

93 Stat. 695; Pub. L. 97-98, title XIV, §1428, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, §1414(a), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1611(b), Nov. 28, 1990, 104 Stat. 3721; Pub. L. 102-237, title IV, §402(8), Dec. 13, 1991, 105 Stat. 1863, related to establishment of Animal Health Science Research Advisory Board.

§ 3195. Continuing animal health and disease, food security, and stewardship research, education, and extension programs

(a) Capacity and infrastructure program

(1) In general

In each State with one or more accredited colleges of veterinary medicine, the deans of the accredited college or colleges and the director of the State agricultural experiment station shall develop a comprehensive animal health and disease research program for the State based on the animal health research capacity of each eligible institution in the State, which shall be submitted to the Secretary for approval and shall be used for the allocation of funds available to the State under this section.

(2) Use of funds

An eligible institution allocated funds to carry out animal health and disease research under this section may only use such funds—

- (A) to meet the expenses of conducting animal health and disease research, publishing and disseminating the results of such research, and contributing to the retirement of employees subject to section 331 of this title;
- (B) for administrative planning and direction; and
- (C) to purchase equipment and supplies necessary for conducting research described in subparagraph (A).

(3) Cooperation among eligible institutions

The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through conducting regular regional and national meetings.

(b) Competitive grant program

(1) In general

The Secretary, for purposes of addressing the critical needs of animal agriculture, shall award competitive grants to eligible entities under which such eligible entities—

- (A) conduct research—
 - (i) to promote food security, such as by—
 - (I) improving feed efficiency;
 - (II) improving energetic efficiency;
 - (III) connecting genomics, proteomics, metabolomics and related phenomena to animal production;
 - (IV) improving reproductive efficiency; and
 - (V) enhancing pre- and post-harvest food safety systems; and
 - (ii) on the relationship between animal and human health, such as by—
 - (I) exploring new approaches for vaccine development;
 - (II) understanding and controlling zoonosis, including its impact on food safety;

(III) improving animal health through feed; and

(IV) enhancing product quality and nutritive value; and

(B) develop and disseminate to the public tools and information based on the research conducted under subparagraph (A) and sound science.

(2) Eligible entities

An entity eligible to receive a grant under this subsection is any of the following:

- (A) A State cooperative institution.
- (B) An NLGCA Institution.

(3) Administration

In carrying out this subsection, the Secretary shall establish procedures—

- (A) to seek and accept proposals for grants;
- (B) to review and determine the relevance and merit of proposals, in consultation with representatives of the animal agriculture industry;
- (C) to provide a scientific peer review of each proposal conducted by a panel of subject matter experts from Federal agencies, academic institutions, State animal health agencies, and the animal agriculture industry; and
- (D) to award competitive grants on the basis of merit, quality, and relevance.

(c) Funding

(1) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2014 through 2018.

(2) Reservation of funds

The Secretary shall reserve not less than \$5,000,000 of the funds made available under paragraph (1) to carry out the capacity and infrastructure program under subsection (a).

(3) Initial apportionment

The amounts made available under paragraph (1) that are remaining after the reservation of funds under paragraph (2), shall be apportioned as follows:

- (A) 15 percent of such amounts shall be used to carry out the capacity and infrastructure program under subsection (a).
- (B) 85 percent of such funds shall be used to carry out the competitive grant program under subsection (b).

(4) Additional apportionment

The funds reserved under paragraph (2) and apportioned under paragraph (3)(A) to carry out the capacity and infrastructure program under subsection (a) shall be apportioned as follows:

- (A) Four percent shall be retained by the Department of Agriculture for administration, program assistance to the eligible institutions, and program coordination.
- (B) 48 percent shall be distributed among the several States in the proportion that the value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in each State bears to

the total value of and income to producers from domestic livestock, poultry, and commercial aquaculture species in all the States. The Secretary shall determine the total value of and income from domestic livestock, poultry, and commercial aquaculture species in all the States and the proportionate value of and income from domestic livestock, poultry, and commercial aquaculture species for each State, based on the most current inventory of all cattle, sheep, swine, horses, poultry, and commercial aquaculture species published by the Department of Agriculture.

(C) 48 percent shall be distributed among the several States in the proportion that the animal health research capacity of the eligible institutions in each State bears to the total animal health research capacity in all the States. The Secretary shall determine the animal health research capacity of the eligible institutions.

(5) Special rules for apportionment of certain funds

With respect to funds reserved under paragraph (2) and apportioned under paragraph (3)(A) to carry out the capacity and infrastructure program under subsection (a), the following shall apply:

(A) When the amount available under this section for allotment to any State on the basis of domestic livestock, poultry, and commercial aquaculture species values and incomes exceeds the amount for which the eligible institution or institutions in the State are eligible on the basis of animal health research capacity, the excess may be used, at the discretion of the Secretary, for remodeling of facilities, construction of new facilities, or increase in staffing, proportionate to the need for added research capacity.

(B) Whenever a new college of veterinary medicine is established in a State and is accredited, the Secretary, after consultation with the dean of such college and the director of the State agricultural experiment station and where applicable, deans of other accredited colleges in the State, shall provide for the reallocation of funds available to the State pursuant to paragraph (4) between the new college and other eligible institutions in the State, based on the animal health research capacity of each eligible institution.

(C) Whenever two or more States jointly establish an accredited regional college of veterinary medicine or jointly support an accredited college of veterinary medicine serving the States involved, the Secretary is authorized to make funds which are available to such States pursuant to paragraph (4) available for such college in such amount that reflects the combined relative value of, and income from, domestic livestock, poultry, and commercial aquaculture species in the cooperating States, such amount to be adjusted, as necessary, pursuant to subsection (a)(1) and subparagraph (B).

(Pub. L. 95-113, title XIV, §1433, Sept. 29, 1977, 91 Stat. 1003; Pub. L. 97-98, title XIV, §1429, Dec. 22,

1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, §1414(b), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, §1601(b)(1), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §811, Apr. 4, 1996, 110 Stat. 1165; Pub. L. 105-185, title III, §301(a)(7), title VI, §606(d)(2), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107-171, title VII, §7107, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§7117, 7118, May 22, 2008, 122 Stat. 1221, 1222; Pub. L. 110-246, §4(a), title VII, §§7117, 7118, June 18, 2008, 122 Stat. 1664, 1983; Pub. L. 113-79, title VII, §7111(a), Feb. 7, 2014, 128 Stat. 871.)

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

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section related to continuing animal health and disease research programs at eligible institutions.

2008—Subsec. (a). Pub. L. 110-246, §7117, substituted “2012” for “2007”.

Subsec. (g). Pub. L. 110-246, §7118, added subsec. (g).

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, §301(a)(7), substituted “2002” for “1997” in first sentence.

Subsec. (b)(3). Pub. L. 105-185, §606(d)(2), struck out “with the advice, when available, of the Board” before period at end of second sentence.

1996—Subsec. (a). Pub. L. 104-127, §811(1), substituted “1997” for “1995” in first sentence.

Subsec. (b)(2). Pub. L. 104-127, §811(2), substituted “domestic livestock, poultry, and commercial aquaculture species” for “domestic livestock and poultry” wherever appearing, and “horses, poultry, and commercial aquaculture species” for “horses, and poultry” in second sentence.

Subsecs. (d), (f). Pub. L. 104-127, §811(3), (4), substituted “domestic livestock, poultry, and commercial aquaculture species” for “domestic livestock and poultry”.

1990—Subsec. (a). Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995,” for “annually for the period beginning October 1, 1981, and ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99-198 substituted “1990” for “1985”.

1981—Subsec. (a). Pub. L. 97-98 substituted “as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions, but not to exceed \$25,000,000 annually for the period beginning October 1, 1981, and ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year” for “, not to exceed \$25,000,000 annually, as Congress may determine necessary to support continuing animal health and disease research programs at eligible institutions”.

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 OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 3196. Research on national and regional animal health or disease problems

(a) Authorization of appropriations

There are authorized to be appropriated such funds as Congress may determine necessary to support research on specific national or regional animal health or disease problems, or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being, but not to exceed \$35,000,000 for each of the fiscal years 1991 through 2012, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year.

(b) Duration of grants

Notwithstanding the provisions of section 3197 of this title, funds appropriated under this section shall be awarded in the form of grants, for periods not to exceed five years, to State agricultural experiment stations, colleges and universities (including 1890 Institutions (as defined in section 7601 of this title)), other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

(c) Establishment of annual priority lists for allocation of funds

In order to establish a rational allocation of funds appropriated under this section, the Secretary shall establish annually priority lists of animal health and disease, food safety, and animal well-being problems of national or regional significance. Such lists shall be prepared after consultation with the Advisory Board. Any recommendations made in connection with such consultation shall not be controlling on the Secretary's determination of priorities. In establishing such priorities, the Secretary and the Advisory Board shall consider the following factors:

- (1) any health or disease problem which causes or may cause significant economic losses to any part of the livestock production industry;
- (2) any food safety problem that has a significant pre-harvest (on-farm) component and is recognized as posing a significant health hazard to the consuming public;
- (3) issues of animal well-being related to production methods that will improve the housing and management of animals to improve the well-being of livestock production species;
- (4) whether current scientific knowledge necessary to prevent, cure, or abate such a health or disease problem is adequate; and
- (5) whether the status of scientific research is such that accomplishments may be anticipated through the application of scientific effort to such health or disease problem.

(d) Assignment of priorities for grants

Without regard to any consultation under subsection (c), the Secretary shall, to the extent feasible, award grants on the basis of the priorities assigned through a peer review system. Grantees shall be selected on a competitive basis in accordance with such procedures as the Secretary may establish.

(e) Distribution of multiyear grants

In the case of multiyear grants, the Secretary shall distribute funds to grant recipients on a

schedule which is reasonably related to the timetable required for the orderly conduct of the research project involved.

(f) Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act [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. 95-113, title XIV, § 1434, Sept. 29, 1977, 91 Stat. 1004; Pub. L. 97-98, title XIV, § 1430, Dec. 22, 1981, 95 Stat. 1309; Pub. L. 99-198, title XIV, § 1414(c), Dec. 23, 1985, 99 Stat. 1549; Pub. L. 101-624, title XVI, § 1601(b)(2), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §§ 812, 852(b)(5), Apr. 4, 1996, 110 Stat. 1165, 1171; Pub. L. 105-185, title III, § 301(a)(8), title VI, § 606(d)(3), June 23, 1998, 112 Stat. 562, 604; Pub. L. 107-171, title VII, § 7108, May 13, 2002, 116 Stat. 432; Pub. L. 110-234, title VII, §§ 7119, 7120, May 22, 2008, 122 Stat. 1222; Pub. L. 110-246, § 4(a), title VII, §§ 7119, 7120, June 18, 2008, 122 Stat. 1664, 1983.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (f), 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.

Title XVIII of this Act, referred to in subsec. (f), is title XVIII of the Food and Agriculture Act of 1977, Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 1041, as amended, which 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.

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. (a). Pub. L. 110-246, § 7119, substituted “2012” for “2007”.

Subsec. (b). Pub. L. 110-246, § 7120, inserted “(including 1890 Institutions (as defined in section 7601 of this title))” after “universities”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, § 301(a)(8), substituted “2002” for “1997”.

Subsec. (c). Pub. L. 105-185, § 606(d)(3), struck out “and the Board” after “Advisory Board” in second sentence and substituted “and the Advisory Board” for “, the Advisory Board, and the Board” in fourth sentence.

1996—Subsec. (a). Pub. L. 104-127, § 812(1), inserted “or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being,” after “problems,” and substituted “1997” for “1995”.

Subsec. (b). Pub. L. 104-127, § 812(2), substituted “State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals” for “eligible institutions”.

Subsec. (c). Pub. L. 104-127, § 852(b)(5), in introductory provisions, substituted “after consultation with the Advisory Board” for “after consultation with the Joint Council, the Advisory Board,” and “the Secretary, the Advisory Board,” for “the Secretary, the Joint Council, the Advisory Board.”

Pub. L. 104-127, § 812(3)(A), in introductory provisions, inserted “, food safety, and animal well-being” after “animal health and disease”.