

TITLE 7 - AGRICULTURE
CHAPTER 14 - AGRICULTURAL EXPERIMENT STATIONS
SUBCHAPTER III - RESEARCH FACILITIES

§ 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) of this section, 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) of this section, 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) of this section; 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

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

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).