

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;

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, prior to repeal by Pub. L. 107-171, title VII, §7308(a), May 13, 2002, 116 Stat. 455.

Another 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.)

Editorial Notes

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 subsections (b), (c), and (d), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1996 through 2023 for the study, plan, design, structure, and related costs of agricultural research facilities under this subchapter. Funds appropriated pursuant to the preceding sentence shall be available until expended.

(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.

(c) Maximum amount

Not more than 25 percent of the funds made available pursuant to subsection (a) for any fis-

cal year shall be used for any single agricultural research facility project.

(d) Project limitation

An entity eligible to receive funds under this subchapter may receive funds for only one project at a time.

(Pub. L. 88-74, §6, as added Pub. L. 104-127, title VIII, §884(a), Apr. 4, 1996, 110 Stat. 1179; amended Pub. L. 105-185, title III, §301(d), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, §7135, May 13, 2002, 116 Stat. 436; Pub. L. 110-234, title VII, §7405, May 22, 2008, 122 Stat. 1247; Pub. L. 110-246, §4(a), title VII, §7405, June 18, 2008, 122 Stat. 1664, 2008; Pub. L. 113-79, title VII, §7403, Feb. 7, 2014, 128 Stat. 895; Pub. L. 115-334, title VII, §7503(d), Dec. 20, 2018, 132 Stat. 4821.)

Editorial Notes

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

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 390d, Pub. L. 88-74, §5, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; Pub. L. 99-198, title XIV, §1411(e), Dec. 23, 1985, 99 Stat. 1548, related to payment eligibility and facility proposals, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 6 of Pub. L. 88-74 was classified to section 390f of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

Another prior section 6 of Pub. L. 88-74 was classified to section 390e of this title prior to repeal by Pub. L. 99-198.

A prior section 390e, Pub. L. 88-74, §6, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995, related to continuing availability of unused allotments to eligible institutions for a period of five fiscal years following the fiscal year of initial availability thereof, prior to repeal by Pub. L. 99-198, title XIV, §1411(f), Dec. 23, 1985, 99 Stat. 1548.

A prior section 390f, Pub. L. 88-74, §6, formerly §7, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered §6 and amended Pub. L. 99-198, title XIV, §1411(g), (k), Dec. 23, 1985, 99 Stat. 1548, related to fund support basis for multiple-purpose equipment and physical facilities, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390g, Pub. L. 88-74, §8, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995, related to ascertainment of the amount of the allocation to which each institution was entitled and written notification to each such institution, prior to repeal by Pub. L. 99-198, title XIV, §1411(h), Dec. 23, 1985, 99 Stat. 1548.

A prior section 390h, Pub. L. 88-74, §7, formerly §9, July 22, 1963, 77 Stat. 91; Pub. L. 94-273, §7(1), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered §7 and amended Pub. L. 99-198, title XIV, §1411(i), (k), Dec. 23, 1985, 99 Stat. 1548, related to fiscal accountability, prior to the general amendment of this subchapter by Pub. L. 104-127.