

**RHS, RBS, RUS, FSA, USDA**

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in the application, modified or revised as appropriate, which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the project.

[55 FR 135, Jan. 3, 1990, as amended at 57 FR 33101, July 27, 1992]

**§ 1942.315 Docket preparation and Letter of Conditions.**

(a) The applicable provisions of § 1942.5 of subpart A of part 1942 of this chapter relating to preparation of loan dockets will be followed in preparing grant dockets.

(b) The State Director or the State Director's designated representative will prepare a Letter of Conditions outlining the conditions under which the grant will be made. It will include those matters necessary to assure that the proposed development is completed in accordance with approved plans and specifications, that grant funds are expended for authorized purposes, and that the terms of the Scope of Work and requirements as prescribed in parts 3015 and 3016 of 7 CFR are complied with. The Letter of Conditions will be addressed to the applicant, signed by the State Director or other designated FmHA or its successor agency under Public Law 103-354 representative, and mailed or handed to appropriate applicant officials. Each Letter of Conditions will contain the following paragraphs.

"This letter established conditions which must be understood and agreed to by you before further consideration may be given to the application."

"This letter is not to be considered as grant approval nor as a representation as to the availability of funds. The docket may be completed on the basis of a grant not to exceed \$\_\_\_\_\_."

"Please complete and return the attached Form FmHA or its successor agency under Public Law 103-354 1942-46, 'Letter of Intent to Meet Conditions,' if you desire further consideration be given your application."

Other items in the Letter of Conditions should include those relative to: Maximum amount of grant, contributions, final plans and specifications, construction contract documents and bidding, required project audit, evidence of compliance with all applicable Federal, State, and local requirements,

closing instructions, DOL certifications, compliance with any required environmental mitigation measures, and other requirements including those of Regional Commissions when a grant is being made by a Regional Commission.

[50 FR 7296, Feb. 22, 1985, as amended at 53 FR 30249, Aug. 11, 1988; 57 FR 33101, July 27, 1992]

**§ 1942.316 Grant approval, fund obligation and third party financial assistance.**

(a) *Grant approval.* FmHA or its successor agency under Public Law 103-354 State Directors are authorized to approve grants made in accordance with this subpart and subpart A of part 1901 of this chapter.

(b) *Fund obligation and approval announcement.* Funds will be obligated and approval announcement made in accordance with the provisions of § 1942.5(d) of subpart A of part 1942 of this chapter.

(c) *Third party financial assistance.* Approval of a grant to an applicant who will use grant funds to provide financial assistance to a third party does not constitute approval of the projects financed by the grantee. The review, approval and disbursement of funds for specific projects financed by grantees will be completed in accordance with applicable sections of this subpart.

[45 FR 73637, Nov. 6, 1980, as amended at 47 FR 36413, Aug. 20, 1982; 53 FR 30250, Aug. 11, 1988]

**§§ 1942.317-1942.320 [Reserved]**

**§ 1942.321 Subsequent grants.**

Subsequent grants will be processed in accordance with this subpart.

**§§ 1942.322-1942.347 [Reserved]**

**§ 1942.348 Exception authority.**

The Administrator may, in individual cases, make an exception to any requirement or provision of this subpart which is not inconsistent with the authorizing statute, an applicable law or decision of the Comptroller General, if the Administrator determines that application of the requirement or provision would adversely affect the Government's interest and show how the

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adverse impact will be eliminated or minimized if the exception is made.

[55 FR 135, Jan. 3, 1990]

§ 1942.349 Forms, guides, and attachments.

Guides 1 and 2 of this subpart, Attachment 1 and Forms referenced (all available in any Rural Development office) are for use in administering RBE/television demonstration grants.

[62 FR 33510, June 19, 1997]

§ 1942.350 OMB control number.

The collection of information requirements in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0132. Public reporting burden for this collection of information is estimated to vary from one-half to 40 hours per response, with an average of 1.8 hours per response including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

[57 FR 33101, July 27, 1992]

GUIDE 1 TO SUBPART G OF PART 1942—PROJECT MANAGEMENT AGREEMENT BETWEEN THE REGIONAL COMMISSION AND THE FARMERS HOME ADMINISTRATION OR ITS SUCCESSOR AGENCY UNDER PUBLIC LAW 103-354, DEPARTMENT OF AGRICULTURE

(Grantee) \_\_\_\_\_
County, \_\_\_\_\_
Page No. \_\_\_\_\_

I. Introduction

A. The \_\_\_\_\_ Regional Commission is providing a (basic or supplemental) grant for (purpose) \_\_\_\_\_ to (grantee) \_\_\_\_\_, and the U.S. Department of Agriculture, Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 has approved

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and will administer that grant. The FmHA or its successor agency under Public Law 103-354 has determined that funds (can or cannot) be made available under its funding program for this fiscal year for the project. The project does meet all the requisites for assistance under section 310(B) of the Consolidated Farm and Rural Development Act, as amended (7 USC 1926). In order to accomplish these purposes, the \_\_\_\_\_ Regional Commission's Federal Cochairman and the FmHA or its successor agency under Public Law 103-354 State Director hereby enter into this Memorandum of Understanding which is in accordance with the 31 USC 686.

B. This agreement is intended to cover the application phase, construction phase, and final audit.

II. General

A. Project Cost

The project costs for the purposes of this agreement shall include the costs of construction, technical services, legal services, land acquisition, permits and rights-of-way, interest during construction and contingencies.

B. Grant

The \_\_\_\_\_ Regional Commission shall make a (basic or supplemental) grant of \$ \_\_\_\_\_ up to but not exceeding \_\_\_\_\_% of the total cost of the project. These funds will be transferred to the Treasury Account of the Farmers Home Administration or its successor agency under Public Law 103-354 by Standard Form 1151, "Nonexpenditure Transfer Authorization."

C. The undersigned FmHA or its successor agency under Public Law 103-354 State Director on behalf of FmHA or its successor agency under Public Law 103-354, in concurring to this Project Management Agreement, hereby assures the Federal Cochairman that:

- 1. The estimated cost of the project is reasonable and the (basic or supplemental) grant, with the funds to be supplied by the applicant, are, in its judgment, sufficient to complete the project.
2. The funds to be supplied by the applicant are available or FmHA or its successor agency under Public Law 103-354 is reasonably satisfied that the applicant has the capability of supplying such funds.
3. FmHA or its successor agency under Public Law 103-354 is reasonably satisfied that the facility will be properly and efficiently administered, operated, and maintained and that the applicant will provide sufficient funds to assure the successful and continuing operation of the facility.

D. The (grantee) \_\_\_\_\_ is subject to Executive Order 11246 and will be required