

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2020, 3175, 3221 of this title.

§ 349. "State" defined

The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.

(As amended Aug. 27, 1986, Pub. L. 99-396, § 9(f), 100 Stat. 840.)

AMENDMENTS

1986—Pub. L. 99-396 amended section generally, expanding definition of "State" to include the Northern Mariana Islands.

CHAPTER 14—AGRICULTURAL EXPERIMENT STATIONS

SUBCHAPTER III—RESEARCH FACILITIES

Sec.	
390e.	Repealed.
390g.	Repealed.
390k.	Repealed.

SUBCHAPTER I—GENERAL PROVISIONS

§ 361c. Authorization of appropriations and allotments of grants

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 361e, 3222 of this title.

SUBCHAPTER III—RESEARCH FACILITIES

§ 390. Congressional declaration of policy

It is declared to be the policy of the Congress to continue its support of agricultural research at eligible institutions through Federal-grant funds on a matching funds basis, to help finance physical facilities and equipment as required for the effective conduct of agricultural research and related academic programs.

(As amended Pub. L. 99-198, title XIV, § 1411(a), Dec. 23, 1985, 99 Stat. 1547.)

AMENDMENTS

1985—Pub. L. 99-198 substituted "Federal-grant funds on a matching funds basis" for "Federal-grant funds", "facilities and equipment" for "facilities", and "agricultural research and related academic programs" for "an adequate research program".

SHORT TITLE

Section 10 of Pub. L. 88-74, as added by Pub. L. 99-198, title XIV, § 1411(d), Dec. 23, 1985, 99 Stat. 1548, provided that: "This Act [enacting this subchapter] may be cited as the 'Research Facilities Act'."

§ 390a. Congressional declaration of purpose

The purpose of this subchapter is to assist eligible institutions in the construction, acquisition, and remodeling of buildings, laboratories, and other capital facilities (including the acquisition of fixtures and equipment) which are necessary to more effectively conduct research in agriculture and sciences related thereto through means of matching grants from the Federal Government.

(As amended Pub. L. 99-198, title XIV, § 1411(b), Dec. 23, 1985, 99 Stat. 1547.)

AMENDMENTS

1985—Pub. L. 99-198 struck out "which are to become a part of such buildings" after "equipment" in parenthetical clause and substituted "matching grants" for "grants".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 390b, 390c, 390h of this title.

§ 390b. Definitions

As used in sections 390a to 390j, inclusive, of this title—

(1) the term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands of the United States;

(2) the term "eligible institution" means a department established under provisions of the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), and under the direction of a college or university established in any State in accordance with the Act of July 2, 1862 (12 Stat. 503-505, as amended; 7 U.S.C. 301-305, 307 and 308), a department otherwise established pursuant to standards prescribed by any State the purpose of which is to conduct agricultural, forestry, or veterinary medicine research, the Connecticut Agricultural Experiment Station at New Haven, Connecticut, the Ohio Agricultural Experiment Station at Wooster, Ohio, and those colleges, universities, and other legal entities in each State now receiving, or which may hereafter receive, benefits under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326 and 328), including the Tuskegee Institute, or the Act of October 10, 1962 (76 Stat. 806-807, as amended; 16 U.S.C. 582a, 582a-1—582a-7); and

(3) the term "Secretary" shall mean the Secretary of Agriculture.

(As amended Pub. L. 99-198, title XIV, § 1411(c), Dec. 23, 1985, 99 Stat. 1547.)

AMENDMENTS

1985—Par. (1). Pub. L. 99-198, § 1411(c)(1), added par. (1) and struck out former par. (1) which provided "the term 'State' shall include Puerto Rico".

Par. (2). Pub. L. 99-198, § 1411(c)(2), inserted ", forestry, or veterinary medicine" after "to conduct agricultural".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390h of this title.

§ 390c. Administration

(a) Authorization of appropriations

There are authorized to be appropriated, for grants to eligible institutions under this subchapter to be used for the purpose set out in section 390a of this title, \$20,000,000 for each of the fiscal years ending September 30, 1986, through September 30, 1990.

(b) Limitation on amount of grant; funding from non-Federal sources

No grant may be made under section 390a of this title for an amount exceeding a percentage determined by the Secretary of the cost of the project for which such grant is made. The remaining cost of such project shall be paid with funds from non-Federal sources.

[See main edition for text of (c)]

(As amended Pub. L. 99-198, title XIV, § 1411(d), Dec. 23, 1985, 99 Stat. 1548.)

AMENDMENTS

1985—Subsec. (a), Pub. L. 99-198, § 1411(d)(1), in amending subsec. (a) generally, substituted "grants" for "allocation"; authorized appropriations of \$20,000,000 for each of the fiscal years ending Sept. 30, 1986, through Sept. 30, 1990; and struck out appropriations authorization of 15, 19, 23, and 27 million dollars for fiscal years ending Sept. 30, 1978, through Sept. 30, 1981, and 31 million dollars for fiscal years ending Sept. 30, 1982, through Sept. 30, 1985, and such sums as may be authorized for any subsequent fiscal year.

Subsec. (b), Pub. L. 99-198, § 1411(d)(2), amended subsec. (b) generally. Prior to the amendment, subsec. (b) provided for the first \$4,000,000 appropriated for any fiscal year to be apportioned equally among eligible institutions and any amount in excess of \$4,000,000 to be apportioned by a formula involving the amounts allocated in the preceding fiscal year.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1411(d)(1) of Pub. L. 99-198 provided in part that the amendment by section 1411(d)(1) of Pub. L. 99-198, is effective Oct. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390d of this title.

§ 390d. Eligibility for payments; facility proposals

As a condition for receiving funds under section 390c of this title, each eligible institution shall submit, in such form as the Secretary may require, specific proposals for planning, acquisition, construction, repair, rehabilitation, renovation, or remodeling of buildings, laboratories, and other capital facilities including the acquisition of fixtures and equipment, including scientific instrumentation. In a State having more than one eligible institution the Secretary shall devise procedures to insure that the facility proposals of the eligible institutions in such State provide for a coordinated food and agricultural research program among eligible institutions in such State.

(As amended Pub. L. 99-198, title XIV, § 1411(e), Dec. 23, 1985, 99 Stat. 1548.)

AMENDMENTS

1985—Pub. L. 99-198 struck out "apportioned" after "funds" and ", which are to become part of such buildings" after "instrumentation" in first sentence.

§ 390e. Repealed. Pub. L. 99-198, title XIV, § 1411(f), Dec. 23, 1985, 99 Stat. 1548

Section, 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.

§ 390f. Multiple-purpose equipment and physical facilities; fund support basis

With respect to multiple-purpose equipment and physical facilities, the segment or portion thereof which is to be utilized for food and agricultural research and related programs, including forestry and veterinary medicine, shall be the basis for determination of fund support under this subchapter.

(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.)

PRIOR PROVISIONS

A prior section 6 of Pub. L. 88-74 was classified to section 390e of this title and was repealed by section 1411(f) of Pub. L. 99-198.

AMENDMENTS

1985—Pub. L. 99-198, § 1411(g), inserted "equipment and" after "multiple-purpose" and "and related programs, including forestry and veterinary medicine," after "research".

§ 390g. Repealed. Pub. L. 99-198, title XIV, § 1411(h), Dec. 23, 1985, 99 Stat. 1548

Section, 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.

§ 390h. Fiscal accountability**(a) Chief administrative officers; fiscal officers; duties, reports**

Any eligible institution that receives payments under the provisions of section 390a of this title shall have a chief administrative officer and a duly designated fiscal officer, who shall be the persons responsible for receipt of payments under the Acts referred to in section 390b(2) of this title, to whom payments can be directed by the Secretary. Such fiscal officer shall receive and account for all funds paid to such institution pursuant to the provisions of this subchapter, and shall submit a report, approved by the chief administrative officer of such institution, to the Secretary on or before the first day of December of each year. Such report shall contain a detailed statement of the amount received under the provisions of this subchapter during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

(b) Diminution, loss, or misapplication of funds

If any portion of the funds received under this subchapter by the duly authorized fiscal officer of any eligible institution shall by any action or contingency be diminished, lost, or misapplied, it shall be repaid by the institution concerned, and until repaid no part of any subsequent appropriation shall be paid to such institution.

(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.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-198, § 1411(i)(1), substituted "that receives" for "authorized to receive" and references to section "390a" and "390b(2)" for "390c" and "390c(b)" of this title, respectively.

Subsec. (b). Pub. L. 99-198, § 1411(i)(2), substituted "funds received under this subchapter" for "allotted funds received" and "shall be paid" for "shall be allocated or paid".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390i of this title.

§ 390i. Reports to Congress

The Secretary shall make an annual report to Congress during the first regular session of each year with respect to (1) payments made under this subchapter, (2) the facilities, by institution, for which such payments were made, and (3) those eligible institutions, if any, that were prevented, because of failure to repay funds as required by section 390h(b) of this title, from receiving any grant under this subchapter.

(Pub. L. 88-74, § 8, formerly § 10, July 22, 1963, 77 Stat. 92; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered § 8 and amended Pub. L. 99-198, title XIV, § 1411(j), (k), Dec. 23, 1985, 99 Stat. 1548.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 88-74 was classified to section 390g of this title and was repealed by section 1411(h) of Pub. L. 99-198.

AMENDMENTS

1985—Pub. L. 99-198, § 1411(j), amended cl. (3) generally. Prior to amendment, cl. (3) read as follows: "whether any portion of the appropriation available for allotment to any of the eligible institutions has been withheld and, if so, the reasons therefor".

§ 390j. Availability of appropriated funds for administration

Three per centum of funds appropriated under this subchapter shall be available to the Secretary for administration of this subchapter.

(Pub. L. 88-74, § 9, formerly § 11, July 22, 1963, 77 Stat. 92; Pub. L. 95-113, title XIV, § 1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered § 9, Pub. L. 99-198, title XIV, § 1411(k), Dec. 23, 1985, 99 Stat. 1548.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 88-74 was renumbered section 7 and is classified to section 390h of this title.

CHAPTER 17—MISCELLANEOUS MATTERS

§ 411b. Estimates of apple production

On and after October 18, 1986, no funds available to the Department of Agriculture shall be available to publish estimates of apple production for other than the commercial crop.

(Oct. 18, 1986, Pub. L. 99-500, § 101(a) [title I, § 1011, 100 Stat. 1783, 1783-3, and Oct. 30, 1986,

Pub. L. 99-591, § 101(a) [title I, § 1011, 100 Stat. 3341, 3341-3.]

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Dec. 19, 1985, Pub. L. 99-190, § 101(a) [H.R. 3037, title I, § 1011, 99 Stat. 1185.

Oct. 12, 1984, Pub. L. 98-473, title I, § 101(a) [H.R. 5743, title I, § 1011, 98 Stat. 1837.

Nov. 14, 1983, Pub. L. 98-151, § 101(d) [H.R. 3223, title I, § 1011, 97 Stat. 972.

§ 426. Predatory and other wild animals; eradication and control; investigations, experiments, and tests by Secretary of Agriculture; cooperation with other agencies

TRANSFER OF FUNCTIONS

Pub. L. 99-190, Dec. 19, 1985, 99 Stat. 1185, provided in part: "That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1986, and for other purposes, namely:

"Sec. 101. (a) Such amounts as may be necessary for programs, projects, or activities provided for in the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986 (H.R. 3037), to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (House Report Numbered 99-439), as filed in the House of Representatives on December 12, 1985, as if such Act had been enacted into law."

Title I of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986 (H.R. 3037), provided in part: "That effective upon the date of enactment of this Act and notwithstanding any other provision of law, the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b), (transferred to the Secretary of the Interior pursuant to section 4(f) of 1939 Reorganization Plan No. II) and all personnel, property, records, unexpended balances of appropriations, allocations and other funds of the Fish and Wildlife Service, United States Department of the Interior used, held, available or to be made available in connection with the administration of such Act, are hereby transferred from the Secretary of the Interior to the Secretary of Agriculture, and this appropriation shall be available to carry out such authorities."

§ 450i. Agricultural research program

[See main edition for text of (a)]

(b) Competitive grants

The Secretary of Agriculture is authorized to make competitive grants, for periods not to exceed five years, to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals, for research to further the programs of the Department of Agriculture. To the greatest extent possible the Secretary shall allocate these grants to high priority research taking into consideration, when available, the determinations made by the Joint