescribed by 7 CFR 3015.180-184 (Appendix B) and shall apply to the Evans-Allen program, with the following exception:

Departmental Regulation 7 CFR 3015.180-184 (Appendix B) requires prior approval of the sponsoring agency of any sole source contract, or one where only one bid or proposal is received, in which the aggregate expenditure is expected to exceed $5,000. The authority to exercise CSRS's discretion in this regard is delegated to the Research Director. The Research Director may approve such contracts when the award complies with the institution's procurement policies and procedures and the procurement standards of 7 CFR 3015.180-184 (Appendix B).

### 2. Bonding and Insurance

The standards prescribed by 7 CFR 3015.15-18 (Appendix B) shall apply to the Evans-Allen program.

## G. REPORTS, RECORDS, AND RETENTION

### 1. Program Monitoring and Reporting

The applicable standards for program monitoring and reporting are set out in 7 CFR 3015.90-95 (Appendix B). These standards shall be applied to the Evans-Allen Research Program as follows:

a. Eligible Institutions shall submit annual Progress Reports on CRIS Form AD-421. Reports from institutions reporting on a calendar year are due by February 15. Reports from institutions reporting on a Federal fiscal year are due by December 1. A report is required for each project included in the institution's approved Research Program for the Federal fiscal year.

b. A Termination Report, CRIS Form AD-421, shall be submitted to CSRS for each completed or terminated Evans-Allen project. Such reports shall be submitted at the same time as are progress reports on active projects and should include brief summary of accomplishments for the entire life of the project. For those projects completed or terminated too late for inclusion with the annual progress reports, the final reports should be submitted with the annual Research Program (August 15).

c. A Research Funds and Staff Support Report, CRIS Form AD-419, shall be submitted to CSRS annually for all Evans-Allen projects. Reports shall be made on a Federal fiscal year basis and are to be submitted by December 1 of each year.

d. Other special reports and on-site reviews, as needed, are used to supplement program-monitoring procedures and to provide data for program planning and coordination.

Information describing CRIS is included as Appendix H.

### 2. Financial Reporting Requirements

The standards for financial reporting prescribed by 7 CFR 3015.80-85 (Appendix B) are applicable to the Evans-Allen program. Instructions for preparing the Federal Cash Transactions Report(SF-272) and the Financial Status Report (SF-269) are included in Appendix L.

### 3. Retention and Custodial Requirements for Records

The standards prescribed by 7 CFR 3015.20-25 (Appendix B) shall apply to the Evans-Allen program.

## H. CLOSE-OUT PROCEDURES

The procedures prescribed by 7 CFR 3015.120 (Appendix B) shall apply to closing out annual Research Programs. Each year's Research Program shall be closed out as of September 30. Documentation to support the close-out will include:

1. A Financial Status Report (Standard Form 269) (Appendix L) covering the total Evans-Allen Research Program as of September 30, which will be submitted by the

legal custodian with the approval of the Research Director on or before December 31st.

2. Either a CRIS annual Progress Report or Termination Report should be submitted for each project included in the annual Research Program CRIS Form AD-421 will be used for either report.

## I. GENERAL PROVISIONS

### 1. Research Involving Recombinant DNA or RNA Molecules

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

a. Ensuring that a standing Institutional Biosafety Committee (IBC) is maintained in accordance with Part IV of the NIH guidelines and also ensuring that the research plan is reviewed and approved by the IBC prior to commencing substantive work under the project. IBC action must be documented in Section A of Form CSRS-662 (Appendix I). Failure to include documentation of approval by the IBC interrupts and can add two to four weeks to the approval process for all Evans-Allen funded research involving recombinant DNA.

b. Registering with the IBC all experiments involving recombinant DNA and RNA molecules conducted with funds provided under the project and complying with the containment requirements specified in Part III of the NIH Guidelines. Records of this research must be kept in a form that is available to USDA upon request.

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

a. New technical information relating to risks and safety procedures.

b. Serious accidents or releases involving recombinant DNA or RNA.

c. Serious illness of a laboratory worker which may be project related.

d. Other safety problems.

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

### 2. Animal Care

The responsibility for the humane care and treatment of animals used in any research project supported with federal funds provided by CSRS rests with the performing organization. If a project involves research using animals, all key personnel identified in the approved project and all endorsing officials of the recipient's organization are required to comply with the Animal Welfare Act (Pub. L. NO. 89-544, 1966, as amended, Pub. L. NO. 94-279, and Pub. L. NO. 99-198, 7 U.S.C. 2131 et) and the

regulations promulgated thereunder by the Secretary of Agriculture in 9 CFR Parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of vertebrate animals held or used for research, teaching, or other activities supported by Federal awards. In the case of animals used or intended for use in CSRS-administered research, the recipient shall adhere to the principles enunciated in the Guide for the Care and Use of Laboratory Animals, described in NIH Publication NO. 86-23 (Revised, 1985), and to the USDA regulations and standards issued under the public laws stated above. In case of conflict, the higher standard shall be used.

All Evans-Allen funded projects requiring the use of animals should be approved by the Institutional Animal Care and Use Committee (IACUC) before submission to CSRS. This must be documented in Section B of Form CSRS-662. Failure to include documentation of approval by the IACUC interrupts and adds two to four weeks to complete the approval process for all Evans-Allen funded research requiring the use of animals.

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

3. Protection of Human Subjects

The recipient is responsible for protecting the rights and welfare of any experimental human subjects involved in research and related activities. If a project involves the use of human subjects, the recipient agrees to comply with the Department of Health and Human Services' regulations on the protection of human subjects as set forth in 45 CFR Part 46 and USDA requirements as set forth in Secretary's Memorandum NO. 1755 and 7 CFR 3015.205(b)(1).

The completed and signed Form CSRS-662, Assurance Statements, is required with all new or revised projects submitted to CSRS for approval. If sub-heading (b) within Section C of Form CSRS-662 is checked, a revised Form CSRS-662 is required, with either subheading (a) or (c) checked, before research involving human subjects can be conducted. In some cases, where sub-heading (a) is checked, documentation may be required.

4. Nondiscrimination Requirements

The purpose and objective of Title VI of the Civil Rights Act of 1964 is defined broadly in Section 601 as follows:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture or any Agency thereof.

Institutions receiving assistance or public funds are required to abide by the following regulations: USDA Departmental regulations governing the Civil Rights Act of 1964, Title VI - Nondiscrimination in Federally Assisted Program and Rules and Regulations as Amended (CFR 7- Part 15); Section 504 of the Rehabilitation Act of 1973, as amended, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; Title IX of the Education Amendments of 1972, as amended, prohibits sex discrimination in feder-

ally assisted education programs and activities; and Age Discrimination Act of 1975, prohibits discrimination on the basis of Age in programs and activities receiving Federal financial assistance.

5. **Use of U.S. Flag Carriers**

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

6. **Acknowledgment of Support and Disclaimer**

In accordance with 7 CFR 3015.200, the following acknowledgment of CSRS support must appear in the publication of any material which is based upon or developed under CSRS support:

> "This material is based upon work supported by the Cooperative State Research Service, U.S. Department of Agriculture, under Project NO. (the recipient should enter the applicable project 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".

7. **Data Collection**

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

a. The grantee is collecting information at the specific request of the Department;

b. The terms and conditions of the grant require specific Departmental approval for information collection or collection procedures.

Any data collection activities performed under a project are the responsibility of the recipient, and USDA support of the project does not constitute USDA approval of the survey design, questionnaire content, or data collection procedures. The recipient shall not represent to respondents that such data are being collected for or in association with the U.S. Department of Agriculture or any other Federal Government agencies unless such data are sponsored by the Department. However, this requirement is not intended to preclude mention of USDA support of the project in response to an inquiry or acknowledgment of such support in any publication of this data.

8. **Certification of Non-Delinquency**

In accordance with OMB Circular A-129, "Managing Federal Credit Programs," and the requirements contained in OMB Memorandum M-87-32, as implemented by

7 CFR Parts 1 and 3, no award of Federal funds may be made to an applicant who is delinquent on a Federal debt until the delinquent account is made current or satisfactory arrangements are made between the affected agency and the debtor except where the award is required by law or approved by the head of the awarding agency. Therefore, the recipient institution certifies in accepting the funds that it is not delinquent on any Federal debt.

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

9. Certification Regarding Drug-Free Workplace Requirements

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

10. Suspension or Termination for Cause

The procedures prescribed by 7 CFR 3015.122-125 (Appendix B) shall apply to suspension or termination of the Evans-Allen annual Research Program or to any of the component projects which, in total, constitute the annual Research Program. The term "for cause" includes:

a. Significant deviation from stated objectives;

b. Progress inconsistent with expenditures;

c. Fiscal irregularities;

d. Any other conditions which make continued support from Evans-Allen funds inappropriate.

In the event of suspension of termination which results in the withholding of any portion of an allotment, the facts and reasons therefore will be reported by the Department of Agriculture to the Congress, as required by 7 U.S.C. 361g.

11. Debarment or Suspension Requirements

USDA's implementation of Executive Order 12549, Debarment and Suspension, is contained in 7 CFR 3017.510(a) (Appendix C), which requires that a proposed recipient certify that it and its principals are not presently debarred, suspended,

proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency, have not recently been convicted or indicated under criminal or civil statutes, etc. Precise wording appears in the implementing regulations referenced above.

In accordance with 7 CFR 3017.510(c) (Appendix C), the recipient shall provide immediate written notice to CSRS if at any time the recipient learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Additionally, all lower-tier covered transactions or solicitations for lower-tier covered transactions must include certifications as to the lower-tier participants status regarding this requirement. As used herein, lower-tier covered transactions generally include:

a. Any transaction (other than a procurement contract) for goods and services, regardless of type;

b. Any procurement contract for goods and services, regardless of type, that is expected to equal or exceed the Federal cap on small purchases (currently, $25,000); and

c. Any procurement contract for goods and services, regardless of amount, under which the recipient will have a critical influence on or substantive control over the covered transaction (i.e., principal investigators and providers of federally-required audit services).

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

## 12. Certification Regarding Lobbying

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

Current and prospective recipients (and their subtier contractors and/or subgrantees) are prohibited from using Federal funds, other than profits from a Federal contract, for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 ($150,000 for loans) recipients and their subtier contractors and/or subgrantees must:

(1) certify that they have neither used nor will use any appropriated funds for payment to lobbyists,

(2) disclose the name, address, payment details, and purpose of any agreements with lobbyists for whom recipients or their subtier contractors and/or subgrantees have paid or will pay with profits or nonappropriated funds on or after December 23, 1989; and

(3) file quarterly updates about the use of lobbyists if material changes have occurred. The law establishes civil penalties for noncompliance.

USDA Regulations implementing Section 319 of Pub. L. 101-121 are contained in 7 CFR 3018 (Appendix D).

13. Stevens Amendment

The institution shall clearly state in all requests for proposals, bid solicitations, press releases, statements, and other documents describing this project, (1) the percentage of the total cost of the project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project [638 of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1991 (P. L. No. 101-506)].

14. National Historic Preservation Act of 1966

The institutions will assist CSRS in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archaeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) as follows:

(a) by consulting with the State Historic Preservation Officer on the conduct of investigations as necessary to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying CSRS of the existence of any such properties, and (b) by complying with all requirements established by CSRS to avoid or mitigate adverse effects upon such properties.

15. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970

The institution will comply with the requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. 4601 et seq.) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.

16. Environmental Requirements

a. National Environmental Policy Act

It is the policy of CSRS to comply with the provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), and implementing regulations established by the Council on Environmental Quality at 40 CFR Parts 1500-1508, as adopted and supplemented by USDA at 7 CFR Part 1b and by CSRS at 7 CFR Part 3407. To assist CSRS in carrying out its responsibilities, institutions may be required to furnish environmental documentation prior to the award/expenditure of project funds. Additional information is contained in 7 CFR Part 3407 (Appendix M).

b. Flood Disaster Protection Act

Institutions will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234 (42 U.S.C. 4001 et seq.). Section 102(a) requires, on or after March 1, 1975, the

purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

c. The Clean Air Act (42 U.S.C. 7401 et seq.) and the Water Pollution Control Act (33 U.S.C. 1251 et seq.)

Institutions will assure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of research supported by Evans-Allen and/or Regional funds are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify CSRS of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in such research is under consideration for listing by the EPA.

The provisions listed in this section are intended as summaries only and may not contain the exact language required by or stated in the relevant statutes or regulations. The recipient is encouraged to review all laws and regulations applicable to this Program.

**(Evans-Allen Funding Public Law 95-113, as amended)**

**SUBTITLE G--1890 LAND-GRANT COLLEGE FUNDING**

* * *

## AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE INSTITUTE

**SEC. 1445.**[1] (a) There are hereby authorized to be appropriated annually such sums as Congress may determine necessary to support continuing agricultural research at colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326, and 328), including Tuskegee Institute (hereinafter referred to in this section as "eligible institutions"). Beginning with the fiscal year ending September 30, 1979, there shall be appropriated under this section for each fiscal year an amount not less than 15 per centum of the total appropriations for such year under section 3 of the Act of March 2, 1887 (24 Stat. 441, as amended; 7 U.S.C. 361c): *Provided,* That the amount appropriated for the fiscal year ending September 30, 1979, shall not be less than the amount made available in the fiscal year ending September 30, 1978, to such eligible institutions under the Act of August 4, 1965 (79 Stat. 431, 7 U.S.C. 450i). Funds appropriated under this section shall be used for expenses of conducting agricultural research, printing, disseminating the results of such research, contributing to the retirement of employees subject to the provisions of the Act of March 4, 1940 (54 Stat. 39-40, as amended; 7 U.S.C. 331), administrative planning and direction, and purchase and rental of land and the construction, acquisition, alteration, or repair of buildings necessary for conducting agricultural research. The eligible institutions are authorized to plan and conduct agricultural research in cooperation with each other and such agencies, institutions, and individuals as may contribute to the solution of agricultural problems, and moneys appropriated pursuant to this section shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research. No more than 5 percent of the funds received by an institution in any fiscal year, under this section, may be carried forward to the succeeding fiscal year.

(b)[2] Beginning with the fiscal year ending September 30, 1979, the funds appropriated in each fiscal year under this section shall be distributed as follows:

(1)[3] Three per centum shall be available to the Secretary for administration of this section. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for the purpose of assessing research opportunities or research planning.

(2) The remainder shall be allocated among the eligible institutions as follows:

---

[1] 7 U.S.C. 3222. The Amendments of 1985, section 1417(a), 99 Stat. 1550, added a new sentence at the end of subsection (a).

[2] Amended by the Act of October 28, 1978, Public Law 95-547, 92 Stat. 2063, to modify the formula for distribution of funds authorized for agricultural research.

[3] The Amendments of 1981, section 1432(a)(1), 95 Stat. 1311, added the second sentence.

(A) Funds up to the total amount made available to all eligible institutions in the fiscal year ending September 30, 1978, under section 2 of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i), shall be allocated among the eligible institutions in the same proportion as funds made available under section 2 of the Act of August 4, 1965, for the fiscal year ending September 30, 1978, are allocated among the eligible institutions.[4]

(B) Of funds in excess of the amount allocated under subparagraph (A) of this paragraph, 20 per centum shall be allotted among eligible institutions in equal proportions; 40 per centum shall be allotted among the eligible institutions in the proportion that the rural population of the State in which each eligible institution is located bears to the total rural population of all the States in which eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated [5]; and the balance shall be allotted among the eligible institutions in the proportion that the farm population of the State in which each eligible institution is located bears to the total farm population of all the States in which the eligible institutions are located, as determined by the last preceding decennial census current at the time each such additional sum is first appropriated. In computing the distribution of funds allocated under this subparagraph, the allotments to Tuskegee Institute and Alabama Agricultural and Mechanical University shall be determined as if each institution were in a separate State.[6]

(c)[7] The director of the State agricultural experiment station in each State where an eligible institution is located and the research director specified in subsection (d) of this section in each of the eligible institutions in such State shall jointly develop, by mutual agreement, a comprehensive program of agricultural research in such State, to be submitted for approval by the Secretary within one year after the date of enactment of this title.

(d) Sums available for allotment to the eligible institutions under the terms of this section shall be paid to such institutions in equal quarterly payments beginning on or about the first day of October of each

---

[4] Subsection (b)(2)(A) of Public Law 95-547 substituted provisions relating to allocation of funds among eligible institutions in same proportion as funds made available under section 450i of this title, for fiscal year ending Setpember 30, 1978, are allocated among eligible institutions for provisions relating to allocation of $100,000 to each eligible institution.

[5] The Amendments of 1981, section 1432(a)(2), 95 Stat. 1311, inserted the term "current at the time each such additional sum is first appropriated" after "decennial census" each time it appears.

[6] Subsection (b)(2)(B) of Public Law 95-547 substituted provisions relating to allocation among eligible institutions of 20 per centum of the excess funds in equal proportions, 40 per centum in proportion that the rural population of the State in which each eligible institution is located bears to total rural population of all States in which such institutions are located, and balance in proportion that farm population of State in which each eligible institution is located bears to total farm population of all States in which such institutions are located for provisions relating to allocation among eligible institutions of one-half of remaining funds in an amount which bore same ratio to total amount to be allocated as rural population of State in which eligible institution was located bore to total rural population of all States in which such institutions were located, and one-half in an amount which bore same ratio to total amount to be allocated as farm population of State in which eligible institution was located bore to total farm population of all States in which such institutions were located.

[7] The Amendments of 1981, section 1432(a)(3), 95 Stat. 1311, changed the reference from "chief administrative officer" to "research director" each time the words appear.

year upon vouchers approved by the Secretary. The President of each eligible institution shall appoint a research director who shall be responsible for administration of the program authorized herein. Each eligible institution shall designate a treasurer or other officer who shall receive and account for all funds allotted to such institution under the provisions of this section and shall report, with the approval of the research director, to the Secretary on or before the first day of December of each year a detailed statement of the amount received under the provisions of this section during the preceding fiscal year and its disbursement on schedules prescribed by the Secretary. If any portion of the allotted moneys received by any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be replaced by such institution and until so replaced no subsequent appropriation shall be allotted or paid to such institution. Funds made available to eligible institutions shall not be used for payment of negotiated overhead or indirect cost rates.

(e) Bulletins, reports, periodicals, reprints or articles, and other publications necessary for the dissemination of results of the research and experiments funded under this section, including lists of publications available for distribution by the eligible institutions, shall be transmitted in the mails of the United States under penalty indicia: *Provided,* That each publication shall bear such indicia as are prescribed by the Postmaster General and shall be mailed under such regulations as the Postmaster General may from time to time prescribe. Such publications may be mailed from the principal place of business of each eligible institution or from an established subunit of such institution.

(f) The Secretary shall be responsible for the proper administration of this section, and is authorized and directed to prescribe such rules and regulations as may be necessary to carry out its provisions. It shall be the duty of the Secretary to furnish such advice and assistance as will best promote the purposes of this section, including participation in coordination of research initiated under this section by the eligible institutions, from time to time to indicate such lines of inquiry as to the Secretary seem most important, and to encourage and assist in the establishment and maintenance of cooperation by and between the several eligible institutions, the State agricultural experiment stations, and between them and the Department of Agriculture.

(g)(1) On or before the first day of October in each year after the enactment of this title, the Secretary shall ascertain whether each eligible institution is entitled to receive its share of the annual appropriations under this section and the amount which thereupon each is entitled, respectively, to receive.

(2)[8] If it appears to the Secretary from the annual statement of receipts and expenditures of funds by any eligible institution that an amount in excess of 5 percent of the preceding annual appropriation allotted to that institution under this section remains unexpended, such amount in excess of 5 percent of the preceding annual appropriation allotted to that institution shall be deducted from the next succeeding annual allotment to the institution.

(3) If the Secretary withholds from any eligible institution any portion of the appropriations available for allotment, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress. If the next Congress does not direct such sum to be paid, it shall be carried to surplus.

(4) The Secretary shall make an annual report to Congress during the first regular session of each year of the receipts and expenditures and work of the eligible institutions under the provisions of this section and also whether any portion of the appropriation available for allotment to any institution has been withheld

---

[8] The Amendments of 1985, section 1417(b), 99 Stat. 1550, amended paragraph (2) in its entirety to provide a 5 percent cap on unexpended funds to be deducted from succeeding allotments.

**and if so the reasons therefor.**

**(h) Nothing in this section shall be construed to impair or modify the legal relationship existing between any of the eligible institutions and the government of the States in which they are respectively located.**

* * *