

Statutory Notes and Related Subsidiaries**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), 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 entity has the ability and commitment to support the long-term, ongoing operating and maintenance 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; Pub. L. 115-334, title VII, §7503(a)(2), (b), Dec. 20, 2018, 132 Stat. 4821.)

Editorial Notes**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

2018—Subsec. (c)(2)(D). Pub. L. 115-334, in introductory provisions, substituted “recipient entity” for “recipient college, university, or nonprofit institution” and “operating and maintenance costs” for “operating costs”.

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. Competitive grant program

The Secretary shall establish a program to make competitive grants to assist in the construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities.

(Pub. L. 88-74, §4, as added Pub. L. 115-334, title VII, §7503(c), Dec. 20, 2018, 132 Stat. 4821.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 390b, Pub. L. 88-74, §4, as added Pub. L. 104-127, title VIII, §884(a), Apr. 4, 1996, 110 Stat. 1178;