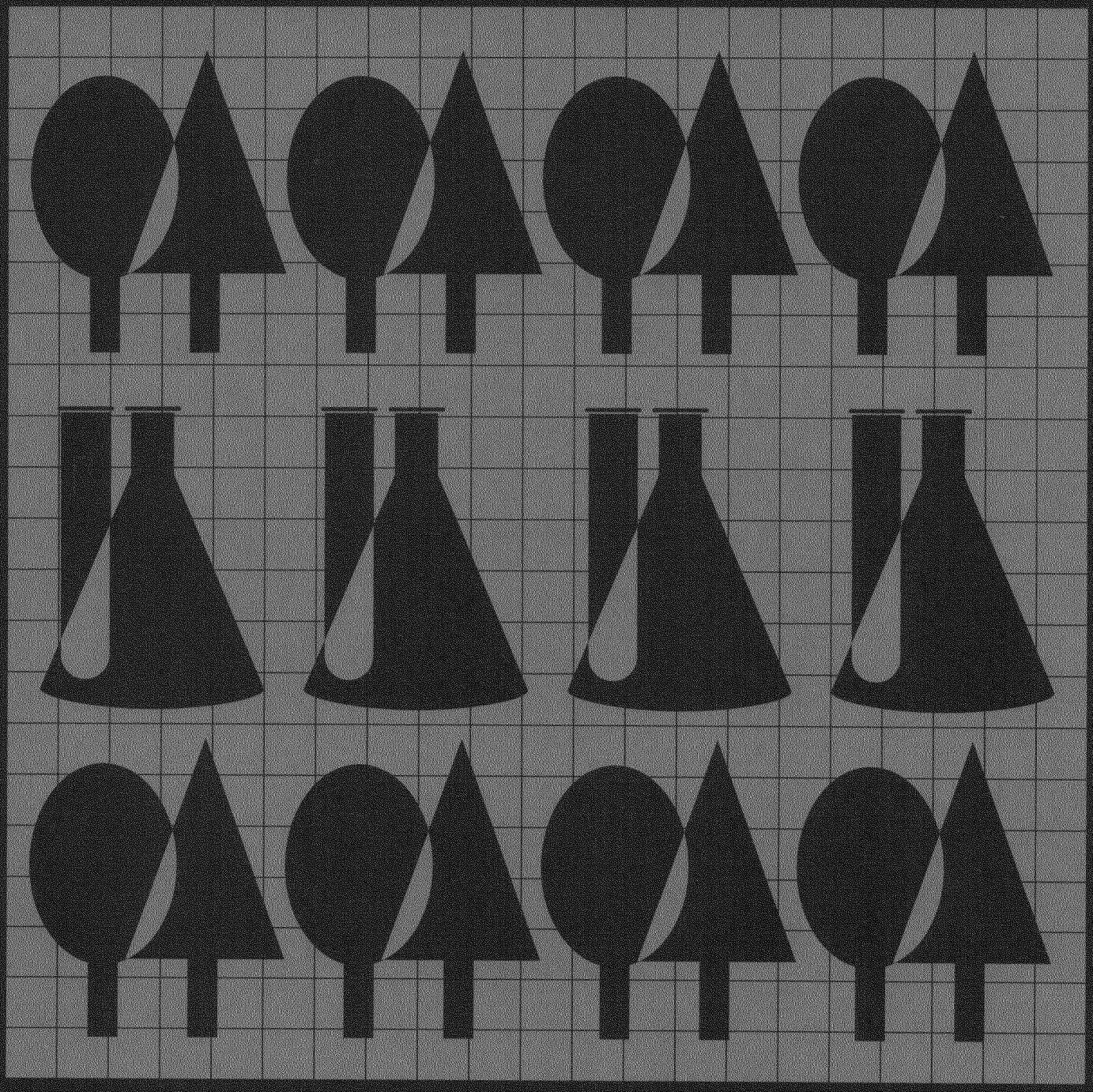
United States
Department of
Agriculture

Cooperative State
Research, Education,
and Extension Service

Administrative Manual for the McIntire-Stennis Cooperative Forestry Program



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ADMINISTRATIVE MANUAL FOR THE MCINTIRE-STENNIS COOPERATIVE FORESTRY RESEARCH PROGRAM

A. GENERAL REQUIREMENTS

1. Purpose

This manual sets forth administrative guidelines governing the use of funds allotted to the States under the provisions of the McIntire-Stennis Cooperative Forestry Research Act of October 10, 1962 (16 U.S.C. 582a-582a-7) (Appendix A, McIntire-Stennis Act) for the conduct of forestry research by schools of forestry, land-grant colleges, and State Agricultural Experiment Stations. This Manual supersedes the Administrative Manual for the McIntire-Stennis Cooperative Forestry Research Program, Cooperative State Research Service, United States Department of Agriculture, January 1982.

2. Applicability of General Provisions and Regulations

Except as otherwise provided herein, funds allocated under the McIntire-Stennis Cooperative Forestry Research Act 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 McIntire-Stennis funds for research planning and other activities directly associated with effective administration of the McIntire-Stennis Program.

b. The term "Administrative-Technical Representative" (A-TR) means the official responsible for forestry research under the McIntire-Stennis Act at each State-certified institution eligible to participate in the McIntire-Stennis program. The A-TR is appointed by the highest executive officer of the participating institution and is not a Federal employee.

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

d. The term "Cooperative Forestry Research Advisory Council" means a national advisory group of 16 voting members from the following membership categories:

1. Federal and State agencies concerned with developing and utilizing the Nation's forest resources,
2. the forest industries,
3. the forestry schools of the State-certified eligible institution
4. State agricultural experiment stations, and
5. voluntary public groups concerned with forests and related natural resources.

This Council is charged with providing advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the McIntire-Stennis Act. The Council will report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the apportionment of funds among the various eligible states.

e. 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.

f. 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.

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

h. The terms "Eligible Institution" and "State-Certified Institution" mean institutions in each State which have been certified as eligible to receive McIntire-Stennis formula funds by the Governor's Designee. Eligibility is available to two types of institutions under the provisions of the Act:

1. "land-grant colleges or agricultural experiment stations established under the Morrill Act of July 2, 1862 (7 U.S.C. 301 et seq.), as amended, and the Hatch Act of March 2, 1887 (7 U.S.C. 361a-i), as amended", and

2. "other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school."

A "forestry school" is defined as an academic unit offering a state-approved graduate curriculum leading, as a minimum, to a Master of Science in forestry, or a Master of Forestry. Existing Eligible Institutions (effective December 1985) need not be reviewed for adherence to the definition.

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

j. The term "Governor's Designee" means a person in the State designated by the State's Governor. The Governor's designee shall, in any agreement drawn up with the Secretary of Agriculture for purposes of the McIntire-Stennis Cooperative Forestry Research Program, certify those Eligible Institutions of the State which will qualify for assistance and shall determine the proportionate amount of available McIntire-Stennis funds which will be granted such eligible institutions.

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

McIntire-Stennis funds.

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

m. The term "Matching Funds" means those Non-Federal funds (and the value of qualified in-kind contributions) made available by a State-certified institution for forestry research which are used to meet the matching requirements specified in Section 4 of the McIntire-Stennis Act (16 U.S.C. 582a-3).

n. The terms "McIntire-Stennis Act", "Act" and the "McIntire-Stennis Cooperative Forestry Research Act" mean the Act of October 10, 1962 (16 U.S.C. 582a-582a-7).

o. The terms "McIntire-Stennis formula funds" and "McIntire-Stennis funds" mean those funds appropriated by Congress to be distributed to the States in accordance with the formula prescribed by the Secretary of Agriculture pursuant to the provisions of the McIntire-Stennis Cooperative Forestry Research Act of October 10, 1962 (16 U.S.C. 582a-582a-7).

p. 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.

q. The term "Non-Federal Funds" mean those funds from other than Federal sources; and may include "in-kind" resources as well as money. As used in this context, the term is generally referred to as Non-Federal Funds Expended for Forestry Research. These are "Non-Federal Funds" expended on research projects, in CRIS, adjusted by the forestry percentage on CRIS Form AD-417. The "Certification of Non-Federal Funds Expended for Forestry Research", Form CSRS-OD-1233 (Appendix P), must be submitted annually by each institution to provide data for determining the apportionment to the States and institutions. This is to be distinguished from the "Matching Funds".

r. The term "Research Program" or "McIntire-Stennis Research Program" mean a list of approved projects which defines the research to be conducted by an Eligible Institution with McIntire-Stennis funds support within a given fiscal year.

s. 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.

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

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

w. 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.

x. The term "State Funds" means all funds which the State makes available from non-Federal sources for forestry research performed by the Eligible Institution.

B. POLICY

1. General

The scope of forestry research which may be conducted under the McIntire-Stennis Act includes investigations relating to (1) reforestation and management of land for the production of timber and other related products of the forest; (2) management of forest and related watershed lands to improve conditions of water flow and to protect resources against floods and erosion; (3) management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; (4) management of forest lands for outdoor recreation; (5) protection of forest land and resources against fire, insects, diseases, or other destructive agents; (6) utilization of wood and other forest products; (7) development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and (8) such other studies as may be necessary to obtain the fullest and most effective use of forest resources.

Eligible Institutions are required to propose and conduct research projects, supported with McIntire-Stennis funds and with matching funds, which comply with the purposes of the McIntire-Stennis Act and 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. To maximize the research effort, States and eligible institutions are encouraged to supplement Federal allotments and the required State matching funds whenever possible.

Sums made available under the McIntire-Stennis Act shall be in addition to and not in substitution for, allotments or grants that may be made under other authorizations.

2. Cooperative State Research Service (CSRS)

The Secretary of Agriculture is responsible for the proper administration of the provisions of the McIntire-Stennis Act. 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 McIntire-Stennis funds and matching funds are utilized to carry out the purposes of the McIntire-Stennis Act; and

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

3. Advisory Council

In Section 5, the Act as amended requires that "The Secretary shall appoint a council of not fewer than sixteen members which shall be constituted to give representation to Federal and State agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, the forestry schools of the State-certified Eligible Institutions, State Agricultural Experiment Stations, and volunteer public groups concerned with forests and related natural resources." The body established under this provision is the Cooperative Forestry Research Advisory Council, and it is a national advisory group of 16 voting members from the following membership categories:

a. Federal and State agencies concerned with developing and utilizing the Nation's forest resources,
b. the forest industries,
c. the forestry schools of the State-certified eligible institutions,
d. State agricultural experiment stations, and
e. voluntary public groups concerned with forests and related natural resources.

This Council is charged with providing advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the McIntire-Stennis Act. The Council will report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the formula used for the apportionment of funds among the eligible states

4. Administrative-Technical Representative

Research at the eligible institutions, supported by McIntire-Stennis funds and matching funds, shall be under the leadership and administration of the Administrative-Technical Representative (A-TR).

The responsibilities of the Administrative-Technical Representative include:

a. Within the administrative framework that prevails at his/her institution, determining the research to be conducted by the institution using McIntire-Stennis funds (subject to approval of CSRS) and matching funds;

b. Utilizing McIntire-Stennis funds and matching funds for carrying out the purposes of the McIntire-Stennis Cooperative Forestry Research Act; and

c. Complying with the rules and regulations applicable to the conduct of the McIntire-Stennis research program.

5. Legal Custodian

Each Eligible Institution must have a legal custodian, or other officer appointed under the rules of the institution, to receive and account for all McIntire-Stennis funds allocated to the institution. McIntire-Stennis funds shall be held in his/her custody and may be disbursed only as authorized in writing by the Administrative

Technical Representative (A-TR) or his/her designee.

On or before December 31 of each year, the legal custodian with the approval signature of the Administrative-Technical Representative shall report receipts and disbursement of McIntire-Stennis funds to the Secretary of Agriculture on Standard Form 269 (Appendix L, Financial Reports) according to 7 CFR Part 3015.82 (Appendix B).

C. PROGRAM ADMINISTRATION

1. Annual Research Program Development and Operations

To receive its annual allocation of McIntire-Stennis 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 this 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.

In addition a certification that sufficient State funds are available to meet the matching requirements of 16 U.S.C. 582a-3 is required.

CSRS will review the content of each institution's annual Research Program and the certification of matching funds for compliance with the McIntire-Stennis Act. An approved Research Program and an approved certification of matching will serve as the basis upon which McIntire-Stennis 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.

If more than one institution within a State is certified as qualifying for assistance, then it shall be the responsibility of such institutions, in agreement with the Secretary, to develop complementary programs of forestry research for the State.

An annual Research Program may be revised at any time during the year upon written request to CSRS. In view of the continuing nature of the McIntire-Stennis Act and its Research Program, funds are allocated on an annual program rather than a project basis. Accordingly, the requirements of 7 CFR Part 3015.110 , regarding revision of financial plans, are not applicable to the McIntire-Stennis Cooperative Forestry Research Program. However, the following requirements must be observed:

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

b. The approved McIntire-Stennis projects included in an approved annual Research Program constitute the Research Program upon which McIntire-Stennis funds may be expended.

c. The allocation of McIntire-Stennis funds to approved McIntire-Stennis projects is made at the discretion of the A-TR.

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

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 A-TR, 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 forestry and fiber needs, not duplicative of efforts undertaken elsewhere, and have been evaluated in terms of the National priorities.

A merit review process for McIntire-Stennis 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 McIntire-Stennis 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 McIntire-Stennis funds, including administrative projects, must be approved by CSRS before inclusion in the Eligible Institution's Research Program and expenditure of McIntire-Stennis funds thereon.

1. CSRS will review project proposals for compliance with the provisions of the McIntire-Stennis Act, especially for the project's forestry and forest-related research content. 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 A-TR of approval or disapproval of each proposed project and of any deficiencies which preclude approval.

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

c. Life of Project -- Extensions

McIntire-Stennis 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. Approval of the project extension will be indicated by approval of the Research Program. 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 A-TR in writing. Upon receipt of notice of disapproval, the A-TR shall stop expenditure of McIntire-Stennis funds on the project.

D. FINANCIAL ADMINISTRATION

1. Planning and Direction

McIntire-Stennis funds may be used to pay the necessary expenses of planning and direction of research which is, or will be, supported by McIntire-Stennis funds. Likewise, such funds may be used in paying the necessary expenses involved in planning research authorized under the McIntire-Stennis Act in cooperation with

other appropriate agencies and individuals as may contribute to the planning process. Separate administrative projects designed to provide for the payment of costs of such administrative planning and direction shall be transmitted to CSRS for approval, and included in the Eligible Institution's annual Research Program.

2. Carry-over of Funds beyond Year of Appropriation

McIntire-Stennis funds are expected to be expended in the fiscal year of appropriation, but under current policy established by the Secretary of Agriculture, an amount up to 5 percent of the eligible institution's fiscal year allotment is available for obligation in the fiscal year immediately following the year of appropriation and must be fully liquidated by September 30 of the next following fiscal year. Funds in excess of 5 percent not obligated in the year of appropriations by any participating institution will revert to the Treasury.

Unobligated funds which were not matched by non-Federal matching funds in the year of appropriation may be carried over under the same circumstances as described above.

3. Funding

a. Eligibility and Participation

Only State-certified institutions are eligible to receive funding under the McIntire-Stennis Cooperative Forestry Research Program. Certification is made by the Governor's Designee appointed for this purpose in each State. The Governor's Designee also determines the proportionate amounts of McIntire-Stennis funds to be made available to certified institutions within each State when there is more than one Eligible Institution within the State.

b. Basis for Allocation of Funds

McIntire-Stennis funds are apportioned to the States on the basis of a formula specified by the Secretary after consultation with the Cooperative Forestry Research Advisory Council. The formula is subject to periodic review. The factors considered in determining the formula include: (1) the area of non-Federal commercial forest land, (2) volume of timber cut annually from growing stock, (3) total expenditures for forestry research from non-Federal sources, and (4) a base amount to be distributed equally among the States.

Except in unusual circumstances to be determined by the Secretary of Agriculture, the allocation of McIntire-Stennis Cooperative Forestry Research funds to any one institution within any State having more than one institution receiving such funds not be changed by more than 10 percent of the State's allocation in any one year. This is intended to provide for more orderly change among institutions, and to help insure that research in progress will be completed, and will provide time for orderly and well-planned initiation of new programs and projects.

c. Certification of Non-Federal Funds

Form CSRS-OD-1233 (Appendix P), Certification of Non-Federal Funds Expended for Forestry Research, must be submitted annually by each institu-

tion to provide data for determining the apportionment to the States and institutions.

d. Funding Relationship of Research Supported with McIntire-Stennis funding to Research Supported with other Sources of Funds

It is essential to be able to identify progress within the McIntire-Stennis program as a specific authorization. Therefore, the program is kept fiscally distinct from the Hatch Act and other authorizations administered by CSRS. Hatch or other CSRS administered funds may not be budgeted to McIntire-Stennis projects. McIntire-Stennis funds may be used to support a project that is contributing to a master Regional Research Fund (RRF) project. The leader of the contributing project shares fully in the responsibilities and advantages of participation in the technical committee for the master project, but receives no RRF funds because RRF funds are part of the Hatch Program for Agricultural Research. Any McIntire-Stennis funds assigned to such a project are not reflected in RRF reporting.

A-TR's have discretion in assignment of non-Federal funds to McIntire-Stennis projects in the interest of achieving productivity of individual projects and of the program as a whole.

4. Matching Requirements

The matching requirements of the McIntire-Stennis Act are set out in Section 4 of the Act (16 U.S.C. 582a-3)(Appendix A) and reported on the Certification of Offset and Entitlement form (Appendix N).

7 CFR 3015.50-56 (Appendix B) prescribes the standards applicable to determining the allowability of cash and in-kind contributions for matching. The McIntire-Stennis program is exempt from the indirect cost provisions of OMB Circular A-21 (Appendix E). Accordingly, indirect costs are not allowable as contributions in satisfaction of matching requirements.

A-TRs may, at their discretion, expend non-Federal funds to support State research projects. An A-TR may elect to submit State projects to CRIS to ensure that the resources utilized are included in the calculations to determine the certification of Non-Federal and Matching fund totals. The project should be supported by evidence that: (1) the project has cleared the Eligible Institution's approved procedure for project documentation, scientific reviews, and selection, and (2) the project or forestry component of the project, meets the criteria of the McIntire-Stennis program, as stated in Section B, the Policy section of this manual.

CRIS Forms AD-416 and AD-417 may be submitted for these "State" projects.

The A-TR is responsible for presenting evidence of expenditures which meet the matching requirements. Matching funds must be equal to or greater than the Federal allocation from McIntire-Stennis Funds, used only once to match any Federal matching requirements, a proper subset of Non-Federal Funds, and reported on the "Certification of Offset and Entitlement," (Appendix N).

Matching funds may be assigned to approved projects at any ratio of Federal to non-Federal funds.

The McIntire-Stennis Act provides for reapportionment of McIntire-Stennis funds which are not matched. Such reapportionment shall be to another Eligible Institution in the State. In States with one Eligible Institution and where McIntire-Stennis funds are not matched, reapportionment shall be made to other states on the basis of the distribution formula for McIntire-Stennis funds.

5. Financial Management and Accounting Operations

The standards for financial management systems applicable to the recipients of McIntire-Stennis funds are prescribed in 7 CFR 3015.60-61 (Appendix B). Accountability shall be based on the total annual McIntire-Stennis program conducted by each institution rather that on individual projects. A-TR's may assign or reassign McIntire-Stennis 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 two 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).

6. Payment Requirements

The standards prescribed by 7 CFR 3015.100-105 (Appendix B) shall apply to the McIntire-Stennis program.

All Eligible Institutions that meet the minimum annual funding level for issuance of a Letter of Authorization will receive McIntire-Stennis 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 the McIntire-Stennis Act. It may include payments authorized under other CSRS programs, in which case, 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 McIntire-Stennis Funds will be sent to all Eligible Institutions during the first quarter of each fiscal year.

7. 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 McIntire-Stennis funds, except as provided below:

a. Royalties received from copyrights or patents resulting from research conducted with McIntire-Stennis funds should be handled in accordance with Section E.2 of this Manual.

b. Proceeds from the sale of real and/or personal property purchased in whole or part with McIntire-Stennis funds should be handled in accordance with Section E of this Manual. Interest earned on McIntire-Stennis funds must be returned

to CSRS.

c. All other program income shall be retained by the institutions and used to further McIntire-Stennis program objectives.

d. Generally, program income resulting from McIntire-Stennis research will not be acceptable for use as matching funds. CSRS may make exceptions to this policy when such exceptions will enhance the research program of an Eligible Institution and/or will be of benefit to the Federal Government.

8. Allowable Costs

-- General

Requisitions, vouchers, schedules, and other evidence presented to the legal custodian for payment shall bear the signature of the A-TR or his/her designee. The cost principles prescribed by OMB Circular A-21(Appendix E), are applicable for determining the allowability of costs charged to McIntire-Stennis funds except, as provided below. McIntire-Stennis funds cannot be used for construction.

-- Indirect Costs and Tuition Remission

Indirect costs and tuition remission are not allowable under the McIntire-Stennis Program; and therefore may not be charged against McIntire-Stennis funds.

-- Joint Employment

McIntire-Stennis Act funds cannot be used for paying salaries or wages for activities other that those forestry research activities on approved projects at the Eligible Institutions. 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 system 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.

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

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 P.L. 422 (7 U.S.C. 331) (Appendix G, Public Law 422 (76th Congress)), employer contributions to university or state retirement systems from McIntire-Stennis Act funds are limited to 5 percent of that portion of the salaries of employees that are paid from McIntire-Stennis funds. Contributions from McIntire-Stennis 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

McIntire-Stennis funds may be used to pay employer contributions toward old age and survivors insurance on that portion of salary paid from McIntire-Stennis funds to any employee subject to the Federal Insurance Contributions Act. These employer contributions may be in addition to the five percent limitation on use of McIntire-Stennis funds for retirement imposed by the Act of March 4, 1940. Payment of employer contributions from McIntire-Stennis funds for other faculty and staff benefits are 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 McIntire-Stennis program. Approval of domestic and foreign travel is delegated to the A-TR.

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

McIntire-Stennis funds may be used to support travel of prospective employees. In cases where the prospective employee will be employed jointly within the forestry research program and in other units of the institution with which the forestry research program 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 A-TR'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)

-- Branch Location or Experimental Forests

Research at branch locations or experimental forests may be supported by McIntire-Stennis funds if it is related to an approved project. The A-TR is responsible for the use of these funds in the same way as for those funds used at the main institution.

-- Publications

Publication and distribution costs associated with projects approved for McIntire-Stennis 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 McIntire-Stennis funds, the costs may be reasonably prorated. Expenses associated with providing editorial assistance are considered part of publication costs. Where an editorial staff is maintained for the purpose of providing assistance in publishing results of McIntire-Stennis research projects and for other purposes, McIntire-Stennis funds may be assessed a reasonable share of the common costs. The printing and distribution costs of publications that record research and experimental work supported by McIntire-Stennis funds may be paid from such funds. Whenever results are published with other materials as, for instance, is the annual report of an institution, a prorated share of the cost of publication may be charged to the McIntire-Stennis funds. Non-Federal funds used for publishing the results of forestry research are acceptable for matching purposes.

-- Capital Expenditures for Special and General Purpose Equipment

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

This delegation is subject to the following provisions:

a. The Administrative-Technical Representative or his/her designee must exercise the prior approval responsibility on an item-by-item basis.

b. The need for research equipment is determined to the satisfaction of the Administrative-Technical Representative or his/her designee.

c. The costs are reasonable and allocable to an approved McIntire-Stennis project or projects.

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).

9. 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 McIntire-Stennis funds.

E. PROPERTY REQUIREMENTS

1. Property Management Standards

The standards prescribed by 7 CFR 3015.160-175 (Appendix B) shall apply to the McIntire-Stennis program, except as provided below. Title to non-expendable personal property purchased with McIntire-Stennis funds shall be vested in the Eligible Institution upon acquisition as set forth in 7 CFR 3015.165-166 and the Eligible Institutions shall have no other obligations or accountability to the Federal Government for its use or disposal, except that the proceeds from the disposal shall be applied to further McIntire-Stennis 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 such 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.

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) shall apply to the McIntire-Stennis 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. Authority to exercise CSRS's discretion in this regard is delegated to the Administrative-Technical Representative. The Administrative-Technical Representative 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 McIntire-Stennis 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 McIntire-Stennis Cooperative Forestry Research Program as follows:

a. Participating 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 McIntire-Stennis project. Such reports shall be submitted at the same time as are progress reports on active projects and should include a 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 McIntire-Stennis projects. CRIS Form AD-419 reports are also required for expenditures on all State projects that are to be included in the non-Federal funds and matching funds computation.

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 McIntire-Stennis program. The 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 McIntire-Stennis 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 b closed out at the end of the fiscal year, September 30. Documentation to support the close-out will include:

1. A Financial Status Report (Standard Form 269) (Appendix L) covering the total McIntire-Stennis Research Program as of September 30, which will be submitted by the legal custodian with the approval of the A-TR on or before December 31st.

2. Either a CRIS annual Progress Report or Termination Report should be submitted annually 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 McIntire-Stennis 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 McIntire-Stennis 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 McIntire-Stennis 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 benefit 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 federally 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 noncompli-

ance), 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 McIntire-Stennis 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 McIntire-Stennis 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 non-appropriated 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 McIntire-Stennis 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 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.

MCINTIRE-STENNIS ACT

**Act of October 10, 1962, Public Law 87-788, 76 Stat. 806,
16 U.S.C. 582a, et seq.**

AN ACT To authorize the Secretary of Agriculture to encourage and assist the several States in carrying on a program of forestry research, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that research in forestry is the driving force behind progress in developing and utilizing the resources of the Nation's forest and related rangelands. The production, protection, and utilization of the forest resources depend on strong technological advances and continuing development of the knowledge necessary to increase the efficiency of forestry practices and to extend the benefits that flow from forest and related rangelands. It is recognized that the total forestry research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is close coordination between such programs, and it is further recognized that forestry schools are especially vital in the training of research workers in forestry.[1] It is also recognized that the provisions of this Act are essential to assist in providing the research background that undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974, the Renewable Resources Extension Act of 1978, and the Soil and Water Resources Conservation Act of 1977.

SEC. 2.[2] In order to promote research in forestry, the Secretary of Agriculture is hereby authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of forestry research.

Such assistance shall be in accordance with plans to be agreed upon in advance by the Secretary[3] and (a) land-grant colleges or agricultural experiment stations established under the Morrill Act of July 2, 1862 (12 Stat. 503), as amended, and the Hatch Act of March 2, 1887 (24 Stat. 440), as amended, and (b) other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school; however, an appropriate State representative designated by the State's Governor shall, in any agreement drawn up with the Secretary of Agriculture for the purposes of this Act, certify those eligible institutions of the State which will qualify for assistance and shall determine the proportionate amounts of assistance to be extended these certified institutions. If more than one institution within a State are certified as qualifying for assistance, then it shall be the responsibility of such institutions, in agreement with the Secretary, to develop complementary programs of forestry research for the State.

SEC. 3.[4] To enable the Secretary to carry out the provisions of this Act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary but not

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[1] The Agriculture and Food Act of 1981, Public Law 97-98, section 1441(a), 95 Stat. 1320, added a new sentence at the end of this section.

[2] 16 U.S.C. 582a-1. The Agriculture and Food Act of 1981, Public Law 97-98, section 1441(b), 95 Stat. 1320, added a new sentence at the end of this section.

[3] Misspelled in original.

[4] 16 U.S.C. 582a-2.

exceeding in any one fiscal year one-half the amount appropriated for Federal forestry research conducted directly by the Department of Agriculture for the fiscal year preceding the year in which the budget is presented for such appropriation. Funds appropriated and made available to the States under this Act shall be in addition to allotments or grants that may be made under other authorizations.

SEC. 4.[5] The amount paid by the Federal Government to any State-certified institutions eligible for assistance under this Act shall not exceed during any fiscal year the amount available to and budgeted for expenditure by such college or university during the same fiscal year for forestry research from non-Federal sources, except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs of programs for forestry research.[6] The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the college or university having charge of the forestry research for which the expenditures as herein provided are to be made. If any or all of the colleges or universities certified for receipt of funds under this Act fails to make available and budget for expenditure for forestry research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this Act, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the college or university shall be reapportioned by the Secretary to other eligible colleges or universities of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying colleges and universities of other States participating in the forestry research program.[7] If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance under this Act is reduced because of an increase in the allotment made available under this Act, the allotment of such State-certified institution from the next succeeding appropriation shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other eligible colleges and universities of the same State if there by any that qualify therefor and, if there be none, the Secretary shall reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.

SEC. 5.[8] (a) The Secretary shall prescribe such regulations as may be necessary to carry out this Act and to furnish such advice and assistance through a cooperative State forestry research unit in the Department as will best promote the purposes of this Act.

(b) The Secretary shall appoint a council of not fewer than sixteen members which shall be constituted to give representation to Federal and State agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, the forestry schools of the State-certified eligible institutions, State agricultural experiment stations, and volunteer public groups concerned with forests and related natural resources. The council shall meet at least annually and shall submit a report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the apportionment of funds. The

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[5] 16 U.S.C. 582a-3.

[6] The Act of June 23, 1972, Public Law 92-318, section 506(i), 86 Stat. 351, added the exception for expenditures for the Virgin Islands and Guam for fiscal years 1971 and 1972.

[7] The Agriculture and Food Act of 1981, Public Law 97-98, section 1442(b), 95 Stat. 1321, added the two sentences at the end of section 4.

[8] 16 U.S.C. 582a-4. The Agriculture and Food Act of 1981, Public Law 97-98, section 1441(c), 95 Stat. 1320, rewrote section 5 to expand membership of the advisory group, which was formerly limited to 7 officials of forestry schools.

Secretary shall seek, at least once each year, the advice of the council to accomplish efficiently the purposes of this Act.

SEC. 6.[9] Apportionments among participating States shall be determined by the Secretary after consultation with the council appointed under section 5. In making such apportionments, consideration shall be given to pertinent factors including non-Federal expenditures for forestry research by State-certified eligible institutions, areas of non-Federal commercial forest land, and the volume of timber cut annually. Three per centum of such funds as may be appropriated shall be made available to the Secretary for administration of this Act. 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 purposes of assessing research opportunities or research planning.

SEC. 7.[10]The term "forestry research" as used in this Act shall include investigations relating to: (1) Reforestation and management of land for the production of crops of timber and other related products of the forest; (2) management of forest and related watershed lands to improve conditions of waterflow and to protect resources against floods and erosion; (3) management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; (4) management of forest lands for outdoor recreation; (5) protection of forest land and resources against fire, insects, diseases, or other destructive agents; (6) utilization of wood and other forest products; (7) development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and (8) such other studies as may be necessary to obtain the fullest and most effective use of forest resources.

SEC. 8.[11] The term "State" as used in this Act shall include Puerto Rico, the Virgin Islands, and Guam.

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[9] 16 U.S.C. 582-5. The Agriculture and Food Act of 1981, Public Law 97-98, section 1441(c), 95 Stat. 1320, revised section 6 to provide new criteria for fund apportionment, and administrative fund allocation, and to authorize travel expenses of non-Federal scientists attending research meetings.

[10] 16 U.S.C. 582a-6.

[11] 16 U.S.C. 582a-7. Amended by the Act of June 23, 1972, Public Law 92-318, section 506(j), 86 Stat. 351, to include "the Virgin Islands, and Guam."