

date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(29) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

## § 7612. Priority setting process

### (a) Establishment

Consistent with section 3101 of this title, the Secretary shall establish priorities for agricultural research, extension, and education activities conducted or funded by the Department.

### (b) Responsibilities of Secretary

In establishing priorities for agricultural research, extension, and education activities conducted or funded by the Department, the Secretary shall solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education.

### (c) Responsibilities of 1862, 1890, and 1994 Institutions and Hispanic-serving agricultural colleges and universities

#### (1) Process

Effective October 1, 1999, to obtain agricultural research, extension, or education formula funds from the Secretary, each 1862 Institution, 1890 Institution, 1994 Institution, and Hispanic-serving agricultural college and university shall establish and implement a process for obtaining input from persons who conduct or use agricultural research, extension, or education concerning the use of the funds.

#### (2) Regulations

The Secretary shall promulgate regulations that prescribe—

(A) the requirements for an institution referred to in paragraph (1) to comply with paragraph (1); and

(B) the consequences for an institution of not complying with paragraph (1), which may include the withholding or redistribution of funds to which the institution may be entitled until the institution complies with paragraph (1).

### (d) Management principles

To the maximum extent practicable, the Secretary shall ensure that federally supported and conducted agricultural research, extension, and education activities are accomplished in a manner that—

(1) integrates agricultural research, extension, and education functions to better link research to technology transfer and information dissemination activities;

(2) encourages regional and multistate programs to address relevant issues of common concern and to better leverage scarce resources; and

(3) achieves agricultural research, extension, and education objectives through multi-institutional and multifunctional approaches and by conducting research at facilities and institutions best equipped to achieve those objectives.

(Pub. L. 105-185, title I, §102, June 23, 1998, 112 Stat. 526; Pub. L. 110-234, title VII, §7129(c)(2),

May 22, 2008, 122 Stat. 1227; Pub. L. 110-246, §4(a), title VII, §7129(c)(2), June 18, 2008, 122 Stat. 1664, 1988.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Subsec. (c). Pub. L. 110-246, §7129(c)(2), inserted “and Hispanic-serving agricultural colleges and universities” after “Institutions” in heading and substituted “1994 Institution, and Hispanic-serving agricultural college and university” for “and 1994 Institution” in par. (1).

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

## § 7613. Relevance and merit of agricultural research, extension, and education funded by the Department

### (a) Review of National Institute of Food and Agriculture

#### (1) Peer review of research grants

The Secretary shall establish procedures that provide for scientific peer review of each agricultural research grant administered, on a competitive basis, by the National Institute of Food and Agriculture of the Department.

#### (2) Merit review of extension and education grants

##### (A) Establishment of procedures

The Secretary shall establish procedures that provide for merit review of each agricultural extension or education grant administered, on a competitive basis, by the National Institute of Food and Agriculture.

##### (B) Consultation with Advisory Board

The Secretary shall consult with the Advisory Board in establishing the merit review procedures.

#### (3) Consideration

Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.

### (b) Advisory Board review

On an annual basis, the Advisory Board shall review—

(1) the relevance to the priorities established under section 7612(a) of this title of the funding of all agricultural research, extension, or education activities conducted or funded by the Department; and

(2) the adequacy of the funding.

### (c) Requests for proposals

#### (1) Review results

As soon as practicable after the review is conducted under subsection (b) of this section for a fiscal year, the Secretary shall consider the results of the review when formulating

each request for proposals, and evaluating proposals, involving an agricultural research, extension, or education activity funded, on a competitive basis, by the Department.

**(2) Input**

In formulating a request for proposals described in paragraph (1) for a fiscal year, the Secretary shall solicit and consider input from persons who conduct or use agricultural research, extension, or education regarding the prior year's request for proposals.

**(d) Scientific peer review of agricultural research**

**(1) Peer review procedures**

The Secretary shall establish procedures that ensure scientific peer review of all research activities conducted by the Department.

**(2) Review panel required**

As part of the procedures established under paragraph (1), a review panel shall verify, at least once every 5 years, that each research activity of the Department and research conducted under each research program of the Department has scientific merit and relevance.

**(3) Mission area**

If the research activity or program to be reviewed is included in the research, educational, and economics mission area of the Department, the review panel shall consider—

- (A) the scientific merit and relevance of the activity or research in light of the priorities established pursuant to section 7612 of this title; and
- (B) the national or multistate significance of the activity or research.

**(4) Composition of review panel**

**(A) In general**

A review panel shall be composed of individuals with scientific expertise, a majority of whom are not employees of the agency whose research is being reviewed.

**(B) Scientists from colleges and universities**

To the maximum extent practicable, the Secretary shall use scientists from colleges and universities to serve on the review panels.

**(5) Submission of results**

The results of the panel reviews shall be submitted to the Advisory Board.

**(e) Merit review**

**(1) 1862 and 1890 Institutions**

Effective October 1, 1999, to be eligible to obtain agricultural research or extension funds from the Secretary for an activity, each 1862 Institution and 1890 Institution shall—

- (A) establish a process for merit review of the activity; and
- (B) review the activity in accordance with the process.

**(2) 1994 Institutions**

Effective October 1, 1999, to be eligible to obtain agricultural extension funds from the Secretary for an activity, each 1994 Institution shall—

(A) establish a process for merit review of the activity; and

(B) review the activity in accordance with the process.

**(3) Hispanic-serving agricultural colleges and universities**

To be eligible to obtain agricultural extension funds from the Secretary for an activity, each Hispanic-serving agricultural college and university shall—

- (A) establish a process for merit review of the activity; and
- (B) review the activity in accordance with such process.

(Pub. L. 105-185, title I, §103, June 23, 1998, 112 Stat. 527; Pub. L. 110-234, title VII, §§7129(c)(3), 7301, 7511(c)(30), May 22, 2008, 122 Stat. 1227, 1242, 1270; Pub. L. 110-246, §4(a), title VII, §§7129(c)(3), 7301, 7511(c)(30), June 18, 2008, 122 Stat. 1664, 1988, 2003, 2031.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section is comprised of section 103 of Pub. L. 105-185. Subsec. (f) of section 103 of Pub. L. 105-185 amended sections 361g, 3221, and 3222 of this title and repealed sections 346 and 3314 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7511(c)(30), substituted “National Institute of Food and Agriculture” for “Cooperative State Research, Education, and Extension Service” in heading and “the National Institute of Food and Agriculture” for “the Cooperative State Research, Education, and Extension Service” in text of pars. (1) and (2)(A).

Subsec. (a)(3). Pub. L. 110-246, §7301, added par. (3).

Subsec. (e)(3). Pub. L. 110-246, §7129(c)(3), added par. (3).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(30) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

**§ 7614. Definitions**

Except as otherwise provided in this section and sections 7614a to 7614c of this title,<sup>1</sup> in this section and sections 7614a to 7614c of this title:<sup>1</sup>

**(1) Capacity and infrastructure program**

The term “capacity and infrastructure program” has the meaning given the term in subsection (f)(1) of section 6971 of this title (as added by section 7511(a)(4)).<sup>1</sup>

**(2) Capacity and infrastructure program critical base funding**

The term “capacity and infrastructure program critical base funding” means the aggregate amount of Federal funds made available for capacity and infrastructure programs for fiscal year 2006, as appropriate.

<sup>1</sup> See References in Text note below.