

Section-By-Section Summary, H.R. 2398

Sec. 1 Provides for the title of the Act, the Creating Research Extension and Teaching Excellence for the 21st Century (“CREATE-21”) Act of 2007.

Sec. 2 Establishes the Purposes of the Act, including to:

- Integrate and organize the administration of the research, Extension, education, and related programs to 21st century challenges.
- Minimize duplication and maximize the coordination and integration among programs through a solution-based approach.
- Enhance the capacity of all of the participating institutions to more effectively carry out these programs, with special emphasis given to 1890, 1994, Insular Area, AASCARR, and Small 1862 Land-Grant institutions.
- Provide for a more balanced portfolio of available resources and funding through the enhanced growth of competitive funds.
- Position the agricultural research, extension, and education system to increase societal contributions through the expansion of the portfolio of the system.
- Enhance by 100 percent the authorized funding for these research, education and Extension programs over 5 years.

Sec. 3 Defines a number of terms used in the Act, including Capacity Programs, Competitive Programs, AASCARR Institutions, Small 1862 Land-Grant Institutions, Extramural Activities, and Critical Base Funding for Capacity and Competitive Programs.

Sec. 101 Establishes the National Institutes for Food and Agriculture (“NIFA”) within the Department of Agriculture. Transfers to NIFA all of the certain program and budget authorities, duties, and functions of the Secretary of Agriculture, the Department of Agriculture, CSREES, and related programs relative to these programs and authorities.

The Act **does not repeal** the basic authorities for any of these programs. Also, program administrative issues such as the treatment of federal funds for matching purposes in the states are should not changed by the Act.

Section 101 also requires the Director of NIFA to consult with the Secretary of Agriculture on an ongoing basis and to report at least every two years to the Secretary and to Congress on the implementation, funding, and administration of NIFA Programs.

Sec. 102 Provides for the administrative structure of NIFA. These provisions are consistent with, and in many respects identical to, the original NASULGC-authored NIFA draft legislation and/or one or more of the several versions of the NIFA legislation introduced in the House and Senate. Provides that the Director of NIFA shall be a distinguished expert in one or more NIFA Program areas, and appointed to a single, six-year term by the President of the United States, by and

with the advice and consent of the United States Senate.

Section 102 also establishes that the existing NAREEE Board shall become NIFA's Council of Advisors. The Council assists the Director in setting NIFA's priorities and in reviewing, judging, and maintaining the relevance of NIFA's programs.

Sec. 103 Requires that NIFA programs be administered in an integrated, multidisciplinary, interdisciplinary, transdisciplinary, interagency, and inter-institutional fashion whenever appropriate. It provides for the organization of NIFA into six Institutes—

1. Institute for Economic Opportunities in Agriculture and Natural Resources.
2. Institute for Nutrition and Health.
3. Institute for Rural and Urban Community Development.
4. Institute for Natural Resources and Environment.
5. Institute for Food Safety and Agricultural Security.
6. Institute for Families, Youth, and Communities.

NIFA's programs are to be carried out through the administration of problem, opportunity, or solution areas in an integrated and coordinated fashion. In sum, NIFA is designed to give the Director flexibility to break through the existing "stovepipes" in USDA programs and deliver solutions to 21st century challenges in an effective manner.

Sec. 104 Preserves the Critical Base Funding for Capacity Programs at their Fiscal Year 2007 levels before any appropriated funds can go to Competitive Programs. Funding up to this Critical Base Funding Level for Capacity Programs shall be apportioned among the various Capacity Programs on the same basis proportionally as the funds provided for these programs in the 2007 Fiscal Year.

Sec. 105 Provides for the enhanced funding for Capacity and Competitive Programs through the use of both mandatory and discretionary (appropriated) funds. Section 105(a) provides \$200 million annually in mandatory funds from the Commodity Credit Corporation for NIFA Competitive and Capacity programs. This funding is partially offset by the repeal of funding (beginning in FY 2010) from the Initiative for Future Agriculture and Food Systems, or IFAFS. IFAFS is the account that has repeatedly been "raided" by the appropriations and authorizing committees to fund other priorities.

Section 105 also doubles, over 5 years, the authorized (discretionary) funding levels for all currently authorized NIFA Programs. The enhanced appropriated funds, above the Critical Base Levels, are to be apportioned among the various Competitive and Capacity Programs pursuant to specific formulas in section 105. Generally, 70 percent of the Enhanced funds are allocated to Competitive Programs and 30 percent of the Enhanced funds are allocated to Capacity Programs. A portion of these Competitive Program funds are reserved for the use of 1890, 1994, Insular Area, and Small 1862 Land-Grant Institutions. Some Capacity Program funds are similarly reserved for these institutions and the AASCARR institutions.

- Sec. 106** Requires that the President’s annual budget submission to the Congress include as a single combined budget line item the President’s total request for funding for the NIFA and all NIFA programs.
- Sec. 107** Establishes a capacity building grants program for AASCARR institutions.
- Sec. 201** Provides for merit review of Extension and education grants.
- Sec. 202** The overly prescriptive and burdensome requirements of the current law “plan of work” in several statutes are repealed in favor of the Director’s development of a new, more streamlined and simplified plan of work model for the administration, funding, and oversight of these important Capacity Programs.
- Sec. 203** Amends the 1977 Act to provide for full indirect cost reimbursement for competitive grants funded from Enhanced Competitive Program funds (i.e. from funds above the Competitive Program Critical Base Funding Level).
- Sec. 204** Repeals the “plan of work” requirements from several current law statutes.
- Sec. 301** Reauthorizes, through 2012, some 50 existing research, education, Extension and related to authorities.
- Sec. 379**
- Sec. 401** (a) Amends Section 3 of the Smith-Lever Act regarding the funds expended on multistate cooperative extension activities. (b) Amends section 3 of the Hatch Act with regard to funds expended on integrated research and extension activities.
- Sec. 402** Expands the current law teaching award to authorize awards for extension and research.
- Sec. 403** Requires a sustainable human development initiative using an interdisciplinary approach, and requires the integration of sustainable human development principals into appropriate research, extension, teaching, and related activities.
- Sec. 411** Changes the funding formula for EFNEP to include the 1890 and Insular Area institutions, provide \$100,000 in funding to each eligible EFNEP institution, and to provide 10 (growing to 15) percent of the poverty Census based funding to the 1890 institutions. Specifies that the EFNEP poverty Census based funding be provided directly to 1862, 1890, and insular area institutions, as opposed to being allocated to the States, as under current law.
- Sec. 412** Clarifies that the University of the District of Columbia is eligible to participate in EFNEP.
- Sec. 413** Authorizes the Secretary of Agriculture to waive any funding matching requirements for 1890 institutions for the Food Stamp Nutrition Education Program.

- Sec. 414** Reauthorizes the National Nutrition Monitoring and Related Research Act for 7 years.
- Sec. 421** Increases the authorized level for 1890 research formula programs from 25% to 30% of funds appropriated under the Hatch Act.
- Sec. 422** Increases the authorized level for 1890 extension formula programs from 15% to 20% of funds appropriated under the Smith-Lever Act.
- Sec. 423** Requires the Secretary to include 1890 Institutions as eligible applicants and participants in carrying out the Children, Youth, and Families Education and Research Network Program.
- Sec. 424** Clarifies that 1890 Institutions are eligible for Animal Health and Disease program funding.
- Sec. 425** Makes 1890 Institutions eligible for funding under McIntire-Stennis, and requires the development of complementary forestry research plans in States where both 1862 and 1890 Institutions are receiving funds.
- Sec. 426** Increases authorized level for funding from \$25 million to \$50 million annually. Clarifies that a grant, contract, or other program agreement may be entered into for a period of between 1 and 5 years, except that an applicant may request an agreement of at least 3 years in duration.
- Sec. 427** Expands grant purposes to expand 1890 extension capacity, as well as teaching and research.
- Sec. 428** Authorizes \$2 million annually for competitive grants to a consortium of 1890 Institutions to establish and support a National Center for the Study of Socially Disadvantaged Farmers.
- Sec. 431** Clarifies the purposes of the McIntire-Stennis Program to include (1) assisting in carrying out forestry and natural resources research at State forestry schools and colleges; and (2) developing a trained pool of forest and natural resources scientists.
- Sec. 441** Adds rural development as a permissible purpose for activities and funding under the program, and makes other technical changes.
- Sec. 442** Clarifies that rural development research, as well as rural development policy, is eligible for funding under IFAFS.
- Sec. 443** Adds “the impact of land use management decisions on communities” to the land use management priority under the 45 high-priority research and extension priorities under section 1672 of the 1990 Act.
- Sec. 444** Amends the water and air quality priority under the 45 high-priority research and extension priorities under section 1672 of the 1990 Act.
- Sec. 445** Amends the agrotourism priority under the 45 high-priority research and extension priorities

under section 1672 of the 1990 Act.

- Sec. 446** Amends the program to include as a new purpose the examination of communities and structures that support organic agricultural enterprises.
- Sec. 447** Adds to the authorization as a use of funds to carry out research, education, and extension to build community capacity to respond to biosecurity hazards in a coordinated and effective way.
- Sec. 448** Amends the program to authorize the use of grant funds to support initiatives relating “to the integration of beginning farmers and ranchers in supportive community networks”.
- Sec. 449** Adds higher education in the “rural social sciences” to the areas to be promoted under the program.
- Sec. 450** Extends the authorization of the tribal college and university essential facilities grant program, and clarifies that the required non-federal cost share cannot be more than five percent.
- Sec. 451** Authorizes discretionary funding for the program, in addition to funds otherwise provided.
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- Sec. 453** Authorizes \$20 million annually for a program of rural entrepreneurship research and education projects, with the advice and assistance of certain regional rural development centers and Regional Administrative Councils.
- Sec. 454** Amends six existing rural development programs under the Consolidated Farm and Rural Development Act to require that the Secretary of Agriculture, in making grants or otherwise administering such programs, to use applied research, extension education, and demonstration project approaches to assure that appropriate levels of human capital investment are in place to use Federal and matching funds most effectively to provide the greatest actual impact on rural entrepreneurship and e-commerce. The authorities amended include those for:
- (a) Rural Business Opportunity Grants;
 - (b) Rural Business Enterprise Grants;
 - (c) Rural Cooperative Development Grants;
 - (d) Rural Telework Grants;
 - (e) Rural Business Investment Program; and
 - (f) Multijurisdictional Regional Planning Organizations.
- Sec. 461** Amends existing 7program to require the continuation (“maintenance”) of a program to place interns from US colleges and universities at Foreign Agricultural Service field offices overseas.
- Sec. 462** Authorizes a Foreign Agricultural Service internship program for students in agriculture and related studies to serve as interns at FAS posts outside the United States. Authorizes funding of \$1 million per year.

- Sec. 463** Authorizes the “Borlaug International Agricultural Science and Technology Fellowship Program,” to provide fellowships for study in the United States for scientific training to individuals from certain foreign countries who specialize in agricultural education, research and extension. Authorizes \$5 million per year to carry out three programs to assist fellowship recipients, including: (1) A Graduate Studies Program in Agriculture; (2) An Individual Career Improvement Program; and (3) The Borlaug Agricultural Policy Executive Leadership Course.
- Sec. 471** Reauthorizes and amends the current law program to (1) require the Secretary of Agriculture to establish regional centers to advise and assist producers of biobased products in accessing Federal agency markets, and (2) authorize the Secretary to provide assistance develop a model State biobased product procurement law and to encourage its adoption by the States.
- Sec. 472** Reauthorizes and expands the biorefinery development program to assist in the development of new technologies for the use of “biomaterials, and other sources of renewable energy”. Requires the Secretary of Agriculture to carry out a study to determine which grants made under the program resulted in successful technologies or other outcomes, and why.
- Sec. 473** Reauthorizes the program and expands it beyond education to include assistance in the development of new technologies for biodiesel fuels production.
- Sec. 474** Reauthorizes the program and requires the Secretary to carry out a program to improve the energy use practices of farmers to reduce the production cost of crops and livestock, and promote the increased use of all sources of renewable energy.
- Sec. 475** Amends the existing program to require the Secretary, directly or through one or more land grant colleges and universities, to carry out a study to determine which types of grants and loans made or guaranteed have resulted in successful outcomes, and why.
- Sec. 476** Amends the program to require the Secretary of Agriculture to work to achieve better coordination between USDA biomass research and development programs and the Department of Energy’s renewable energy programs, and to use competitively selected research centers at land grant colleges and universities to assist in carrying out the program.
- Sec. 477** Reauthorizes the extension and related carbon sequestration projects under the carbon cycle research provisions of section 221(e) of the Agricultural Risk Protection Act of 2000.
- Sec. 478** Reauthorizes the Biomass Research and Development Act of 2000 and increases the discretionary authorization level from \$200 million to \$300 million.
- Sec. 481** Amends the purposes for the Environmental Quality Incentives Program to clarify that assistance to producers be provided “by employing all applicable and appropriate departmental resources, including research, technical assistance, education, extension, and financial agencies and organizations, in a coordinated effort.” Also requires the Secretary of Agriculture to work with the heads of all appropriate departmental agencies and organizations to develop a

coordinated, integrated approach to provide farmers and ranchers state-of-the-art research, information, technical assistance, education, extension, and access to resources to implement EQIP practices.

Sec. 482 Clarifies that the Cooperative Extension Service in each State is eligible to provide technical assistance to carry out Farm Bill conservation programs, to become approved providers of technical assistance, and to provide other necessary education. Requires the Secretary of Agriculture to compensate Extension in each State for the technical assistance and related education provided. Clarifies that for these purposes, technical assistance includes necessary education regarding the Farm Bill conservation programs.

Sec. 483 Requires the Secretary of Agriculture to develop a plan to coordinate land retirement, forestry, and agricultural working land conservation programs by integrating them to eliminating redundancy, streamline program delivery, and improving the services provided—including the provision of science-based technical assistance through integrated interagency programs of research, education, and extension.