

**§ 2500.106**

and focus areas based on the critical needs of the socially disadvantaged farmer and rancher community. For standard OASDFR projects, competitive grants or cooperative agreements will be awarded to support programs and services, as appropriate, to encourage and assist socially disadvantaged farmers and ranchers in the following focus areas:

- (a) Owning and operating farms and ranches;
- (b) Participating equitably in the full range of agricultural programs offered by the Department; and
- (c) Other areas as specified by the Secretary in the RFP.

**§ 2500.106 Funding restrictions.**

Funds made available under this subpart shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing facility (including site grading and improvement, and architect fees).

**§ 2500.107 Matching.**

Matching funds are not required as a condition of receiving awards under this subpart.

**§ 2500.108 Term of award.**

The award term will be defined in the OAO award agreement, and can be later amended upon approval of OAO.

**§ 2500.109 Program requirements.**

Grants and cooperative agreements under this subpart shall address the priorities in the Department that involve providing outreach and technical assistance to socially disadvantaged farmers, ranchers, and forest landowners to own and operate farms and participate equitably in agricultural programs; and other priorities as determined by the Secretary.

**PART 2502—AGRICULTURAL CAREER AND EMPLOYMENT (ACE) GRANTS PROGRAM**

**Subpart A—General Information**

- Sec.
- 2502.1 Applicability of regulations.
- 2502.2 Definitions.
- 2502.3 Deviations.

**7 CFR Ch. XXV (1–1–18 Edition)**

**Subpart B—Program Eligibility, Services and Delivery**

- 2502.4 Program eligibility.
- 2502.5 Program benefits and services.
- 2502.6 Recipients of program benefits or services.
- 2502.7 Responsibilities of grantees.

**Subpart C—Grant Applications and Administration**

- 2502.8 Pre-award, award, and post-award procedures and administration of grants.

AUTHORITY: 7 U.S.C. 2008q-1

SOURCE: 76 FR 69117, Nov. 8, 2011, unless otherwise noted.

**Subpart A—General Information**

**§ 2502.1 Applicability of regulations.**

(a) This part contains program-specific definitions for the ACE Grants Program.

(b) Subpart B establishes the criteria to be used in determining eligibility for an ACE grant award and the requirements for the delivery of program benefits and services, including who is considered eligible to receive such benefits and services and what the responsibilities are of ACE grantees.

(c) Subpart C establishes that, unless otherwise provided herein, the procedures for applying for ACE grants, the processes to be followed by OAO in evaluating grant proposals and awarding program funds, and the procedures for post-award administration of ACE grants are those set forth in a rule proposed ON DATE to codify provisions at 7 CFR part 2500, subparts A, B, C, D, and E.

**§ 2502.2 Definitions.**

As used in this part (unless otherwise indicated):

*Agency* means the Office of Advocacy and Outreach (OAO), an agency of the United States Department of Agriculture (USDA) or a successor agency.

*Agricultural Employer* means any person or entity which employs, as defined in the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802, individuals engaged in agricultural employment and may include farmers, ranchers, dairy operators, agricultural cooperatives, and farm labor contractors.

*Agricultural Employment* means any service or activity as defined in the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1802, including any activity defined as “agriculture” in Section 3(f) or the Fair Labor Standards Act of 1938, 29 U.S.C. 203(f), any activity defined as “agricultural labor” in 26 U.S.C. 3121(g) (the Internal Revenue Code); as well as the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state. Authorized Departmental Officer (ADO) means the individual, acting within the scope of delegated authority, who is responsible for executing and administering awards on behalf of the U.S. Department of Agriculture.

*Community-based organization* means a non-governmental organization with a well-defined constituency that includes all or part of a particular community.

*Consortium* means a group formed by entities with similar goals and objectives for the purpose of pooling resources to undertake a project that would otherwise be reasonably beyond the capabilities of any one member.

*Eligible entity*, as described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a)), means a non-profit organization, or a consortium of nonprofit organizations, agribusinesses, State and local governments, agricultural labor organizations, farmer or rancher cooperatives, and community-based organizations with the capacity to train farm workers.

*Farmworker* means an individual hired to perform agricultural employment, including migrant, seasonal, and hired family farm workers. The term farmworker includes individuals who are not currently employed as a farmworker but who are actively seeking work as such. The term does not include agricultural employers or individuals who are self-employed.

*Grantee* means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

*Legally present in the United States* shall have the same meaning as the term “lawfully present” in the United

States as defined at 8 CFR 103.12(a) (addressing eligibility for Title II Social Security benefits under Pub. L. 104-193).

*Notice of Funding Availability (NOFA)* means a notice published in the FEDERAL REGISTER announcing the availability of money for the grants program which lists the application deadlines, eligibility requirements and locations where interested parties can get help in applying.

*Office of Advocacy and Outreach (OAO)* means the Office of Advocacy and Outreach, an office within the USDA’s Departmental Management.

*Request for Proposal (RFP)* refers to a grant competition and is used interchangeably with the phrase grant application notice and solicitation for grant applications (SFA).

*Retaining an agricultural job* means continuing agricultural employment, including upgraded employment.

*Returning from an agricultural job* means returning to a home area from a position in agricultural employment.

*Secretary* means the Secretary of Agriculture and any other officer or employee of the United States Department of Agriculture to whom the authority involved is delegated.

*Securing an agricultural job* means obtaining agricultural employment.

*State* means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

*United States worker (U.S. worker)* shall have the same meaning as the term U.S. worker defined by the Department of Labor at 20 CFR 655.4.

*Upgrading an agricultural job* means advancement to a position in agricultural employment which offers more hours of work and/or better terms and conditions of employment and/or an increase in wages.

### § 2502.3 Deviations.

Any request by the applicant or grantee for a waiver or deviation from any provision of this part shall be submitted to the ADO identified in the agency specific requirements. OAO shall review the request and notify the applicant/grantee whether the request to deviate has been approved within 30 calendar days from the date of receipt