

posal 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 chapter 10 of title 5**

Chapter 10 of title 5 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; amended Pub. L. 117-286, § 4(a)(22), Dec. 27, 2022, 136 Stat. 4307.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Food and Agriculture Act of 1977, referred to in text, is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913. 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.

**AMENDMENTS**

2022—Pub. L. 117-286 substituted “chapter 10 of title 5” for “Federal Advisory Committee Act” in section catchline and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text.

**§ 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 fiscal 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,