

C. It is mutually agreed that:

1. This MOU provides sponsors with one means of evaluating the effects of new antimicrobial animal drugs on the FSIS detection tests, and sponsors retain their discretion in providing this requested information.
2. FDA is not bound by any positions AMS may take as a result of its analysis of a new animal drug pursuant to this MOU. FDA will consider the information provided by AMS as specified in this MOU, but its decisions are independent.
3. Except as otherwise required by law, AMS is not bound by any positions FDA may take as a result of FDA's evaluation of a new animal drug.
4. FDA and AMS will continue to cooperate on improvement of testing protocols as necessary.

BASIS OF COOPERATION/FUNDING:

This MOU defines in general terms the basis on which the parties concerned will cooperate, and does not constitute a financial obligation to serve as a basis for expenditures. Each party will handle and expend its own funds.

Any and all expenditures from Federal funds in the Department of Agriculture made in conformity with the plans outlined in the MOU must be in accord with Department rules and regulations and in each instance based upon appropriate finance papers. Expenditures made by any other cooperator will be in accord with its rules and regulations.

The responsibilities assumed by the cooperating parties under this Memorandum of Understanding are contingent upon funds being available from which expenditures legally may be met.