
11. RESEARCH FACILITIES ACT

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(Act of July 22, 1963, Public Law 88-74, 77 Stat. 90)

[As Amended Through P.L. 110-246, Effective May 22, 2008]

AN ACT To assist the States to provide additional facilities for research at the State agricultural experimental stations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Research Facilities Act".

SEC. 2. [7 U.S.C. 390] DEFINITIONS.

In this Act:

(1) AGRICULTURAL RESEARCH FACILITY.—The term "agricultural research facility" means a proposed facility for research in food and agricultural sciences for which Federal funds are requested by a college, university, or nonprofit institution to assist in the construction, alteration, acquisition, modernization, renovation, or remodeling of the facility.

(2) CONGRESSIONAL AGRICULTURE COMMITTEES.—The term "congressional agriculture committees" means the Committee on Appropriations and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(3) FOOD AND AGRICULTURAL SCIENCES.—The term "food and agricultural sciences" has the meaning given that term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. [7 U.S.C. 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 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101); 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.

[Section 4 repealed by section 7308(a) of P.L. 107-171, 116 Stat. 455.]

SEC. 5. [7 U.S.C. 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 Act.

SEC. 6. [7 U.S.C. 390d] AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), 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 Act.

(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.