

## Coop. State Research, Education, and Extension Ser., USDA

## § 3404.3

7 CFR part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR part 3019—USDA implementation of OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3052—USDA implementation of OMB Circular No. A-133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

9 CFR parts 1, 2, 3, and 4—USDA implementation of the Act of August 24, 1966, Pub. L. 89-544, as amended (commonly known as the Laboratory Animal Welfare Act).

48 CFR part 31—Contract Cost Principles and Procedures of the Federal Acquisition Regulations.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR part 15b (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 et seq.—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

### § 3403.16 Other considerations.

The Department may, with respect to any research project grant, impose additional conditions prior to or at the time of any award when, in the Department's judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of the public, or the conservation of grant funds.

## PART 3404—PUBLIC INFORMATION

Sec.

3404.1 General statement.

3404.2 Public inspection, copying, and indexing.

3404.3 Requests for records.

3404.4 Multitrack processing.

3404.5 Denials.

3404.6 Appeals.

AUTHORITY: 5 U.S.C. 301, 552; 7 CFR part 1, subpart A and appendix A thereto.

SOURCE: 66 FR 57842, Nov. 19, 2001, unless otherwise noted.

### § 3404.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture in part 1, subpart A of this title and appendix A thereto, implementing the Freedom of Information Act (FOIA) (5 U.S.C. 552). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Cooperative State Research, Education, and Extension Service (CSREES) to the public.

### § 3404.2 Public inspection, copying, and indexing.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying and that a current index of these materials be published quarterly or otherwise be made available. Members of the public may request access to such materials maintained by CSREES at the following office: Information Staff, ARS, REE, USDA, Room 1-2248, Mail Stop 5128, 5601 Sunnyside Avenue, Beltsville, MD 20705-5128; Telephone (301) 504-1640 or (301) 504-1655; TTY-VOICE (301) 504-1743. Office hours are 8 a.m. to 4:30 p.m. Information maintained in our electronic reading room can be accessed at <http://www.ars.usda.gov/is/foia/> #Electronic.

### § 3404.3 Requests for records.

Requests for records of CSREES under 5 U.S.C. 552(a)(3) shall be made in accordance with § 1.5 of this title and submitted to the FOIA Coordinator, Information Staff, ARS, REE, USDA, Room 1-2248, Mail Stop 5128, 5601 Sunnyside Avenue, Beltsville, MD 20705-5128; Telephone (301) 504-1640 or (301) 504-1655; TTY-VOICE (301) 504-1743; Facsimile (301) 504-1648; e-mail [vherberger@ars.usda.gov](mailto:vherberger@ars.usda.gov) or

#### § 3404.4

*shutchison@ars.usda.gov*. The FOIA Coordinator is delegated authority to make determinations regarding such requests in accordance with §1.3(c) of this title.

#### § 3404.4 Multitrack processing.

(a) When CSREES has a significant number of requests, the nature of which precludes a determination within 20 working days, the requests may be processed in a multitrack processing system, based on the date of receipt, the amount of work and time involved in processing the request, and whether the request qualifies for expedited processing.

(b) CSREES may establish as many processing tracks as appropriate; processing within each track shall be based on a first-in, first-out concept, and rank-ordered by the date of receipt of the request.

(c) A requester whose request does not qualify for the fastest track may be given an opportunity to limit the scope of the request in order to qualify for the fastest track. This multitrack processing system does not lessen agency responsibility to exercise due diligence in processing requests in the most expeditious manner possible.

(d) CSREES shall process requests in each track on a “first-in, first-out” basis, unless there are unusual circumstances as set forth in §1.16 of this title, or the requester is entitled to expedited processing as set forth in §1.9 of this title.

#### § 3404.5 Denials.

If the FOIA Coordinator determines that a requested record is exempt from mandatory disclosure and that discretionary release would be improper, the FOIA Coordinator shall give written notice of denial in accordance with §1.7(a) of this title.

#### § 3404.6 Appeals.

Any person whose request is denied shall have the right to appeal such denial. Appeals shall be made in accordance with §1.14 of this title and should be addressed as follows: Administrator, CSREES, U.S. Department of Agriculture, Washington, DC 20250.

#### 7 CFR Ch. XXXIV (1–1–11 Edition)

### PART 3405—HIGHER EDUCATION CHALLENGE GRANTS PROGRAM

#### Subpart A—General Information

- Sec.  
3405.1 Applicability of regulations.  
3405.2 Definitions.  
3405.3 Institutional eligibility.

#### Subpart B—Program Description

- 3405.4 Purpose of the program.  
3405.5 Matching funds.  
3405.6 Scope of program.  
3405.7 Joint project proposals.  
3405.8 Complementary project proposals.  
3405.9 Use of funds for facilities.

#### Subpart C—Preparation of a Proposal

- 3405.10 Program application materials.  
3405.11 Content of a proposal.

#### Subpart D—Submission of a Proposal

- 3405.12 Intent to submit a proposal.  
3405.13 When and where to submit a proposal.

#### Subpart E—Proposal Review and Evaluation

- 3405.14 Proposal review.  
3405.15 Evaluation criteria.

#### Subpart F—Supplementary Information

- 3405.16 Access to peer review information.  
3405.17 Grant awards.  
3405.18 Use of funds; changes.  
3405.19 Monitoring progress of funded projects.  
3405.20 Other Federal statutes and regulations that apply.  
3405.21 Confidential aspects of proposals and awards.  
3405.22 Evaluation of program.

AUTHORITY: Sec. 1470, National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3316).

SOURCE: 62 FR 39317, July 22, 1997, unless otherwise noted.

#### Subpart A—General Information

##### § 3405.1 Applicability of regulations.

(a) The regulations of this part only apply to competitive Higher Education Challenge Grants awarded under the provisions of section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (NARETPA)(7 U.S.C. 3152(b)(1)), to strengthen institutional