

§ 450f. Delegation of functions under other laws as unaffected

The provisions of section 450d of this title shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.

(Apr. 4, 1940, ch. 75, §4, 54 Stat. 82.)

CODIFICATION

Section was formerly classified to section 516d of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 450g. Authorization of appropriations for cooperative research projects

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 450c to 450g of this title.

(Apr. 4, 1940, ch. 75, §5, 54 Stat. 82.)

CODIFICATION

Section was formerly classified to section 516e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 450h. Transferred

CODIFICATION

Section, act July 24, 1919, ch. 26, 41 Stat. 270, as amended, was transferred to section 2220 of this title.

Section was formerly classified to sections 67 and 564 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 450i. Competitive, special, and facilities research grants

(a) Establishment of grant program

(1) In order to promote research in food, agriculture, and related areas, a research grants program is hereby established in the Department of Agriculture.

(2) **SHORT TITLE.**—This section may be cited as the “Competitive, Special, and Facilities Research Grant Act”.

(b) Agriculture and food research initiative

(1) Establishment

There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture (referred to in this subsection as “the Secretary”) may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 3103 of this title).

(2) Priority areas

The competitive grants program established under this subsection shall address the following areas:

(A) Plant health and production and plant products

Plant systems, including—

- (i) plant genome structure and function;

- (ii) molecular and cellular genetics and plant biotechnology;

- (iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

- (iv) plant-pest interactions and biocontrol systems;

- (v) crop plant response to environmental stresses;

- (vi) unproved nutrient qualities of plant products; and

- (vii) new food and industrial uses of plant products.

(B) Animal health and production and animal products

Animal systems, including—

- (i) aquaculture;

- (ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

- (iii) animal biotechnology;

- (iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

- (v) identification of genes responsible for improved production traits and resistance to disease;

- (vi) improved nutritional performance of animals;

- (vii) improved nutrient qualities of animal products and uses;

- (viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture;

- (ix) the research and development of surveillance methods, vaccines, vaccination delivery systems, or diagnostic tests for pests and diseases, including—

- (I) epizootic diseases in domestic livestock (including deer, elk, bison, and other animals of the family Cervidae); and

- (II) zoonotic diseases (including bovine brucellosis and bovine tuberculosis) in domestic livestock or wildlife reservoirs that present a potential concern to public health; and

- (x) the identification of animal drug needs and the generation and dissemination of data for safe and effective therapeutic applications of animal drugs for minor species and minor uses of such drugs in major species.

(C) Food safety, nutrition, and health

Nutrition, food safety and quality, and health, including—

- (i) microbial contaminants and pesticides residue relating to human health;

- (ii) links between diet and health;

- (iii) bioavailability of nutrients;
- (iv) postharvest physiology and practices; and
- (v) improved processing technologies.

(D) Bioenergy, natural resources, and environment

Natural resources and the environment, including—

- (i) fundamental structures and functions of ecosystems;
- (ii) biological and physical bases of sustainable production systems;
- (iii) minimizing soil and water losses and sustaining surface water and ground water quality;
- (iv) the effectiveness of conservation practices and technologies designed to address nutrient losses and improve water quality;
- (v) global climate effects on agriculture;
- (vi) forestry; and
- (vii) biological diversity.

(E) Agriculture systems and technology

Engineering, products, and processes, including—

- (i) new uses and new products from traditional and nontraditional crops, animals, byproducts, and natural resources;
- (ii) robotics, energy efficiency, computing, and expert systems;
- (iii) new hazard and risk assessment and mitigation measures; and
- (iv) water quality and management.

(F) Agriculture economics and rural communities

Markets, trade, economics, and policy, including—

- (i) strategies for entering into and being competitive in domestic and overseas markets;
- (ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;
- (iii) new decision tools for farm and market systems;
- (iv) choices and applications of technology;
- (v) the economic costs, benefits, and viability of producers adopting conservation practices and technologies designed to improve water quality;
- (vi) technology assessment; and
- (vii) new approaches to rural development, including rural entrepreneurship.

(3) Term

The term of a competitive grant made under this subsection may not exceed 10 years.

(4) General administration

In making grants under this subsection, the Secretary shall—

- (A) seek and accept proposals for grants;
- (B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 7613 of this title;
- (C) award grants on the basis of merit, quality, and relevance;

(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 7612(b) of this title;

(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector; and

(F) establish procedures, including timelines, under which an entity established under a commodity promotion law (as such term is defined under section 7401(a) of this title) or a State commodity board (or other equivalent State entity) may directly submit to the Secretary for consideration proposals for requests for applications that specifically address particular issues related to the priority areas specified in paragraph (2).

(5) Allocation of funds

In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

(A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 6971 of this title), of which—

- (i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and
- (ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and

(B) not less than 40 percent is made available to make grants for applied research (as defined in subsection (f)(1) of section 6971 of this title).

(6) Special considerations

In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

(A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

(B) to a single investigator or coinvestigators who are beginning research careers and do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the beginning of the initial career track position of the individual;

(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in

obtaining competitive grants under this subsection receive a portion of the grants;

(D) to improve research, extension, and education capabilities in States (as defined in section 3103 of this title) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels; and

(E) to eligible entities to carry out the specific proposals submitted under procedures established under paragraph (4)(F) only if such specific proposals are consistent with a priority area specified in paragraph (2).

(7) Eligible entities

The Secretary may make grants to carry out research, extension, and education under this subsection to—

(A) State agricultural experiment stations;

(B) colleges and universities;

(C) university research foundations;

(D) other research institutions and organizations;

(E) Federal agencies;

(F) national laboratories;

(G) private organizations, foundations, or corporations;

(H) individuals; or

(I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).

(8) Construction prohibited

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

(9) Matching funds

(A) Equipment grants

(i) In general

Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

(ii) Waiver

The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest 1/3 of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than \$25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

(iii) Exemption

The matching funds requirement under section 3371 of this title shall not apply in the case of a grant made under paragraph (6)(A).

(B) Contribution requirement for commodity promotion grants

(i) In general

Subject to clauses (ii) and (iii), as a condition of funding a grant under paragraph (6)(E), the Secretary shall require that the grant be matched with an equal contribution of funds from the entities described in paragraph (4)(F) submitting proposals under procedures established under such paragraph.

(ii) Availability of funds

(I) In general

Contributions required by clause (i) shall be available to the Secretary for obligation and remain available until expended for the purpose of making grants under paragraph (6)(E).

(II) Administration

Of amounts contributed to the Secretary under clause (i), not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

(III) Restriction

Funds contributed to the Secretary by an entity under clause (i) in connection with a proposal submitted by that entity under procedures established under paragraph (4)(F) may only be used to fund grants in connection with that proposal.

(IV) Remaining funds

Funds contributed to the Secretary by an entity under clause (i) that remain unobligated at the time of grant close-out shall be returned to that entity.

(V) Indirect costs

The indirect cost rate applicable to appropriated funds for a grant funded under paragraph (6)(E) shall apply to amounts contributed by an entity under clause (i).

(iii) Other matching funds requirements

The contribution requirement under clause (i) shall be in addition to any matching funds requirement for grant recipients required by section 3371 of this title.

(10) Program administration

To the maximum extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority research, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 3123 of this title).

(11) Authorization of appropriations

(A) In general

There is authorized to be appropriated to carry out this subsection \$700,000,000 for each of fiscal years 2008 through 2018, of which—

(i) not less than 30 percent shall be made available for integrated research pursuant to section 7626 of this title; and

(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

(B) Availability

Funds made available under this paragraph shall—

(i) be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

(ii) remain available until expended to pay for obligations incurred during that 2-year period.

(c) Special grants

(1) The Secretary of Agriculture may make grants, for periods not to exceed 3 years—

(A) to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research, extension, or education activities to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States; and

(B) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), and accredited schools or colleges of veterinary medicine for the purpose of facilitating or expanding ongoing State-Federal food and agricultural research, extension, or education programs that—

(i) promote excellence in research, extension, or education on a regional and national level;

(ii) promote the development of regional research centers;

(iii) promote the research partnership between the Department of Agriculture, colleges and universities, research foundations, and State agricultural experiment stations for regional research efforts; and

(iv) facilitate coordination and cooperation of research, extension, or education among States through regional grants.

(2) **LIMITATIONS.**—The Secretary may not make a grant under this subsection—

(A) for any purpose for which a grant may be made under subsection (d); or

(B) for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(3) **MATCHING FUNDS.**—Grants made under this subsection shall be made without regard to matching funds.

(4) **SET ASIDES.**—Of amounts appropriated for a fiscal year to carry out this subsection—

(A) ninety percent of such amounts shall be used for grants for regional research projects; and

(B) four percent of such amounts may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subsection.

(5) **REVIEW REQUIREMENTS.**—

(A) **RESEARCH ACTIVITIES.**—The Secretary shall make a grant under this subsection for a research activity only if the activity has undergone scientific peer review arranged by the grantee in accordance with regulations promulgated by the Secretary.

(B) **EXTENSION AND EDUCATION ACTIVITIES.**—The Secretary shall make a grant under this subsection for an extension or education activity only if the activity has undergone merit review arranged by the grantee in accordance with regulations promulgated by the Secretary.

(6) **REPORTS.**—

(A) **IN GENERAL.**—A recipient of a grant under this subsection shall submit to the Secretary on an annual basis a report describing the results of the research, extension, or education activity and the merit of the results.

(B) **PUBLIC AVAILABILITY.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), on request, the Secretary shall make the report available to the public.

(ii) **EXCEPTIONS.**—Clause (i) shall not apply to the extent that making the report, or a part of the report, available to the public is not authorized or permitted by section 552 of title 5 or section 1905 of title 18.

(d) Repealed. Pub. L. 110-246, title VII, § 7406(b)(2), June 18, 2008, 122 Stat. 2013

(e) Inter-Regional Research Project Number 4

(1) The Secretary of Agriculture shall establish an Inter-Regional Research Project Number 4 (hereinafter referred to in this subsection as the “IR-4 Program”) to assist in the collection of residue and efficacy data in support of—

(A) the registration or reregistration of pesticides for minor agricultural use and for use on specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note)), under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

(B) tolerances for residues of minor use chemicals in or on raw agricultural commodities under sections 346a and 348 of title 21.

(2) The Secretary shall carry out the IR-4 Program in cooperation with the Administrator of the Environmental Protection Agency, State agricultural experiment stations, colleges and universities, extension services, private industry, and other interested parties.

(3) In carrying out the IR-4 Program, the Secretary shall give priority to registrations, reregistrations, and tolerances for pesticide uses related to the production of agricultural crops for food use.

(4) As part of carrying out the IR-4 Program, the Secretary shall—

(A) participate in research activities aimed at reducing residues of pesticides registered for minor agricultural use and for use on specialty crops;

(B) develop analytical techniques applicable to residues of pesticides registered for minor agricultural use, including automation techniques and validation of analytical methods;

(C) prioritize potential pest management technology for minor agricultural use and for use on specialty crops;

(D) conduct research to develop the data necessary to facilitate pesticide registrations, reregistrations, and associated tolerances;

(E) assist in removing trade barriers caused by residues of pesticides registered for minor agricultural use and for use on domestically grown specialty crops;

(F) assist in the registration and reregistration of pest management technologies for minor agricultural use and for use on specialty crops; and

(G) coordinate with other programs within the Department of Agriculture and the Environmental Protection Agency designed to develop and promote biological and other alternative control measures.

(5) The Secretary shall prepare and submit, to appropriate Committees of Congress, a report on an annual basis that contains—

(A) a listing of all registrations, reregistrations, and tolerances for which data has been collected in the preceding year;

(B) a listing of all registrations, reregistrations, and tolerances for which data collection is scheduled to occur in the following year, with an explanation of the priority system used to develop this list; and

(C) a listing of all activities the IR-4 Program has carried out pursuant to paragraph (4).

(6) The Secretary shall submit to Congress not later than November 28, 1991, a report detailing the feasibility of requiring recoupment of the costs of developing residue data for registrations, reregistrations, or tolerances under this program. Such recoupment shall only apply to those registrants which make a profit on such registration, reregistration, or tolerance subsequent to residue data development under this program. Such report shall include:

(A) an analysis of possible benefits to the IR-4 Program of such a recoupment;

(B) an analysis of the impact of such a payment on the availability of registrants to pursue registrations or reregistrations of minor use pesticides; and

(C) recommendations for implementation of such a recoupment policy.

(7) There are authorized to be appropriated \$25,000,000 for fiscal year 1991, and such sums as are necessary for subsequent fiscal years to carry out this subsection.

(f) Record keeping

Each recipient of assistance under this section shall keep such records as the Secretary of Agriculture shall, by regulation, prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grants, the total cost of the project or undertaking in connection with which such funds are given or used, and the amount of that portion of the costs of the project or under-

taking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary of Agriculture and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this section.

(g) Limits on overhead costs

The Secretary of Agriculture shall limit allowable overhead costs, with respect to grants awarded under this section, to those necessary to carry out the purposes of the grants.

(h) Authorization of appropriations

Except as otherwise provided in subsections (b) and (e), there are hereby authorized to be appropriated such sums as are necessary to carry out this section.

(i) Rules

The Secretary of Agriculture may issue such rules and regulations as the Secretary deems necessary to carry out this section.

(j) Application of other laws

The Federal Advisory Committee Act 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 for the purpose of reviewing applications or proposals submitted under this section.

(k) Emphasis on sustainable agriculture

The Secretary of Agriculture shall ensure that grants made under subsections (b) and (c) are, where appropriate, consistent with the development of systems of sustainable agriculture. For purposes of this section, the term “sustainable agriculture” has the meaning given that term in section 3103 of this title.

(Pub. L. 89-106, §2, Aug. 4, 1965, 79 Stat. 431; Pub. L. 95-113, title XIV, §1414, Sept. 29, 1977, 91 Stat. 991; Pub. L. 97-98, title XIV, §1415, Dec. 22, 1981, 95 Stat. 1303; Pub. L. 99-198, title XIV, §1409, Dec. 23, 1985, 99 Stat. 1546; Pub. L. 101-624, title XIV, §1497, title XVI, §§1615, 1616, Nov. 28, 1990, 104 Stat. 3630, 3729, 3732; Pub. L. 102-237, title IV, §401, Dec. 13, 1991, 105 Stat. 1862; Pub. L. 104-66, title I, §1011(v), Dec. 21, 1995, 109 Stat. 711; Pub. L. 104-127, title VIII, §885, Apr. 4, 1996, 110 Stat. 1179; Pub. L. 105-185, title II, §§211, 212, title III, §301(f), title VI, §606(h), June 23, 1998, 112 Stat. 536, 563, 604; Pub. L. 107-76, title VII, §775, Nov. 28, 2001, 115 Stat. 746; Pub. L. 107-171, title VI, §6403(b), title VII, §§7136, 7211, May 13, 2002, 116 Stat. 429, 436, 447; Pub. L. 110-234, title VII, §§7101(b)(2), 7406(a), (b)(2), May 22, 2008, 122 Stat. 1213, 1247, 1251; Pub. L. 110-246, §4(a), title VII, §§7101(b)(2), 7406(a), (b)(2), June 18, 2008, 122 Stat. 1664, 1974, 2009, 2013; Pub. L. 113-79, title VII, §§7128(b)(4), 7404, Feb. 7, 2014, 128 Stat. 879, 895.)

REFERENCES IN TEXT

Act of October 10, 1962, referred to in subsec. (c)(1)(B), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly known as the “McIntire-Stennis Act of 1962” and also as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short

Title note set out under section 582a of Title 16 and Tables.

Section 3 of the Specialty Crops Competitiveness Act of 2004, referred to in subsec. (e)(1)(A), is section 3 of Pub. L. 108-465, which is set out as a note under section 1621 of this title.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (e)(1)(A), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

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

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—Subsec. (b)(2)(B)(ix), (x). Pub. L. 113-79, §7404(b)(1), added cls. (ix) and (x).

Subsec. (b)(2)(D). Pub. L. 113-79, §7404(b)(2)(A), substituted “Bioenergy” for “Renewable energy” in heading.

Subsec. (b)(2)(D)(iv) to (vii). Pub. L. 113-79, §7404(b)(2)(B), (C), added cl. (iv) and redesignated former cls. (iv) to (vi) as (v) to (vii), respectively.

Subsec. (b)(2)(F). Pub. L. 113-79, §7404(b)(3)(A), inserted “economics,” after “trade,” in introductory provisions.

Subsec. (b)(2)(F)(v) to (vii). Pub. L. 113-79, §7404(b)(3)(B), (C), added cl. (v) and redesignated former cls. (v) and (vi) as (vi) and (vii), respectively.

Subsec. (b)(4)(F). Pub. L. 113-79, §7404(c), added subpar. (F).

Subsec. (b)(6)(E). Pub. L. 113-79, §7404(d), added subpar. (E).

Subsec. (b)(7)(G). Pub. L. 113-79, §7404(e), substituted “, foundations, or corporations” for “or corporations”.

Subsec. (b)(9)(A)(iii). Pub. L. 113-79, §7128(b)(4)(A), added cl. (iii).

Subsec. (b)(9)(B). Pub. L. 113-79, §7404(f), added subpar. (B).

Pub. L. 113-79, §7128(b)(4)(B), struck out subpar. (B) which related to applied research.

Subsec. (b)(11)(A). Pub. L. 113-79, §7404(a), substituted “2018” for “2012” in introductory provisions.

Subsec. (e)(1)(A). Pub. L. 113-79, §7404(g)(1), substituted “pesticides for minor agricultural use and for use on specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note)),” for “minor use pesticides”.

Subsec. (e)(4)(A). Pub. L. 113-79, §7404(g)(2)(A), inserted “and for use on specialty crops” after “minor agricultural use”.

Subsec. (e)(4)(C) to (G). Pub. L. 113-79, §7404(g)(2)(B)–(D), added subpars. (C) to (F) and redesignated former subpar. (C) as (G).

2008—Subsec. (b). Pub. L. 110-246, §7406(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) authorized the Secretary to make competitive grants for research to further Department of Agriculture programs and to conduct a program to improve research capabilities in the agricultural, food, and environmental sciences and required an annual report to Con-

gress describing the operations of the program during the preceding fiscal year.

Subsec. (d). Pub. L. 110-246, §7406(b)(2), struck out subsec. (d) which related to annual grants to support the renovation and refurbishment of research spaces in buildings or spaces to be used for research and the purchase and installation of fixed equipment in such spaces.

Subsec. (k). Pub. L. 110-246, §7101(b)(2), which directed amendment of “Section 2(k) of the Competitive, Special, and Facilities Research Grant Act” by substituting “3103” for “3103(17)”, was executed by making the substitution to subsec. (k) of this section, which is the Competitive, Special, and Facilities Research Grant Act, to reflect the probable intent of Congress.

2002—Subsec. (b)(2). Pub. L. 107-171, §7211, substituted “in the areas described in subparagraphs (A) through (F). Such needs shall be determined by the Secretary, in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, not later than July 1 of each fiscal year for the purposes of the following fiscal year.” for “in—” in provisions preceding subpar. (A).

Subsec. (b)(8)(B). Pub. L. 107-171, §6403(b), substituted “college, university, or research foundation maintained by a college or university that ranks in the lowest 1/3 of such colleges, universities, and research foundations on the basis of Federal research funds received” for “smaller college or university (as described in section 2204f(c)(2)(C)(ii) of this title)” in second sentence.

Subsec. (b)(10). Pub. L. 107-171, §7136, substituted “2007” for “2002” in introductory provisions.

2001—Subsec. (b)(3)(G). Pub. L. 107-76, §775(1), added subpar. (G).

Subsec. (b)(10)(C). Pub. L. 107-76, §775(2), substituted “, (F), and (G) of paragraph (3) for” for “and (F) of paragraph (3) for awarding grants in”.

1998—Subsec. (b)(1). Pub. L. 105-185, §§211(1), 606(h)(1), in first sentence, inserted “national laboratories,” after “Federal agencies,” and in second sentence, substituted “National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 3123 of this title)” for “Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board”.

Subsec. (b)(2). Pub. L. 105-185, §211(2), substituted “multistate” for “regional” in introductory provisions.

Subsec. (b)(3)(E). Pub. L. 105-185, §211(3), substituted “an individual shall be within 5 years of the individual’s initial career track position” for “an individual shall have less than 5 years of post-graduate research experience” in second sentence.

Subsec. (b)(8)(B). Pub. L. 105-185, §211(4), substituted “the cost of” for “the cost” and inserted at end “The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a smaller college or university (as described in section 2204f(c)(2)(C)(ii) of this title) if the equipment to be acquired costs not more than \$25,000 and has multiple uses within a single research project or is usable in more than 1 research project.”

Subsec. (b)(10). Pub. L. 105-185, §301(f), substituted “2002” for “1997” in introductory provisions.

Subsec. (c)(1). Pub. L. 105-185, §212(1)(A), substituted “3 years” for “5 years” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 105-185, §212(1)(B), inserted “, extension, or education activities” after “conducting research”.

Subsec. (c)(1)(B). Pub. L. 105-185, §212(1)(C)(i), inserted “, extension, or education” after “agricultural research” in introductory provisions.

Subsec. (c)(1)(B)(i). Pub. L. 105-185, §212(1)(C)(ii), inserted “, extension, or education” after “research”.

Subsec. (c)(1)(B)(iv). Pub. L. 105-185, §212(1)(C)(iii), substituted “, extension, or education among States through regional” for “among States through regional research”.

Subsec. (c)(5), (6). Pub. L. 105-185, §212(2), added pars. (5) and (6).

Subsec. (l). Pub. L. 105-185, §606(h)(2), struck out heading and text of subsec. (l). Text read as follows: "The Secretary of Agriculture may consult with the Agricultural Science and Technology Review Board regarding the policies, priorities, and operation of subsections (b) and (c) of this section."

1996—Subsec. (b)(10). Pub. L. 104-127, §885(a)(1), substituted "each of fiscal years 1995 through 1997" for "fiscal year 1995" in introductory provisions.

Subsec. (b)(10)(B). Pub. L. 104-127, §885(a)(2), substituted "40 percent" for "20 percent".

Subsec. (b)(11). Pub. L. 104-127, §885(b), added par. (11).

1995—Subsecs. (l), (m). Pub. L. 104-66 redesignated subsec. (m) as (l) and struck out former subsec. (l) which directed Secretary of Agriculture to submit annual reports to Congress on competitive grant and special grant awards.

1991—Subsec. (a). Pub. L. 102-237, §401(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(10). Pub. L. 102-237, §401(b)(1), struck out "and" after "1993."

Subsec. (e). Pub. L. 102-237, §401(b)(2)(A), substituted "Inter-Regional Research Project Number 4" for "Record keeping" as heading.

Subsec. (e)(1). Pub. L. 102-237, §401(b)(2)(B), substituted "this subsection" for "this section" in introductory provisions.

Subsec. (e)(2) to (4). Pub. L. 102-237, §401(b)(2)(C), substituted "IR-4 Program" for "IR-4 program".

Subsec. (e)(5)(B). Pub. L. 102-237, §401(b)(2)(D), substituted "registrations," for "registration," and inserted "and" at end.

Subsec. (e)(5)(C). Pub. L. 102-237, §401(b)(2)(C), substituted "IR-4 Program" for "IR-4 program".

Subsec. (e)(6). Pub. L. 102-237, §401(b)(2)(E), substituted "not later than November 28, 1991," for "within one year of November 28, 1990," and inserted a comma after "reregistrations" in first sentence.

Subsec. (e)(6)(A). Pub. L. 102-237, §401(b)(2)(C), substituted "IR-4 Program" for "IR-4 program".

Subsec. (e)(7). Pub. L. 102-237, §401(b)(2)(B), substituted "this subsection" for "this section".

Subsec. (f). Pub. L. 102-237, §401(b)(3), substituted "Record keeping" for "Limits on overhead costs" as heading.

Subsec. (g). Pub. L. 102-237, §401(b)(4), substituted "Limits on overhead costs" for "Authorization of appropriations" as heading.

Subsec. (h). Pub. L. 102-237, §401(b)(5), substituted "Authorization of appropriations" for "Rules" as heading and "subsections (b) and (e)" for "subsection (b) of this section" and struck out "the provisions of" after "to carry out".

Subsec. (i). Pub. L. 102-237, §401(b)(6), substituted "Rules" for "Application of other laws" as heading, substituted "may" for "is authorized to", and struck out "the provisions of" after "to carry out".

Subsec. (j). Pub. L. 102-237, §401(b)(7), (8), inserted "Application of other laws" as heading and redesignated another subsec. (j), relating to emphasis on sustainable agriculture, as (k).

Subsecs. (k) to (m). Pub. L. 102-237, §401(b)(8), redesignated subsecs. (j) to (l), as added by Pub. L. 101-624, §1615(b), as (k) to (m), respectively.

1990—Pub. L. 101-624, §1615(c)(1), inserted "Competitive, special, and facilities research grants" as section catchline.

Subsec. (a). Pub. L. 101-624, §1615(c)(1), inserted heading.

Subsec. (b). Pub. L. 101-624, §1615(a), inserted heading, designated first two sentences of existing text as par. (1), added pars. (2) to (10), and struck out former similar provisions which identified "high priority research" as well as provisions relating to the awarding, administration, and funding of such research.

Subsec. (c). Pub. L. 101-624, §1616, amended subsec. (c) generally, designating former introductory text as par. (1), redesignating former pars. (1) and (2) as subpars. (A) and (B), respectively, and in subpar. (A), expanding the entities which may receive grants under this sub-

section to include all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research in areas of food and agriculture important to the U.S., and designating former closing provisions as pars. (2) through (4), and in par. (4), inserting provisions requiring that ninety percent of the amounts appropriated for a fiscal year under this subsection be used for regional research projects.

Subsec. (d). Pub. L. 101-624, §1615(c)(2), inserted heading.

Subsec. (e). Pub. L. 101-624, §§1497(1), (2), 1615(c)(3), added subsec. (e), inserted heading, and redesignated former subsec. (e) as (f).

Subsec. (f). Pub. L. 101-624, §§1497(1), 1615(c)(4), redesignated subsec. (e) as (f) and inserted heading. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 101-624, §§1497(1), 1615(c)(5), redesignated subsec. (f) as (g) and inserted heading. Former subsec. (g) redesignated (h).

Pub. L. 101-624, §1497(3), which directed insertion of "and subsection (e)" after "subsection (b)", could not be executed because "subsection (b)" did not appear in text.

Subsec. (h). Pub. L. 101-624, §§1497(1), 1615(c)(6), redesignated subsec. (g) as (h) and inserted heading. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 101-624, §§1497(1), 1615(c)(7), redesignated subsec. (h) as (i) and inserted heading. Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 101-624, §1615(b), added subsec. (j) relating to emphasis on sustainable agriculture.

Pub. L. 101-624, §1497(1), redesignated subsec. (i), relating to application of other laws, as (j).

Subsecs. (k) and (l). Pub. L. 101-624, §1615(b), added subsecs. (k) and (l).

1985—Subsec. (b). Pub. L. 99-198, §1409(a)(1), (2), substituted in third sentence par. "(2) research, with emphasis on biotechnology," for "(2) research" and added pars. (7) and (8), and prohibited any grant under subsec. (b) for any purpose for which a grant may be made under subsec. (d) or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

Pub. L. 99-198, §1409(a)(3), in concluding provisions substituted appropriations authorization of \$70,000,000 annually for fiscal years ending Sept. 30, 1986, through Sept. 30, 1990 for prior authorization of 25, 30, 35, and 40 million dollars for fiscal years ending Sept. 30, 1978, through Sept. 30, 1981, and 50 million dollars annually for fiscal years ending Sept. 30, 1982, through Sept. 30, 1985, and for any subsequent fiscal year not in excess of such sums as may be authorized by law; and authorized retention of four percent of appropriated funds for payment of administrative costs.

Subsec. (c). Pub. L. 99-198, §1409(b)(1), prohibited any grant under subsec. (c) for any purpose for which a grant may be made under subsec. (d) or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

Pub. L. 99-198, §1409(b)(2), authorized retention of four percent of appropriated funds for payment of administrative costs.

Subsec. (i). Pub. L. 99-198, §1409(c), added subsec. (i).

1981—Subsec. (b). Pub. L. 97-98, §1415(a), inserted "and the National Agricultural Research and Extension Users Advisory Board" and provision specifying what is included in high priority research and substituted "for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985" for "for the fiscal year ending September 30, 1982".

Subsec. (c). Pub. L. 97-98, §1415(b), in par. (1) inserted "research foundations established by land-grant colleges and universities," in par. (2) inserted reference to research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962, and accredited schools or colleges of veterinary medicine, and added subpar. (D).

Subsec. (d). Pub. L. 97-98, §1415(c), in provision preceding par. (1) substituted provision directing that annual grants be made to support the renovation and refurbishment, including energy retrofitting, of research spaces in buildings or spaces to be used for research, and the purchase and installation of fixed equipment in such spaces and providing that grants may be used for new construction only for auxiliary facilities and fixed equipment used for research in such facilities, such as greenhouses, insectaries, and research farm structures and installations for provision that grants be made to support the purchase of equipment, supplies, and land, and the construction, alteration, or renovation of buildings, necessary for the conduct of food and agricultural research and added pars. (3) and (4).

1977—Pub. L. 95-113 designated existing provisions as subsec. (e) and a part of subsec. (b) and added the remainder of subsec. (b) and subsections. (a), (c), (d), (f), (g), and (h).

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.

Pub. L. 110-234, title VII, §7406(c), May 22, 2008, 122 Stat. 1251, and Pub. L. 110-246, §4(a), title VII, §7406(c), June 18, 2008, 122 Stat. 1664, 2013, provided that: "The amendments made by this section [amending this section and sections 3319, 5924, and 5925b of this title and repealing section 7621 of this title] shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before the date of enactment of this Act [June 18, 2008]."

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-198, title XIV, §1409(a)(3), Dec. 23, 1985, 99 Stat. 1547, provided that the amendment made by section 1409(a)(3) of Pub. L. 99-198 is effective Oct. 1, 1985.

Pub. L. 99-198, title XIV, §1409(b)(2), Dec. 23, 1985, 99 Stat. 1547, provided that the amendment made by section 1409(b)(2) of Pub. L. 99-198 is effective Oct. 1, 1985.

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.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

§ 450j. Indemnity payments to dairy farmers and manufacturers of dairy products; milk removed for its residue of chemical or toxic substances; nuclear radiation or fallout contaminants; other legal recourse

The Secretary of Agriculture is authorized to make indemnity payments for milk or cows producing such milk at a fair market value, to dairy farmers who have been directed since January 1, 1964 (but only since August 10, 1973, in the case of indemnity payments not authorized prior to August 10, 1973), to remove their milk, and to make indemnity payments for dairy products at fair market value to manufacturers of dairy products who have been directed since November 30, 1970, to remove their dairy prod-

ucts from commercial markets because of residues of chemicals registered and approved for use by the Federal Government at the time of such use. The Secretary is also authorized to make indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of this section if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer: *Provided*, That no indemnity payment may be made for contamination resulting from such residues of chemicals or toxic substances if the Secretary determines within thirty days after the date of application for payment that other legal recourse is available to the farmer. Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

(Pub. L. 90-484, §1, Aug. 13, 1968, 82 Stat. 750; Pub. L. 91-524, title II, §204(b), Nov. 30, 1970, 84 Stat. 1362; Pub. L. 93-86, §1(5)(B), Aug. 10, 1973, 87 Stat. 223; Pub. L. 95-113, title II, §205(1), Sept. 29, 1977, 91 Stat. 920.)

PRIOR PROVISIONS

The following Acts authorized indemnity payments for the periods ending as indicated:

June 30, 1968—Pub. L. 90-95, §1, Sept. 28, 1967, 81 Stat. 231.

June 30, 1967—Pub. L. 89-794, title III, §301(c), Nov. 8, 1966, 80 Stat. 1465.

June 30, 1966—Pub. L. 89-253, §24, Oct. 29, 1965, 79 Stat. 977.

June 30, 1965—Pub. L. 89-16, title III, §303, Apr. 30, 1965, 79 Stat. 108.

Jan. 31, 1965—Pub. L. 88-452, title III, §331, Aug. 20, 1964, 78 Stat. 525.

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1977—Pub. L. 95-113 authorized indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of the presence of products of nuclear radiation or fall-out if such contamination is not due to the fault of the farmer, or because of residues of chemicals or toxic substances not included under the first sentence of this section if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, and inserted provision that no indemnity payment may be made for contamination resulting from residues of chemicals or toxic substances if the Secretary determines within thirty days after the date of application for payment that other legal recourse is available to the farmer.

1973—Pub. L. 93-86 inserted "for milk or cows producing such milk" after "The Secretary of Agriculture is authorized to make indemnity payments" and "(but only since August 10, 1973, in the case of indemnity payments not authorized prior to August 10, 1973)" after "January 1, 1964" and substituted ", and to make indemnity payments for dairy products at fair market value to" for "and" after "remove their milk" and "of" for "it contained" before "residues of chemicals".