

stitution 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

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 Repealed.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.

§ 390d. Authorization of appropriations

(a) In general

Subject to subsection (b) of this section, there are authorized to be appropriated such sums as are necessary for each of fiscal years 1996 through 2012 for the study, plan, design, structure, and related costs of agricultural research facilities under this subchapter.

(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.

(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.)

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.

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