

**§ 389a. Conditions of transfer of dry land and irrigation field stations; reservation of mineral rights**

Conveyances or patents under this section and section 389 of this title shall be upon such conditions as in the opinion of the Secretary of Agriculture will assure the use of such station in the cooperative agricultural experimental work of the Department of Agriculture and the respective State. Any such conveyances of the land shall contain a reservation to the United States of all the minerals in the land together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe.

(Sept. 23, 1950, ch. 1005, § 2, 64 Stat. 982.)

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

SUBCHAPTER III—RESEARCH FACILITIES

**§ 390. Definitions**

In this subchapter:

**(1) Agricultural research facility**

The term “agricultural research facility” means a proposed facility for research in food and agricultural sciences for which Federal funds are requested by a college, university, or nonprofit institution to assist in the construction, alteration, acquisition, modernization, renovation, or remodeling of the facility.

**(2) Congressional agriculture committees**

The term “congressional agriculture committees” means the Committee on Appropriations and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

**(3) Food and agricultural sciences**

The term “food and agricultural sciences” has the meaning given that term in section 3103 of this title.

**(4) Secretary**

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 88-74, § 2, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1176; amended Pub. L. 107-171, title VII, §§ 7214, 7308(b), May 13, 2002, 116 Stat. 448, 455; Pub. L. 110-234, title VII, § 7101(b)(1), May 22, 2008, 122 Stat. 1213; Pub. L. 110-246, § 4(a), title VII, § 7101(b)(1), June 18, 2008, 122 Stat. 1664, 1974.)

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 L. 110-234 were repealed by section 4(a) of Pub.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.

PRIOR PROVISIONS

A prior section 390, Pub. L. 88-74, § 1, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, § 1416(3), Sept. 29, 1977, 91 Stat. 996; Pub. L. 99-198, title XIV, § 1411(a), Dec. 23,

1985, 99 Stat. 1547, related to congressional declaration of policy, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 2 of Pub. L. 88-74 was classified to section 390a of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

2008—Par. (3). Pub. L. 110-246, § 7101(b)(1), substituted “3103” for “3103(8)”.

2002—Par. (3). Pub. L. 107-171, § 7214, reenacted heading without change and amended text of par. (3) generally. Prior to amendment, text read as follows: “The term ‘food and agricultural sciences’ means—

“(A) agriculture, including soil and water conservation and use, the use of organic materials to improve soil tilth and fertility, plant and animal production and protection, and plant and animal health;

“(B) the processing, distribution, marketing, and utilization of food and agricultural products;

“(C) forestry, including range management, production of forest and range products, multiple use of forests and rangelands, and urban forestry;

“(D) aquaculture (as defined in section 3103(3) of this title);

“(E) human nutrition;

“(F) production inputs, such as energy, to improve productivity; and

“(G) germ plasm collection and preservation.”

Par. (5). Pub. L. 107-171, § 7308(b), struck out heading and text of par. (5). Text read as follows: “The term ‘task force’ means the Strategic Planning Task Force established under section 390b of this title.”

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.

EFFECTIVE DATE

Pub. L. 104-127, title VIII, § 884(b), Apr. 4, 1996, 110 Stat. 1179, provided that: “The amendment made by subsection (a) [enacting this subchapter], other than section 4 of the Research Facilities Act [section 390b of this title] (as amended by subsection (a)), shall not apply to any project for an agricultural research facility for which funds have been made available for a feasibility study or for any phase of the project prior to October 1, 1995.”

SHORT TITLE

Pub. L. 88-74, § 1, as added by Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1176, provided that: “This Act [enacting this subchapter] may be cited as the ‘Research Facilities Act’.”

**§ 390a. Review process**

**(a) Submission to Secretary**

Each proposal for an agricultural research facility shall be submitted to the Secretary for review. The Secretary shall review the proposals in the order in which the proposals are received.

**(b) Application process**

In consultation with the congressional agriculture committees, the Secretary shall establish an application process for the submission of proposals for agricultural research facilities.

**(c) Criteria for approval**

**(1) Determination by Secretary**

With respect to each proposal for an agricultural research facility submitted under subsection (a) of this section, the Secretary shall

determine whether the proposal meets the criteria set forth in paragraph (2).

**(2) Criteria**

A proposal for an agricultural research facility shall meet the following criteria:

**(A) Non-Federal share**

The proposal shall certify the availability of at least a 50 percent non-Federal share of the cost of the facility. The non-Federal share shall be paid in cash and may include funding from private sources or from units of State or local government.

**(B) Nonduplication of facilities**

The proposal shall demonstrate how the agricultural research facility would be complementary to, and not duplicative of, facilities of colleges, universities, and nonprofit institutions, and facilities of the Agricultural Research Service, within the State and region.

**(C) National research priorities**

The proposal shall demonstrate how the agricultural research facility would serve—

- (i) 1 or more of the national research policies and priorities set forth in section 3101 of this title; and
- (ii) national or multistate needs.

**(D) Long-term support**

The proposal shall demonstrate that the recipient college, university, or nonprofit institution has the ability and commitment to support the long-term, ongoing operating costs of—

- (i) the agricultural research facility after the facility is completed; and
- (ii) each program to be based at the facility.

**(d) Evaluation of proposals**

Not later than 90 days after receiving a proposal under subsection (a) of this section, the Secretary shall—

- (1) evaluate and assess the merits of the proposal, including the extent to which the proposal meets the criteria set forth in subsection (c) of this section; and
- (2) report to the congressional agriculture committees on the results of the evaluation and assessment.

**(e) National or multistate needs served by ARS facilities**

The Secretary shall ensure that each research activity conducted by a facility of the Agricultural Research Service serves a national or multistate need.

(Pub. L. 88-74, § 3, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1177; amended Pub. L. 105-185, title I, § 106(a), (b), June 23, 1998, 112 Stat. 530.)

PRIOR PROVISIONS

A prior section 390a, Pub. L. 88-74, § 2, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, § 1416(3), Sept. 29, 1977, 91 Stat. 996; Pub. L. 99-198, title XIV, § 1411(b), Dec. 23, 1985, 99 Stat. 1547, related to congressional declaration of purpose, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 3 of Pub. L. 88-74 was classified to section 390b of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

1998—Subsec. (c)(2)(C)(ii). Pub. L. 105-185, § 106(a), substituted “national or multistate needs” for “regional needs”.

Subsec. (e). Pub. L. 105-185, § 106(b), added subsec. (e).

**§ 390b. Repealed. Pub. L. 107-171, title VII, § 7308(a), May 13, 2002, 116 Stat. 455**

Section, Pub. L. 88-74, § 4, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1178; amended Pub. L. 105-185, title I, § 106(c), (d), June 23, 1998, 112 Stat. 530, related to task force on 10-year strategic plan for agricultural research facilities.

A prior section 390b, Pub. L. 88-74, § 3, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, § 1416(1), Sept. 29, 1977, 91 Stat. 994; Pub. L. 99-198, title XIV, § 1411(c), Dec. 23, 1985, 99 Stat. 1547, related to definitions, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 4 of Pub. L. 88-74 was classified to section 390c of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

**§ 390c. Applicability of Federal Advisory Committee Act**

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subchapter.

(Pub. L. 88-74, § 5, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1179.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Food and Agriculture Act of 1977, referred to in text, is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XVIII of the Act is classified generally to chapter 55A (§ 2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

PRIOR PROVISIONS

A prior section 390c, Pub. L. 88-74, § 4, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 994; Pub. L. 97-98, title XIV, § 1416, Dec. 22, 1981, 95 Stat. 1304; Pub. L. 99-198, title XIV, § 1411(d), Dec. 23, 1985, 99 Stat. 1548; Pub. L. 101-624, title XVI, § 1601(a), Nov. 28, 1990, 104 Stat. 3703, related to appropriations and administrative authority, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 5 of Pub. L. 88-74 was classified to section 390d of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

**§ 390d. Authorization of appropriations**

**(a) In general**

Subject to subsection (b) of this section, there are authorized to be appropriated such sums as are necessary for each of fiscal years 1996 through 2012 for the study, plan, design, structure, and related costs of agricultural research facilities under this subchapter.

**(b) Allowable administrative costs**

Not more than 3 percent of the funds made available for any project for an agricultural research facility shall be available for administration of the project.