

view. 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), 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), 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); 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.