

(Pub. L. 95-501, title VI, § 602, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3688; amended Pub. L. 102-237, title III, § 327, Dec. 13, 1991, 105 Stat. 1858.)

PRIOR PROVISIONS

A prior section 602 of Pub. L. 95-501 enacted section 1765b-1 of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-237, § 327(1), substituted “designate produced” for “designate as produced” in introductory provisions.

Subsec. (a)(2). Pub. L. 102-237, § 327(2), struck out “in accordance with subsection (c)” after “shall remain confidential”.

§ 5713. Other reports to Congress

The Secretary shall, on a quarterly basis, prepare and submit to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report specifying the cumulative amount of export assistance provided by the Commodity Credit Corporation and the Secretary under the programs provided under this chapter, the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.], and under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] during the current fiscal year. Such information may be provided in individual reports, in a consolidated report, or in the Long-Term Agricultural Trade Strategy Report (and annual updates to such report) prepared under section 5711 of this title.

(Pub. L. 95-501, title VI, § 603, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3689.)

REFERENCES IN TEXT

The Commodity Credit Corporation Charter Act, referred to in text, is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§ 714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

The Agricultural Trade Development and Assistance Act of 1954, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, as amended, which is classified generally to chapter 41 (§ 1691 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables.

PRIOR PROVISIONS

A prior section 603 of Pub. L. 95-501 enacted provisions set out as a note under section 612c-3 of this title prior to the complete revision of Pub. L. 95-501 by Pub. L. 101-624.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

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(b) Research.</p> <p style="text-align: center;">SUBCHAPTER I—SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION</p> <p style="text-align: center;">SUBCHAPTER REFERRED TO IN OTHER SECTIONS</p> <p>This subchapter is referred to in section 3222c of this title.</p> <p>§ 5801. Purpose and definitions</p> <p>(a) Purpose</p> <p>It is the purpose of this subchapter to encourage research designed to increase our knowledge concerning agricultural production systems that—</p> <ol style="list-style-type: none"> (1) maintain and enhance the quality and productivity of the soil; (2) conserve soil, water, energy, natural resources, and fish and wildlife habitat; (3) maintain and enhance the quality of surface and ground water; (4) protect the health and safety of persons involved in the food and farm system; (5) promote the well being of animals; and (6) increase employment opportunities in agriculture. <p>(b) Definitions</p> <p>For purposes of this subchapter:</p> <ol style="list-style-type: none"> (1) The term "sustainable agriculture" shall have the same meaning given to that term by section 3103(17) of this title. (2) The term "integrated crop management" means an agricultural management system |
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that integrates all controllable agricultural production factors for long-term sustained productivity, profitability, and ecological soundness.

(3) The term “integrated resource management” means livestock management which utilizes an interdisciplinary systems approach which integrates all controllable agricultural production practices to provide long-term sustained productivity and profitable production of safe and wholesome food in an environmentally sound manner.

(4) The term “agribusiness” includes a producer or organization engaged in an agricultural enterprise with a profit motive.

(5) The term “extension” shall have the same meaning given to that term by section 3103(7) of this title.

(6) The term “Secretary” means the Secretary of Agriculture.

(7) The term “Advisory Council” means the National Sustainable Agriculture Advisory Council established under section 5812(c) of this title.

(8) The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or federally recognized Indian tribes.

(9) The term “State agricultural experiment stations” shall have the same meaning given to that term by section 3103(13) of this title.

(10) The term “nonprofit organization” means an organization, group, institute, or institution that—

(A) has a demonstrated capacity to conduct agricultural research or education programs;

(B) has experience in research, demonstration, education, or extension in sustainable agricultural practices and systems; and

(C) qualifies as a nonprofit organization under section 501(c) of title 26.

(Pub. L. 101-624, title XVI, §1619, Nov. 28, 1990, 104 Stat. 3733; Pub. L. 102-237, title IV, §407(2), Dec. 13, 1991, 105 Stat. 1864.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original “this subtitle”, meaning subtitle B (§§1619-1629) of title XVI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

AMENDMENTS

1991—Subsec. (b)(8). Pub. L. 102-237 substituted “Mariana Islands” for “Marianas Islands”.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PART A—BEST UTILIZATION OF BIOLOGICAL APPLICATIONS

§ 5811. Research and extension projects

(a) Projects required

The Secretary shall conduct research and extension projects to obtain data, develop conclusions, demonstrate technologies, and conduct educational programs that promote the purposes of this part, including research and extension projects that—

(1) facilitate and increase scientific investigation and education in order to—

(A) reduce, to the extent feasible and practicable, the use of chemical pesticides, fertilizers, and toxic natural materials in agricultural production;

(B) improve low-input farm management to enhance agricultural productivity, profitability, and competitiveness; and

(C) promote crop, livestock, and enterprise diversification; and

(2) facilitate the conduct of projects in order to—

(A) study, to the extent practicable, agricultural production systems that are located in areas that possess various soil, climate, and physical characteristics;

(B) study farms that have been, and will continue to be, managed using farm production practices that rely on low-input and conservation practices;

(C) take advantage of the experience and expertise of farmers and ranchers through their direct participation and leadership in projects;

(D) transfer practical, reliable and timely information to farmers and ranchers concerning low-input sustainable farming practices and systems; and

(E) promote a partnership between farmers, nonprofit organizations, agribusiness, and public and private research and extension institutions.

(b) Agreements

The Secretary shall carry out this section through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, nonprofit organizations with demonstrable expertise, or Federal or State governmental entities.

(c) Selection of projects

(1) In general

The Secretary shall select research and extension projects to be conducted under this section on the basis of—

(A) the recommendations of the Advisory Council;

(B) the relevance of the project to the purposes of this part;

(C) the appropriateness of the design of the project;

(D) the likelihood of obtaining the objectives of the project; and

(E) the national or regional applicability of the findings and outcomes of the proposed project.

(2) Priority

In conducting projects under this section, the Secretary shall give priority to projects that—

- (A) are recommended by the Advisory Council;
- (B) closely coordinate research and extension activities;
- (C) indicate the manner in which the findings of the project will be made readily usable by farmers;
- (D) maximize the involvement and cooperation of farmers, including projects involving on-farm research and demonstration;
- (E) involve a multidisciplinary systems approach; and
- (F) involve cooperation between farms, non-profit organizations, colleges and universities, and government agencies.

(d) Diversification of research

The Secretary shall conduct projects and studies under this section in areas that are broadly representative of the diversity of United States agricultural production, including production on family farms, mixed-crop livestock farms and dairy operations.

(e) On-farm research

The Secretary may conduct projects and activities that involve on-farm research and demonstration in carrying out this section.

(f) Impact studies

The Secretary may approve study projects concerning the national and regional economic, global competitiveness, social and environmental implications of the adoption of low-input sustainable agricultural practices and systems.

(g) Project duration**(1) In general**

The Secretary may approve projects to be conducted under this section that have a duration of more than one fiscal year.

(2) Sequence planting

In the case of a research project conducted under this section that involves the planting of a sequence of crops or crop rotations, the Secretary shall approve such projects for a term that is appropriate to the sequence or rotation being studied.

(h) Public access

The Secretary shall ensure that research projects conducted under this section are open for public observation at specified times.

(i) Indemnification**(1) In general**

Subject to paragraph (2), the Secretary may indemnify the operator of a project conducted under this section for damage incurred or undue losses sustained as a result of a rigid requirement of research or demonstration under such project that is not experienced in normal farming operations.

(2) Subject to agreement

An indemnity payment under paragraph (1) shall be subject to any agreement between a

project grantee and operator entered into prior to the initiation of such project.

(Pub. L. 101-624, title XVI, §1621, Nov. 28, 1990, 104 Stat. 3734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5812, 5814 of this title.

§ 5812. Program administration**(a) Duties of Secretary**

The Secretary shall—

- (1) administer the programs and projects conducted under sections 5811 and 5813 of this title through the Cooperative State Research Service in close cooperation with the Extension Service, Agricultural Research Service, and other appropriate agencies;
- (2) establish the Advisory Council in accordance with subsection (c) of this section;
- (3) establish a minimum of four Regional Administrative Councils in accordance with subsection (e) of this section; and
- (4) in conjunction with such Regional Administrative Councils, identify regional host institutions required to carry out such programs or projects.

(b) Reports

The Secretary shall, not later than April 1, 1991, and each April 1 thereafter, prepare and submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Advisory Council—

- (1) a report describing the results of the programs carried out under sections 5811, 5813, and 5821 of this title; and
- (2) a report describing the progress of projects conducted under this subchapter, including—
 - (A) a summary and analysis of data collected under such projects;
 - (B) recommendations based on such data for new basic or applied research;
 - (C) the number, length, and type of projects proposed, funded and carried out, by region; and
 - (D) the national and regional economic, social, and environmental implications of the adoption of practices developed under this subchapter and section 5881 of this title.

(c) National Sustainable Agriculture Advisory Council

The membership of the National Sustainable Agriculture Advisory Council shall include representatives of—

- (1) the Agricultural Research Service;
- (2) the Cooperative State Research Service;
- (3) the Soil Conservation Service;
- (4) the Extension Service;
- (5) State cooperative extension services;
- (6) State agricultural experiment stations;
- (7) the Economic Research Service;
- (8) the National Agricultural Library;
- (9) the Environmental Protection Agency;
- (10) the Farmers Home Administration;
- (11) the Board on Agriculture of the National Academy of Sciences;
- (12) private nonprofit organizations with demonstrable expertise;

(13) farmers utilizing systems and practices of sustainable agriculture;

(14) the United States Geological Survey;

(15) agribusiness; and

(16) other specialists in agricultural research or technology transfer, including individuals from colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, or other colleges or universities with demonstrable expertise.

(d) Responsibilities of Advisory Council

The Advisory Council shall—

(A) make recommendations to the Secretary concerning research and extension projects that should receive funding under sections 5811 and 5813 of this title;

(B) promote the programs established under this part at the national level;

(C) coordinate research and extension activities funded under such programs;

(D) establish general procedures for awarding and administering funds under this part;

(E) consider recommendations for improving such programs;

(F) facilitate cooperation and integration between sustainable agriculture, national water quality, integrated pest management, food safety, and other related programs; and

(G) prepare and submit an annual report concerning its activities to the Secretary.

(e) Regional Administrative Councils

(1) Membership

The membership of the Regional Administrative Councils shall include representatives of—

(A) the Agricultural Research Service;

(B) the Cooperative State Research Service;

(C) the Extension Service;

(D) State cooperative extension services;

(E) State agricultural experiment stations;

(F) the Soil Conservation Service;

(G) State departments engaged in sustainable agriculture programs;

(H) nonprofit organizations with demonstrable expertise;

(I) farmers utilizing systems and practices of sustainable agriculture;

(J) agribusiness;

(K) the State or United States Geological Survey; and

(L) other persons knowledgeable about sustainable agriculture and its impact on the environment and rural communities.

(2) Responsibilities

The Regional Administrative Councils shall—

(A) make recommendations to the Advisory Council concerning research and extension projects that merit funding under sections 5811 and 5813 of this title;

(B) promote the programs established under this subchapter at the regional level;

(C) establish goals and criteria for the selection of projects authorized under this subchapter within the applicable region;

(D) appoint a technical committee to evaluate the proposals for projects to be con-

sidered under this subchapter by such council;

(E) review and act on the recommendations of the technical committee, and coordinate its activities with the regional host institution; and

(F) prepare and make available an annual report concerning projects funded under sections 5811 and 5813 of this title, together with an evaluation of the project activity.

(3) Conflict of interest

A member of the Regional Administrative Council or a technical committee may not participate in the discussion or recommendation of proposed projects if the member has or had a professional or business interest in, including the provision of consultancy services, the organization whose grant application is under review.

(Pub. L. 101-624, title XVI, §1622, Nov. 28, 1990, 104 Stat. 3736.)

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (c)(16), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the "Agricultural College Act of 1890" and also as the "Second Morrill Act", which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5801, 5813, 5814 of this title.

§ 5813. Federal-State matching grant program

(a) Establishment

The Secretary shall establish a Federal-State matching grant program to make grants to States to assist in the creation or enhancement of State sustainable agriculture research, extension, and education programs, in furtherance of this subchapter.

(b) Eligible programs and activities

States eligible to receive a grant under this section may conduct a variety of activities designed to carry out the purpose of this subchapter, including—

(1) activities that encourage the incorporation and integration of sustainable agriculture concerns in all State research, extension, and education projects;

(2) educational programs for farmers, educators, and the public;

(3) the development and funding of innovative research, extension, and education programs regarding sustainable agriculture;

(4) the conduct of research and demonstration projects;

(5) the provision of technical assistance to farmers and ranchers;

(6) activities that encourage farmer-to-farmer information exchanges;

(7) the incorporation of sustainable agriculture studies in undergraduate and graduate degree programs; and

(8) such other activities that are appropriate to the agricultural concerns of the State that are consistent with the purpose of this part.

(c) Submission of plan

(1) Required

States that elect to apply for a grant under this section shall prepare and submit, to the appropriate Regional Administrative Council established under section 5812 of this title, a State plan and schedule for approval by such council and the Secretary.

(2) Elements of plan

State plans prepared under paragraph (1) shall provide details of the proposed program to be implemented using funds provided under this section for fiscal years 1991 through 1995, or any 5-year period thereafter, and shall identify the sources of matching State funds for the same fiscal year.

(3) Participation of farmers

To be eligible for approval, State plans submitted under this subsection shall demonstrate that there will be extensive and direct participation of farmers in the development, implementation, and evaluation of the program.

(d) Grant award

(1) Limits

Subject to paragraph (2), the Secretary shall provide grants to eligible States in an amount not to exceed 50 percent of the cost of the establishment or enhancement of a State sustainable agriculture program under a plan approved by the Secretary under subsection (c) of this section for a period not to exceed 5 years.

(2) State contribution

To be eligible to receive a grant under this section, a State shall agree to pay, from State appropriated funds, other State revenue, or from private contributions received by the State, not less than 50 percent of the cost of the establishment or enhancement of the sustainable agriculture program under an approved plan under subsection (c) of this section.

(Pub. L. 101-624, title XVI, §1623, Nov. 28, 1990, 104 Stat. 3738.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5812 of this title.

§ 5814. Authorization of appropriations

There are authorized to be appropriated \$40,000,000 for each fiscal year to carry out this part. Of amounts appropriated to carry out this part for a fiscal year, not less than \$15,000,000, or

not less than two thirds of any such appropriation, whichever is greater, shall be used to carry out sections 5811 and 5812 of this title.

(Pub. L. 101-624, title XVI, §1624, Nov. 28, 1990, 104 Stat. 3739; Pub. L. 102-237, title IV, §408, Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Pub. L. 102-237 substituted “and 5812” for “and 5813”.

PART B—INTEGRATED MANAGEMENT SYSTEMS

§ 5821. Integrated management systems

(a) Establishment

The Secretary shall establish a research and education program concerning integrated resource management and integrated crop management in order to enhance research related to farming operations, practices, and systems that optimize crop and livestock production potential and are environmentally sound. The purpose of the program shall be—

(1) to encourage producers to adopt integrated crop and livestock management practices and systems that minimize or abate adverse environmental impacts, reduce soil erosion and loss of water and nutrients, enhance the efficient use of on-farm and off-farm inputs, and maintain or increase profitability and long-term productivity;

(2) to develop knowledge and information on integrated crop and livestock management systems and practices to assist agricultural producers in the adoption of these systems and practices;

(3) to accumulate and analyze information on agricultural production practices researched or developed under programs established under this subchapter, chapter 86 of this title, and section 5881 of this title and other appropriate programs of the Department of Agriculture to further the development of integrated crop and livestock management systems;

(4) to facilitate the adoption of whole-farm integrated crop and livestock management systems through demonstration projects on individual farms, including small and limited resource farms, throughout the United States; and

(5) to evaluate and recommend appropriate integrated crop and livestock management policies and programs.

(b) Development and adoption of integrated crop management practices

The Secretary shall encourage agricultural producers to adopt and develop individual, site-specific integrated crop management practices. On a priority basis, the Secretary shall develop and disseminate information on integrated crop management systems for agricultural producers in specific localities or crop producing regions where the Secretary determines—

(1) water quality is impaired as a result of local or regional agricultural production practices; or

(2) the adoption of such practices may aid in the recovery of endangered or threatened species.

(c) Development and adoption of integrated resource management practices

The Secretary shall, on a priority basis, develop programs to encourage livestock producers to develop and adopt individual, site-specific integrated resource management practices. These programs shall be designed to benefit producers and consumers through—

- (1) optimum use of available resources and improved production and financial efficiency for producers;
- (2) identifying and prioritizing the research and educational needs of the livestock industry relating to production and financial efficiency, competitiveness, environmental stability, and food safety; and
- (3) utilizing an interdisciplinary approach.

(d) Authorization of appropriations

There are authorized to be appropriated for each fiscal year \$20,000,000 to carry out this section through the Extension Service.

(Pub. L. 101-624, title XVI, §1627, Nov. 28, 1990, 104 Stat. 3739.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(3), was in the original “this subtitle”, meaning subtitle B (§§1619-1629) of title XVI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5812 of this title.

§ 5822. Integrated Farm Management Program Option

(a) Establishment

The Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) shall, by regulation, establish a voluntary program, to be known as the “Integrated Farm Management Program Option” (hereafter referred to in this section as the “program”), designed to assist producers of agricultural commodities in adopting integrated, multiyear, site-specific farm management plans by reducing farm program barriers to resource stewardship practices and systems.

(b) Definitions

(1) In general

For purposes of this section—

(A) The term “resource-conserving crop” means legumes, legume-grass mixtures, legume-small grain mixtures, legume-grass-small grain mixtures, and alternative crops.

(B) The term “resource-conserving crop rotation” means a crop rotation that includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility and tilth, interrupts pest cycles, or conserves water.

(C) The term “farming operations and practices” includes the integration of crops and crop-plant variety selection, rotation practices, tillage systems, soil conserving and soil building practices, nutrient man-

agement strategies, biological control and integrated pest management strategies, livestock production and management systems, animal waste management systems, water and energy conservation measures, and health and safety considerations.

(D) The term “integrated farm management plan” means a comprehensive, multi-year, site-specific plan that meets the requirements of subsection (f) of this section.

(2) Crops

For purposes of paragraph (1)(A)—

(A) The term “grass” means perennial grasses commonly used for haying or grazing.

(B) The term “legume” means forage legumes (such as alfalfa or clover) or any legume grown for use as a forage or green manure, but not including any bean crop from which the seeds are harvested.

(C) The term “small grain” shall not include malting barley or wheat, except for wheat interplanted with other small grain crops for nonhuman consumption.

(D) The term “alternative crops” means experimental and industrial crops grown in arid and semiarid regions that conserve soil and water.

(c) Eligibility

To be eligible to participate in the program established by this section, a producer must—

(1) prepare and submit to the Secretary for approval an integrated farm management plan (hereafter referred to in this section as the “plan”);

(2) actively apply the terms and conditions of the plan, as approved by the Secretary;

(3) devote to a resource-conserving crop, on the average through the life of the contract, not less than 20 percent of the crop acreage bases enrolled under such program;

(4) comply with the terms and conditions of any annual acreage limitation program in effect for the crop acreage bases contracted under the terms of this subsection; and

(5) keep such records as the Secretary may reasonably require.

(d) Acreage

In accepting contracts for the program, the Secretary, to the extent practicable, shall enroll not less than 3,000,000, nor more than 5,000,000, acres of cropland in each of the calendar years 1991 through 1995.

(e) Contracts

The Secretary shall enter into contracts with producers to enroll acreage in the program. Such contracts shall be for a period of not less than 3 years, but may, at the producer’s option, be for a longer period of time (up to 5 years) and may be renewed upon mutual agreement between the Secretary and the producer.

(f) Requirements of plans

Each plan approved by the Secretary shall—

(1) specify the acreage and the crop acreage bases to be enrolled in the program;

(2) describe the resource-conserving crop rotation to be implemented and maintained on such acreage during the contract period to fulfill the purposes of the program;

(3) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation described in the plan;

(4) describe the farming operations and practices to be implemented on such acreage and how such operations and practices could reasonably be expected to result in—

(A) the maintenance or enhancement of the overall productivity and profitability of the farm;

(B) the prevention of the degradation of farmland soils, the long-term improvement of the fertility and physical properties of such soils; and

(C) the protection of water supplies from contamination by managing or minimizing agricultural pollutants if their management or minimization results in positive economic and environmental benefits;

(5) assist the producer to comply with all Federal, State, and local requirements designed to protect soil, wetland, wildlife habitat, and the quality of groundwater and surface water; and

(6) contain such other terms as the Secretary may, by regulation, require.

(g) Administration; certification; termination

(1) Administration; technical assistance; flexibility; implementation; displacement

(A) Administration

The program shall be administered by the Secretary.

(B) Technical assistance

In administering the program, the Secretary, in consultation with the local conservation districts, and any State or local authorities deemed appropriate by the Secretary, shall provide technical assistance to producers in developing and implementing plans, evaluating the effectiveness of plans, and assessing the costs and benefits of farming operations and practices. The plans may draw on handbooks and technical guides and may also include other practices appropriate to the particular circumstances of the producer and the purposes of the program.

(C) Flexibility

In administering the program, the Secretary shall provide sufficient flexibility for a producer to adjust or modify the producer's plan consistent with this section, except that such adjustments or modifications must be approved by the Secretary.

(D) Minimization of adverse effect

(i) In general

Notwithstanding any other provision of this section, the Secretary shall implement this section in such a manner as to minimize any adverse economic effect on the agribusinesses and other agriculturally related economic interests within any county, State, or region that may result from a decrease of harvested acres due to the operation of this section. In carrying out this section, the Secretary may restrict the total amount of crop acreage

that may be removed from production, taking into consideration the total amount of crop acreage that has, or will be, removed from production under other price support, production adjustment, or conservation program activities.

(ii) Maximize conservation goals

The Secretary shall, to the greatest extent practicable, permit producers on a farm that desire to participate in the program authorized under this section to enroll acreage adequate to maximize conservation goals on such farm and ensure economic effectiveness of the program in each individual application.

(E) Displacement

The Secretary shall not approve any plan that will result in the involuntary displacement of farm tenants or lessees by landowners through the removal of substantial portions of the farm from production of a commodity. In the case of any tenant or lessee who has rented or leased the farm (with or without a written option for annual renewal or periodic renewals) for a period of two or more of the immediately preceding years, the Secretary shall consider the refusal by a landlord, without reasonable cause other than simply for the purpose of enrollment in the program, to renew such rental or lease as an involuntary displacement in the absence of a written consent to such nonrenewal by the tenant or lessee.

(2) Certification

The Secretary shall certify compliance by producers with the terms and conditions of the plans.

(3) Termination

The Secretary may terminate a contract entered into with a producer under this program if—

(A) the producer agrees to such termination, or

(B) the producer violates the terms and conditions of such contract.

(h) Program rules

(1) Base and yield protection

Notwithstanding any other provision of law, the Secretary shall not, except as provided in paragraph (6), reduce crop acreage bases, or farm program payment yields, as a result of the planting of a resource-conserving crop as part of a resource-conserving crop rotation.

(2) Resource-conserving crops on reduced acreage

Notwithstanding the provisions of title I of the Agricultural Act of 1949 [7 U.S.C. 1441 et seq.], acreage devoted to resource-conserving crops as part of a resource-conserving crop rotation under this program may also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program and up to 50 percent of the acreage so designated shall be without restrictions on haying and grazing, except as provided in paragraph (5)(B), except that such acreage

that is devoted to perennial cover on which cost-share assistance for the establishment of the perennial cover has been provided, shall not be credited towards the producer's resource-conserving crop requirement under a contract under this section.

(3) Barley, oats, and wheat

Notwithstanding any other provisions of this section, barley, oats, or wheat planted as part of a resource-conserving crop on reduced acreage may not be harvested in kernel form.

(4) Payment acres

Notwithstanding any other provision of this Act, the Secretary shall not reduce farm program payments of participants in this program as a result of the planting a resource-conserving crop as part of a resource-conserving crop rotation on payment acres.

(5) Haying and grazing restriction

(A) In general

The Secretary shall not make any program payments to a producer who is otherwise eligible to receive with respect to acreage enrolled in the program if such producer hays or grazes such acreage (excluding acreage designated as conservation use acreage) during the 5-month period in each State during which haying and grazing of conserving use acres is not allowed under the provisions of the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or, if the crop planted on such acreage includes a small grain, before the producer harvests the small grain crop in kernel form.

(B) Limitation on permitted haying and grazing

Notwithstanding any other provision of this section, if the Secretary determines that implementation of this section will result in a significant adverse economic impact on hay or livestock prices in a particular geographic area, the Secretary may limit the quantity of hay that can be harvested or grazed from that area. Such limit may include restrictions on the number of times that hay may be harvested or grazed from the acres per year, the timing of such harvesting and grazing, or the number of years that such land may remain in the same hay stand, or a prohibition on the harvesting or grazing of hay from acres on which a small grain was not originally interplanted with the hay crop and harvested for grain.

(6) Base acre adjustments

The Secretary, only for the purpose of establishing a producer's crop acreage base under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], may make such adjustments as the Secretary determines to be fair and equitable to reflect resource-conserving crop rotation practices that were maintained by producers prior to participation in the program and to reflect such other factors as the Secretary determines should be considered, except that the total of such adjustments in any year shall not exceed the total farm program savings in the same year that would result from the implementation of plans.

(7) Payment acreage limitation

(A) In general

No producers enrolled in a resource-conserving crop rotation shall be eligible to receive payments under farm programs for wheat, feed grains, cotton, or rice under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] on acreage equal to the average number of traditionally underplanted acres for the three years prior to enrolling in this program.

(B) "Traditionally underplanted acreage" defined

(i) In general

Subject to clause (ii), for the purposes of this paragraph the term "traditionally underplanted acreage" means the difference in a particular year between the acreage that is part of a producer's crop acreage base that is not planted to the program crop and the part of the crop acreage base subject to an acreage limitation program or required to be set aside, but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1). In no case shall such acreage be less than zero.

(ii) Exception

In the case of a producer participating in a particular year in a program authorized under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E) of the Agricultural Act of 1949 [7 U.S.C. 1441-2(c)(1)(D), 1444-2(c)(1)(D), 1444f(c)(1)(E), or 1445b-3a(c)(1)(E)], the term "traditionally underplanted acreage" means 8 percent of the producer's permitted acreage for such year.

(Pub. L. 101-624, title XIV, §1451, Nov. 28, 1990, 104 Stat. 3607; Pub. L. 101-508, title I, §1204(a), Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 102-237, title II, §201(a), Dec. 13, 1991, 105 Stat. 1846.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (h)(2), (5)(A), (6), (7)(A), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) of this title. Title I of the Agricultural Act of 1949, is classified generally to subchapter II (§1441 et seq.) of chapter 35A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

This Act, referred to in subsec. (h)(4), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended, known as the Food, Agriculture, Conservation, and Trade Act of 1990. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Section 1101 of the Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (h)(7)(B)(i), is section 1101 of Pub. L. 101-508, which amended sections 1441-2, 1444-2, 1444f, and 1445b-3a of this title.

CODIFICATION

Section was not enacted as part of subtitle B of title XVI of Pub. L. 101-624 which comprises this subchapter.

AMENDMENTS

1991—Subsec. (b)(1)(D). Pub. L. 102-237, § 201(a)(1), substituted “subsection (f)” for “subsection (e)”.

Subsec. (d). Pub. L. 102-237, § 201(a)(2), inserted “each of” before “the calendar”.

Subsec. (f)(5). Pub. L. 102-237, § 201(a)(3), substituted “assist” for “assisting”.

Subsec. (h)(7)(B)(i). Pub. L. 102-237, § 201(a)(4)(A), inserted before period at end of first sentence “, but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508; 104 Stat. 1388-1)”.

Subsec. (h)(7)(B)(ii). Pub. L. 102-237, § 201(a)(4)(B), substituted “under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E)” for “under section 101B(c)(1)(B), section 103B(c)(1)(B), section 105A(c)(1)(B), or section 107A(c)(1)(B)”.

1990—Subsec. (d). Pub. L. 101-508, § 1204(a)(1), substituted “enroll not less than” for “enroll not more than”.

Subsec. (h)(7)(A). Pub. L. 101-508, § 1204(a)(2), substituted “shall be eligible” for “shall not be eligible”.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-237 effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101-624, to which the amendment relates, see section 1101(b)(1) of Pub. L. 102-237, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101-508, set out as a note under section 511r of this title.

PART C—SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM

§ 5831. Technical guides and handbooks**(a) Development**

Not later than two years after November 28, 1990, the Secretary shall develop and make available handbooks and technical guides, and any other educational materials that are appropriate for describing sustainable agriculture production systems and practices, as researched and developed under this subchapter, chapter 86 of this title, section 5881 of this title, and other appropriate research programs of the Department.

(b) Consultation and coordination

The Secretary shall develop the handbooks, technical guides, and educational materials in consultation with the Advisory Council, the Soil Conservation Service, and any other appropriate entities designated by the Secretary. The Secretary shall coordinate activities conducted under this section with those conducted under section 3861 of title 16.

(c) Topics of handbooks and guides

The handbooks and guides, and other educational materials, shall include detailed information on the selection of crops and crop-plant varieties, rotation practices, soil building practices, tillage systems, nutrient management, integrated pest management practices, habitat protection, pest, weed, and disease management, livestock management, soil, water, and energy conservation, and any other practices in accordance with or in furtherance of the purpose of this subchapter.

(d) Organization and contents

The handbooks and guides, and other educational materials, shall provide practical instructions and be organized in such a manner as to enable agricultural producers desiring to implement the practices and systems developed under this subchapter, chapter 86 of this title, section 5881 of this title, and other appropriate research programs of the Department to address site-specific, environmental and resource management problems and to sustain farm profitability, including—

- (1) enhancing and maintaining the fertility, productivity, and conservation of farmland and ranch soils, ranges, pastures, and wildlife;
- (2) maximizing the efficient and effective use of agricultural inputs;
- (3) protecting or enhancing the quality of water resources; or
- (4) optimizing the use of on-farm and non-renewable resources.

(e) Availability

The Secretary shall ensure that handbooks and technical guides, and other educational materials are made available to the agricultural community and the public through colleges and universities, the State Cooperative Extension Service, the Soil Conservation Service, other State and Federal agencies, and any other appropriate entities.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(Pub. L. 101-624, title XVI, § 1628, Nov. 28, 1990, 104 Stat. 3740; Pub. L. 102-237, title IV, § 407(3), Dec. 13, 1991, 105 Stat. 1864.)

REFERENCES IN TEXT

This subchapter, referred to in subssecs. (a), (c), and (d), was in the original “this subtitle”, meaning subtitle B (§§ 1619-1629) of title XVI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

AMENDMENTS

1991—Subsec. (c). Pub. L. 102-237 substituted “educational” for “education”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 3862.

§ 5832. National Training Program**(a) In general**

The Secretary shall establish a National Training Program in Sustainable Agriculture to provide education and training for Cooperative Extension Service agents and other professionals involved in the education and transfer of technical information concerning sustainable agriculture in order to develop their understanding, competence, and ability to teach and communicate the concepts of sustainable agriculture to Cooperative Extension Service agents and to farmers and urban residents who need information on sustainable agriculture.

(b) Administration

The National Training Program shall be organized and administered by the Extension Service, in coordination with other appropriate Federal agencies. The Secretary shall designate an individual from the Cooperative Extension Service in each State to coordinate the National Training Program within that State. The coordinators shall be responsible, in cooperation with appropriate Federal and State agencies, for developing and implementing a statewide training program for appropriate field office personnel.

(c) Required training**(1) Agricultural agents**

The Secretary shall ensure that all agricultural agents of the Cooperative Extension Service have completed the National Training Program not later than the end of the five-year period beginning on November 28, 1990. Such training may occur at a college or university located within each State as designated by the coordinator designated under this section.

(2) Proof of training

Beginning three years after November 28, 1990, the Secretary shall ensure that all new Cooperative Extension Service agents employed by such Service are able to demonstrate, not later than 18 months after the employment of such agents, that such agents have completed the training program established in subsection (a) of this section.

(d) Regional training centers**(1) Designation**

The Secretary shall designate not less than two regional training centers to coordinate and administer educational activities in sustainable agriculture as provided for in this section.

(2) Training program

Such centers shall offer intensive instructional programs involving classroom and field training work for extension specialists and other individuals who are required to transmit technical information.

(3) Prohibition on construction

Such centers shall be located at existing facilities, and no funds appropriated to carry out this part shall be used for facility construction.

(4) Administration

Such centers should be administered by entities that have a demonstrated capability relating to sustainable agriculture. The Secretary should consider utilizing existing entities with expertise in sustainable agriculture to assist in the design and implementation of the training program under paragraph (2).

(5) Coordination of resources

Such centers shall make use of information generated by the Department of Agriculture and the State agricultural experiment stations, and the practical experience of farmers, especially those cooperating in on-farm dem-

onstrations and research projects, in carrying out the functions of such centers.

(e) Competitive grants**(1) In General**

The Secretary shall establish a competitive grants program to award grants to organizations, including land-grant colleges and universities, to carry out sustainable agricultural training for county agents and other individuals that need basic information concerning sustainable agriculture practices.

(2) Short courses

The purpose of the grants made available under paragraph (1) shall be to establish, in various regions in the United States, training programs that consist of workshops and short courses designed to familiarize participants with the concepts and importance of sustainable agriculture.

(f) Regional specialists

To assist county agents and farmers implement production practices developed under this subchapter, chapter 86 of this title, section 5881 of this title, and other appropriate research programs of the Department, regional sustainable agriculture specialists may be designated within each State who shall report to the State coordinator of that State. The specialists shall be responsible for developing and coordinating local dissemination of sustainable agriculture information in a manner that is useful to farmers in the region.

(g) Information availability

The Cooperative Extension Service within each State shall transfer information developed under this subchapter, chapter 86 of this title, section 5881 of this title, and other appropriate research programs of the Department through a program that shall—

(1) assist in developing farmer-to-farmer information exchange networks to enable farmers making transitions to more sustainable farming systems to share ideas and draw on the experiences of other farmers;

(2) help coordinate and publicize a regular series of sustainable agriculture farm tours and field days within each State;

(3) plan for extension programming, including extensive farmer input and feedback, in the design of new and ongoing research endeavors related to sustainable agriculture;

(4) provide technical assistance to individual farmers in the design and implementation of farm management plans and strategies for making a transition to more sustainable agricultural systems;

(5) consult and work closely with the Soil Conservation Service and the Agricultural Stabilization and Conservation Service in carrying out the information, technical assistance, and related programs;

(6) develop, coordinate, and direct special education and outreach programs in areas highly susceptible to groundwater contamination, linking sustainable agriculture information with water quality improvement information;

(7) develop information sources relating to crop diversification, alternative crops, on-

farm food or commodity processing, and on-farm energy generation;

(8) establish a well-water testing program designed to provide those persons dependent upon underground drinking water supplies with an understanding of the need for regular water testing, information on sources of testing, and an understanding of how to interpret test results and provide for the protection of underground water supplies;

(9) provide specific information on water quality practices developed through the research programs in chapter 86 of this title;

(10) provide specific information on nutrient management practices developed through the research programs in chapter 86 of this title; and

(11) provide information concerning whole-farm management systems integrating research results under this subchapter, chapter 86 of this title, section 5881 of this title, and other appropriate research programs of the Department.

(h) “Appropriate field office personnel” defined

For purposes of this section, the term “appropriate field office personnel” includes employees of the Extension Service, Soil Conservation Service, and other appropriate Department of Agriculture personnel, as determined by the Secretary, whose activities involve the provision of agricultural production and conservation information to agricultural producers.

(i) Authorization of appropriations

There are authorized to be appropriated \$20,000,000 for each fiscal year to carry out the National Training Program.

(Pub. L. 101-624, title XVI, §1629, Nov. 28, 1990, 104 Stat. 3741; Pub. L. 102-237, title IV, §407(4), Dec. 13, 1991, 105 Stat. 1864.)

AMENDMENTS

1991—Subsec. (c)(1). Pub. L. 102-237 substituted “ensure” for “insure”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5503 of this title.

SUBCHAPTER II—NATIONAL GENETIC RESOURCES PROGRAM

§ 5841. Establishment, purpose, and functions of National Genetic Resources Program

(a) In general

The Secretary of Agriculture shall provide for a National Genetic Resources Program.

(b) Purpose

The program is established for the purpose of maintaining and enhancing a program providing for the collection, preservation, and dissemination of genetic material of importance to American food and agriculture production.

(c) Administration

The program shall be administered by the Secretary through the Agricultural Research Service.

(d) Functions

The Secretary, acting through the program, shall—

(1) provide for the collection, classification, preservation, and dissemination of genetic material of importance to the food and agriculture sectors of the United States;

(2) conduct research on the genetic materials collected and on methods for storage and preservation of those materials;

(3) coordinate the activities of the program with similar activities occurring domestically;

(4) make available upon request, without charge and without regard to the country from which such request originates, the genetic material which the program assembles;

(5) expand the types of genetic resources included in the program to develop a comprehensive genetic resources program which includes plants (including silvicultural species), animal, aquatic, insect, microbiological, and other types of genetic resources of importance to food and agriculture, as resources permit; and

(6) engage in such other activities as the Secretary determines appropriate and as the resources of the program permit.

(Pub. L. 101-624, title XVI, §1632, Nov. 28, 1990, 104 Stat. 3744.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5842 of this title.

§ 5842. Appointment and authority of Director

(a) Director

There shall be at the head of the program an official to be known as the Director of the National Genetic Resources Program who shall be appointed by the Secretary. The Director shall perform such duties as are assigned to the Director by this subchapter and such other duties as the Secretary may prescribe.

(b) Administrative authority

In carrying out this subchapter, the Secretary, acting through the Director—

(1) shall be responsible for the overall direction of the program and for the establishment and implementation of general policies respecting the management and operation of activities within the program;

(2) may secure for the program consultation services and advice of persons from the United States and abroad;

(3) may accept voluntary and uncompensated services; and

(4) may perform such other administrative functions as the Secretary determines are needed to effectively carry out this subchapter.

(c) Duties

The Director shall—

(1) advise participants on the program activities;

(2) coordinate, review and facilitate the systematic identification and evaluation of, relevant information generated under the program;

(3) promote the effective transfer of the information described in paragraph (2) to the agriculture and food production community and to entities that require such information; and

(4) monitor the effectiveness of the activities described in paragraph (3).

(d) Biennial reports

The Director shall prepare and transmit to the Secretary and to the Congress a biennial report containing—

- (1) a description of the activities carried out by and through the program and the policies of the program, and such recommendations respecting such activities and policies as the Director considers to be appropriate;
- (2) a description of the necessity for, and progress achieved toward providing, additional programs and activities designed to include the range of genetic resources described in section 5841(d)(5) of this title in the activities of the program; and
- (3) an assessment of events and activities occurring internationally as they relate to the activities and policies of the program.

(e) Initial reports

Not later than one year after November 28, 1990, the Director shall transmit to the Secretary and to the Congress a report—

- (1) describing the projected needs over a 10-year period in each of the areas of genetic resources described in section 5841(d)(5) of this title, including the identification of existing components of a comprehensive program, policies and activities needed to coordinate those components, and additional elements not in existence which are required for the development of a comprehensive genetic resources program as described in such section;
- (2) assessing the international efforts and activities related to the program, and their effect upon and coordination with the program; and
- (3) evaluating the potential effect of various national laws, including national quarantine requirements, as well as treaties, agreements, and the activities of international organizations on the development of a comprehensive international system for the collection and maintenance of genetic resources of importance to agriculture.

(Pub. L. 101-624, title XVI, §1633, Nov. 28, 1990, 104 Stat. 3744; Pub. L. 102-237, title IV, §404(a)(2), Dec. 13, 1991, 105 Stat. 1864.)

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 substituted “Resources Program” for “Resources program”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5843 of this title.

§ 5843. Advisory council**(a) Establishment and membership**

The Secretary shall establish an advisory council for the program for the purpose of advising, assisting, consulting with, and making recommendations to, the Secretary and Director concerning matters related to the activities, policies and operations of the program. The advisory council shall consist of ex officio members and not more than nine members appointed by the Secretary.

(b) Ex officio members

The ex officio members of the advisory council shall consist of the following persons (or their designees):

- (1) The Director.
- (2) The Assistant Secretary of Agriculture for Science and Education.
- (3) The Director of the National Agricultural Library.
- (4) The Director of the National Institutes of Health.
- (5) The Director of the National Science Foundation.
- (6) The Secretary of Energy.
- (7) The Director of the Office of Science and Technology Policy.
- (8) Such additional officers and employees of the United States as the Secretary determines are necessary for the advisory council to effectively carry out its functions.

(c) Appointment of other members

The members of the advisory council who are not ex officio members shall be appointed by the Secretary as follows:

- (1) Two-thirds of the members shall be appointed from among the leading representatives of the scientific disciplines relevant to the activities of the program, including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences.
- (2) One-third of the members shall be appointed from the general public and shall include leaders in fields of public policy, trade, international development, law, or management.

(d) Compensation

Members of the advisory council shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the advisory council, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5.

(e) Term of office of appointees; vacancies**(1) Term**

The term of office of a member appointed under subsection (c) of this section is four years, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(2) Initial appointment

The Secretary shall make appointments to the advisory council so as to ensure that the terms of the members appointed under subsection (c) of this section do not all expire in the same year. A member may serve after the expiration of the member's term until a successor takes office.

(3) Reappointment

A member who is appointed for a term of four years may not be reappointed to the advisory council before two years after the date of expiration of such term of office.

(4) Vacancies

If a vacancy occurs in the advisory council among the members appointed under sub-

section (c) of this section, the Secretary shall make an appointment to fill such vacancy within 90 days after the date such vacancy occurs.

(f) Chair

The Secretary shall select as the chair of the advisory council one of the members appointed under subsection (c) of this section. The term of office of the chair shall be two years.

(g) Meetings

The advisory council shall meet at the call of the chair or on the request of the Director, but at least two times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director.

(h) Staff

The Director shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions.

(i) Orientation and training

The Director shall provide such orientation and training for new members of the advisory council as may be appropriate for their effective participation in the functions of the advisory council.

(j) Comments and recommendations

The advisory council may prepare, for inclusion in a report submitted under section 5842 of this title—

- (1) comments respecting the activities of the advisory council during the period covered by the report;
- (2) comments on the progress of the program in meeting its objectives; and
- (3) recommendations respecting the future directions, program, and policy emphasis of the program.

(k) Reports

The advisory council may prepare such reports as the advisory council determines to be appropriate.

(l) Application of Advisory Committee Act

Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) relating to the termination of an advisory committee shall not apply to the advisory council established under this section.

(Pub. L. 101-624, title XVI, §1634, Nov. 28, 1990, 104 Stat. 3745; Pub. L. 102-237, title IV, §407(5), Dec. 13, 1991, 105 Stat. 1864.)

REFERENCES IN TEXT

Section 14(a) of the Federal Advisory Committee Act, referred to in subsec. (l), is section 14(a) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1991—Subsec. (l). Pub. L. 102-237 substituted “council established” for “committee established”.

§ 5844. Definitions and authorization of appropriations

(a) Definitions

For purposes of this subchapter:

(1) The term “program” means the National Genetic Resources Program.

(2) The term “Secretary” means the Secretary of Agriculture.

(3) The term “Director” means the Director of the National Genetic Resources Program.

(b) Authorization of appropriations

There are authorized to be appropriated such funds as may be necessary to carry out this subchapter for each of the fiscal years 1991 through 1995.

(Pub. L. 101-624, title XVI, §1635, Nov. 28, 1990, 104 Stat. 3747.)

SUBCHAPTER III—NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM

§ 5851. Short title and purposes

(a) Short title

This subchapter may be cited as the “National Agricultural Weather Information System Act of 1990”.

(b) Purposes

The purposes of this subchapter are—

(1) to provide a nationally coordinated agricultural weather information system, based on the participation of universities, State programs, Federal agencies, and the private weather consulting sector, and aimed at meeting the weather and climate information needs of agricultural producers;

(2) to facilitate the collection, organization, and dissemination of advisory weather and climate information relevant to agricultural producers, through the participation of the private sector and otherwise;

(3) to provide for research and education on agricultural weather and climate information, aimed at improving the quality and quantity of weather and climate information available to agricultural producers, including research on short-term forecasts of thunderstorms and on extended weather forecasting techniques and models;

(4) to encourage, where feasible, greater private sector participation in providing agricultural weather and climate information, to encourage private sector participation in educating and training farmers and others in the proper utilization of agricultural weather and climate information, and to strengthen their ability to provide site-specific weather forecasting for farmers and the agricultural sector in general; and

(5) to ensure that the weather and climate data bases needed by the agricultural sector are of the highest scientific accuracy and thoroughly documented, and that such data bases are easily accessible for remote computer access.

(Pub. L. 101-624, title XVI, §1637, Nov. 28, 1990, 104 Stat. 3747.)

§ 5852. Agricultural Weather Office

(a) Establishment of Office and administration of system

(1) Establishment required

The Secretary of Agriculture shall establish in the Department of Agriculture an Agricul-

tural Weather Office to plan and administer the National Agricultural Weather Information System. The system shall be comprised of the office established under this section and the activities of the State agricultural weather information systems described in section 5854 of this title.

(2) Director

The Secretary shall appoint a Director to manage the activities of the Agricultural Weather Office and to advise the Secretary on scientific and programmatic coordination for climate, weather, and remote sensing.

(b) Authority

The Secretary, acting through the Office, may undertake the following activities to carry out this subchapter:

(1) Enter into cooperative projects with the National Weather Service to—

(A) support operational weather forecasting and observation useful in agriculture;

(B) sponsor joint workshops to train agriculturalists about the optimum utilization of agricultural weather and climate data;

(C) jointly develop improved computer models and computing capacity; and

(D) enhance the quality and availability of weather and climate information needed by agriculturalists.

(2) Obtain standardized weather observation data collected in near real time through State agricultural weather information systems.

(3) Make, through the Cooperative State Research Service, competitive grants under subsection (c) of this section for research in atmospheric sciences and climatology.

(4) Make grants to eligible States under section 5854 of this title to plan and administer State agricultural weather information systems.

(5) Coordinate the activities of the Office with the weather and climate research activities of the Cooperative State Research Service, the National Academy of Sciences, the National Science Foundation Atmospheric Services Program, and the National Climate Program.

(6) Encourage private sector participation in the National Agricultural Weather Information System through mutually beneficial cooperation with the private sector, particularly in generating weather and climatic data useful for site-specific agricultural weather forecasting.

(c) Competitive grants program

(1) Grants authorized

With funds allocated to carry out this subsection, the Secretary of Agriculture may make grants to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations and corporations, and individuals to carry out research in all aspects of atmospheric sciences and climatology that can be shown to be important in both a basic and developmental way to understanding, forecasting, and delivering agricultural weather information.

(2) Competitive basis

Grants made under this subsection shall be made on a competitive basis.

(d) Priority

In selecting among applications for grants under subsection (c) of this section, the Secretary shall give priority to proposals which emphasize—

(1) techniques and processes that relate to weather-induced agricultural losses, and to improving the advisory information on weather extremes such as drought, floods, freezes, and storms well in advance of their actual occurrence;

(2) the improvement of site-specific weather data collection and forecasting; or

(3) the impact of weather on economic and environmental costs in agricultural production.

(Pub. L. 101-624, title XVI, §1638, Nov. 28, 1990, 104 Stat. 3748; Pub. L. 102-237, title IV, §407(6), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (b)(5). Pub. L. 102-237 substituted “National Science Foundation” for “National Sciences Foundation”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5855 of this title.

§ 5853. National Advisory Board on Agricultural Weather

(a) Establishment

The Secretary of Agriculture shall establish the Advisory Board on Agricultural Weather (hereinafter referred to in this section as the “Board”) to advise the Director of the Agricultural Weather Office with respect to carrying out this subchapter.

(b) Composition

The Board shall be composed of nine members, appointed by the Secretary in consultation with the Director of the National Weather Service. Two of the members shall be from each of the four regions of the cooperative extension service. Of the two members from each region, one shall be an agricultural producer and one shall be an agricultural or atmospheric scientist. At least two members of the Board shall be appointed from among individuals who are engaged in providing private meteorology services or consulting with a private meteorology firm.

(c) Chairperson

The Board shall elect a chairperson from among its members.

(d) Term

Each Board member shall be appointed for a three-year term, except that to ensure that members of the Board serve staggered terms, the Secretary shall appoint three of the original members of the Board to appointments for one year, and three of the original members to appointments for two years.

(e) Meetings

The Board shall meet not less than twice annually.

(f) Compensation

Members of the Board shall serve without compensation, but while away from their homes or regular places of business in the performance of services for the Board, members of the Board shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as individuals employed in Government service are allowed travel expenses under section 5703 of title 5.

(g) Federal Advisory Committee Act

Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board.

(Pub. L. 101-624, title XVI, §1639, Nov. 28, 1990, 104 Stat. 3749; Pub. L. 102-237, title IV, §407(7), Dec. 13, 1991, 105 Stat. 1865.)

REFERENCES IN TEXT

Section 14(a)(2) of the Federal Advisory Committee Act, referred to in subsec. (g), is section 14(a)(2) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 made technical amendment to reference to this subchapter to correct reference to corresponding provision of original act.

§ 5854. State agricultural weather information systems**(a) Advisory program grants****(1) Grants required**

With funds allocated to carry out this section, the Secretary of Agriculture shall make grants to not fewer than 10 eligible States to plan and administer, in cooperation with persons described in paragraph (2), advisory programs for State agricultural weather information systems.

(2) Persons described

The persons referred to in paragraph (1) are the Director of the Agricultural Weather Office, the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service, and other persons as appropriate (such as the directors of the appropriate State agricultural experiment stations and State extension programs).

(b) Consultation

For purposes of selecting among applications submitted by States for grants under this section, the Secretary shall take into consideration the recommendation of the Advisory Board on Agricultural Weather and consult with the Director.

(c) Eligibility requirements

To be eligible to receive a grant under this section, the chief executive officer of a State shall submit to the Secretary an application that contains—

(1) assurances that the State will expend such grant to plan and administer a State agricultural weather system that will—

(A) collect observational weather data throughout the State and provide such data to the National Weather Service and the Agricultural Weather Office;

(B) develop methods for packaging information received from the national system for use by agricultural producers (with State Cooperative Extension Services and the private sector to serve as the primary conduit of agricultural weather forecasts and climatic information to producers); and

(C) develop programs to educate agricultural producers on how to best use weather and climate information to improve management decisions; and

(2) such other assurances and information as the Secretary may require by rule.

(Pub. L. 101-624, title XVI, §1640, Nov. 28, 1990, 104 Stat. 3749.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5852, 5855 of this title.

§ 5855. Funding**(a) Allocation of funds****(1) Cooperative work**

Not less than 15 percent and not more than 25 percent of the funds appropriated for a fiscal year to carry out this subchapter shall be used for cooperative work with the National Weather Service entered into under section 5852(b)(1) of this title.

(2) Competitive grants program

Not less than 15 percent and not more than 25 percent of such funds shall be used by the Cooperative State Research Service for a competitive grants program under section 5852(c) of this title.

(3) Weather information systems

Not less than 25 percent and not more than 35 percent of such funds shall be divided equally between the participating States selected for that fiscal year under section 5854 of this title.

(4) Other purposes

The remaining funds shall be allocated for use by the Agricultural Weather Office and the Extension Service in carrying out generally the provisions of this subchapter.

(b) Limitations on use of funds

Funds provided under the authority of this subchapter shall not be used for the construction of facilities. Each State or agency receiving funds shall not use more than 30 percent of such funds for equipment purchases. Any use of the funds in facilitating the distribution of agricultural and climate information to producers shall be done with consideration for the role that the private meteorological sector can play in such information delivery.

(c) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 to carry out this subchapter for each of the fiscal years 1991 through 1995.

(Pub. L. 101-624, title XVI, §1641, Nov. 28, 1990, 104 Stat. 3750.)

SUBCHAPTER IV—RESEARCH REGARDING PRODUCTION, PREPARATION, PROCESSING, HANDLING, AND STORAGE OF AGRICULTURAL PRODUCTS

§ 5871. Research and grant program

(a) Research program

The Secretary of Agriculture shall establish a research program to—

(1) establish a statistical framework to measure microbiological and chemical agents in or affecting agricultural products that seriously undermine product wholesomeness and fitness;

(2) identify any microbiological or chemical agent under the statistical framework established under paragraph (1); and

(3) identify the means to avoid microbiological and chemical agents in or affecting agricultural products or to control or reduce such agents, including—

(A) developing techniques for the rapid detection and identification of such microbiological and chemical agents;

(B) analyzing the production, preparation, processing, handling, storage, and distribution of agricultural products, to determine those points at which intervention could occur to control microbiological or chemical agents in or affecting an agricultural product; and

(C) research to develop or enhance existing techniques to control microbiological or chemical agents in or affecting an agricultural product, including food irradiation research.

(b) Competitive grant program

The Secretary of Agriculture may make competitive grants, after consultation with the committee established under section 5872 of this title, for periods not to exceed five years, to persons and governmental entities for research to be carried out for any of the activities specified in subsection (a) of this section. The Secretary shall require the recipient of any such grant to provide matching funds for such research unless the Secretary determines that the research should be performed notwithstanding the lack of matching funds.

(c) Prohibited uses

No grant may be made under subsection (b) of this section (or expended by the recipient of such a grant) for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

(d) Eligibility requirements

To be eligible to receive a grant under subsection (b) of this section, a person or governmental entity shall submit to the Secretary an application that contains—

(1) a proposal to carry out research for one or more of the activities specified in subsection (a) of this section;

(2) an assurance that such person or entity will submit to the Secretary a detailed report of the research conducted with such grant; and

(3) such other terms and conditions as the Secretary may require by rule.

(e) Effect on other programs

Nothing in this section shall be construed or interpreted—

(1) to limit or otherwise affect the research programs of any agency or department of the Federal Government currently conducted or to be conducted under any other statutory authority; or

(2) to implement any changes to current production, preparation, processing, handling and storage methods and procedures for agricultural products.

(f) “Agricultural product” defined

For purposes of this section, the term “agricultural product” means the product of an agricultural commodity produced in the United States from a plant or animal or silvicultural activities, or an aquacultural species, including those raised and propagated in a controlled environment.

(Pub. L. 101-624, title XVI, §1644, Nov. 28, 1990, 104 Stat. 3751.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5872 of this title.

§ 5872. Advisory committee and grant process

(a) Advisory committee

The Secretary of Agriculture shall establish a committee to set research priorities for, and evaluate, proposed research projects for which grants under section 5871(b) of this title are requested.

(b) Membership

The committee shall be comprised of 13 members as follows:

(1) The Secretary or the designee of the Secretary ex officio.

(2) Two members appointed by the Secretary from among scientists who are employed by colleges, universities, or State agricultural experiment stations and who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(3) Two members appointed by the Secretary from among scientists or public health professionals who are employed by private research organizations or other entities involved in food research and who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(4) Two members appointed by the Secretary from among individuals who are employees of the Federal Government and who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(5) Three members appointed by the Chairman of the Committee on Agriculture of the House of Representatives (in consultation

with the ranking minority member of that Committee) from persons who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(6) Three members appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate (in consultation with the ranking minority member of that Committee) from persons who are specially qualified to serve on the committee by virtue of their demonstrated, generally recognized expertise in food science, microbiology, veterinary medicine, pathology, or any other appropriate scientific discipline.

(c) Public notice

(1) Proposed research priorities

On receipt of the committee's recommendations with respect to research priorities for grants awarded under section 5871(b) of this title, the Secretary shall publish in the Federal Register—

- (A) the proposed research priorities, and
- (B) a notice requesting persons and governmental entities to submit written comments on the priorities to the Secretary not later than sixty days after publication of such notice.

(2) Final research priorities

After review of comments received under paragraph (1), the Secretary shall establish final research priorities by notice in the Federal Register.

(d) Review of research proposals

(1) Role of committee

On receipt of an application submitted under section 5871(b) of this title for research, the Secretary shall refer the research proposal contained in such application to the committee established by this section for its review.

(2) Peer review

To assist the committee in its deliberations, the committee shall establish peer review panels to review the scientific and technical merits of research proposals. The committee shall seek the widest participation of qualified scientists and public health professionals in such panels. The peer review panels shall report their findings and recommendations to the committee.

(3) Consultation and coordination

Both the committee and the peer review panels shall consult and coordinate with other appropriate Federal advisory committees.

(4) Recommendations

After due consideration of the review panel comments, the committee shall recommend to the Secretary which grants should be made under this subchapter.

(e) Basic and applied research

In reviewing research proposals received under subsection (d) of this section, the committee and the peer review panels shall identify both—

- (1) proposals for basic research, and

- (2) proposals for applied research, taking into consideration the practical application of the results of basic research and applied research.

(f) Review of completed projects

When a research project is completed, the grant recipient shall forward the results of the project to the committee for its review. The committee shall submit the results to the Secretary along with any recommendations or suggestions of the committee.

(g) Application of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the committee or peer review panels established under this section.

(Pub. L. 101-624, title XVI, §1645, Nov. 28, 1990, 104 Stat. 3752.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g), 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5871 of this title.

§ 5873. Reports to Congress

(a) Report on implementation

Not later than one year after November 28, 1990, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the implementation of this subchapter.

(b) Reports on research

For each fiscal year in which funding is provided to carry out this subchapter, the Secretary shall report on the findings of the research for which grants were made during such fiscal year under this subchapter and include in such report any recommendations for implementation of the findings to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Pub. L. 101-624, title XVI, §1646, Nov. 28, 1990, 104 Stat. 3753.)

§ 5874. Authorization of appropriations

(a) Authorization

There are authorized to be appropriated for each of the fiscal years 1991 through 1995 such sums as may be necessary to carry out this subchapter to be available until expended without fiscal year limitation.

(b) Administrative expenses

Not more than four percent of the amount appropriated for a fiscal year under subsection (a) of this section may be expended by the Secretary of Agriculture for administrative costs incurred by the Secretary to carry out this subchapter.

(Pub. L. 101-624, title XVI, §1647, Nov. 28, 1990, 104 Stat. 3754.)

SUBCHAPTER V—PLANT AND ANIMAL
PEST AND DISEASE CONTROL PROGRAM

**§ 5881. Plant and animal pest and disease control
program**

(a) Integrated pest management research

(1) Program required

The Secretary shall undertake or assist in the conduct of research regarding integrated pest management, including research by grant or contract with Federal or State agencies or private industries, institutions, or organizations, as may be necessary to carry out this subchapter. Such research shall include integrated pest management research to benefit floriculture.

(2) Implementation

Implementation of integrated pest management strategies shall be conducted through the Extension Service.

(b) Effect on other laws

Nothing in this Act shall be construed as limiting or repealing the authority of the Administrator of the Environmental Protection Agency to conduct research regarding integrated pest management under section 136r(a) of this title.

(c) “Integrated pest management” defined

For purposes of this section, the term “integrated pest management” means a pest or disease population management system that uses all suitable techniques, such as biological and cultural controls as well as pesticides, in a total production system to anticipate and prevent pests and diseases from reaching economically damaging levels.

(Pub. L. 101-624, title XVI, §1650, Nov. 28, 1990, 104 Stat. 3754.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended, known as the Food, Agriculture, Conservation, and Trade Act of 1990. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5812, 5821, 5831, 5832 of this title.

**§ 5882. Pest and disease control data base and
pesticide resistance monitoring**

(a) Data base required

The Secretary of Agriculture shall establish and maintain a data base on available materials and methods of pest and disease control available to agricultural producers. The data base required by this subsection shall include a listing (by crop, animal, and pest or disease) of information—

(1) on currently available materials or methods of chemical, biological, cultural, or other means of controlling plant and animal pests and diseases; and

(2) on the extent of pest or disease resistance developed under the monitoring required by subsection (d) of this section.

(b) Priorities for research and extension activities

When the information in the data base established under subsection (a) of this section indicates a shortage of available pest or disease control materials or methods to protect a particular crop or animal, the Secretary of Agriculture shall set priorities designed to overcome this shortage in its pest and disease control research and extension programs conducted under this subchapter.

(c) Dissemination of information in data base

The Secretary of Agriculture shall—

(1) make the information contained in the data base established under subsection (a) of this section available through the National Agricultural Library; and

(2) provide such information on an annual basis to the Administrator of the Environmental Protection Agency in support of the activities of that Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(d) Pesticide resistance monitoring

The Secretary of Agriculture shall establish a national pesticide resistance monitoring program in accordance with the report developed by the Secretary under section 1437 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1558).

(e) “Pesticide” defined

For purposes of this section and section 5883 of this title, the term “pesticide” shall have the same meaning as given that term in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(u)).

(Pub. L. 101-624, title XVI, §1651, Nov. 28, 1990, 104 Stat. 3754.)

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (c)(2), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

Section 1437 of the Food Security Act of 1985, referred to in subsec. (d), is not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136w-3 of this title.

§ 5883. Research on exotic pests

(a) Purpose

The purpose of this section is to expand the research capacity of the Department of Agriculture and State cooperative institutions in the control and eradication of exotic pests.

(b) Research program

The Secretary of Agriculture shall expand ongoing research and grant programs designed to control infestations of exotic pests. Expanded research and grant programs shall include—

(1) improvement of existing methods of pest control, including sterile insect release, and

development of safer pesticides, including pheromones; and

(2) expansion of research capacity to develop new methods of pest control, including containment of pests for research purposes.

(Pub. L. 101-624, title XVI, §1652, Nov. 28, 1990, 104 Stat. 3755; Pub. L. 102-237, title IV, §407(8), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (b)(1). Pub. L. 102-237 substituted “pheromones” for “pheremones”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5882 of this title.

§ 5884. Study of biology and behavior of chinch bugs, including factors leading to crop loss and development of improved management practices

The Secretary of Agriculture shall establish a research and education program to study the biology and behavior of chinch bugs. The purpose of this study shall be—

(1) to characterize the relationship between environmental and climatic factors and chinch bug outbreaks in an attempt to predict when these outbreaks occur;

(2) to determine chinch bug dispersal habits, overwintering habitat preferences, and overwintering survival in native and introduced grasses;

(3) to describe the population dynamics of chinch bugs in small grain and noncrop grass hosts in the spring and assess yield losses in small grain crop hosts; and

(4) to investigate various aspects of chinch bug behavior (including host habitat preferences, oviposition, and pheromones) that may result in the development of novel management strategies.

(Pub. L. 101-624, title XVI, §1653, Nov. 28, 1990, 104 Stat. 3755.)

§ 5885. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Pub. L. 101-624, title XVI, §1654, Nov. 28, 1990, 104 Stat. 3756.)

SUBCHAPTER VI—ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 6911, 6944 of this title.

§ 5901. Short title, purposes, and definitions

(a) Short title

This subchapter may be cited as the “Alternative Agricultural Research and Commercialization Act of 1990”.

(b) Purpose

Through the encouragement of and the provision of assistance to agricultural research, development, and commercialization, it is the purpose of this subchapter—

(1) to authorize research in modification of agricultural commodities, and associated research, in order to develop and produce marketable products other than food, feed, or traditional forest or fiber products;

(2) to commercialize new nonfood, nonfeed uses for traditional and new agricultural commodities in order to create jobs, enhance the economic development of the rural economy, and diversify markets for raw agricultural and forestry products;

(3) to encourage cooperative development and marketing efforts among manufacturers, financiers, universities, and private and government laboratories in order to assist the commercialization of new nonfood, nonfeed uses for agricultural and forestry products;

(4) to direct, to the maximum extent possible, research and commercialization efforts toward the production of new nonfood, nonfeed products from agricultural commodities that can be raised by family-sized agricultural producers; and

(5) to foster economic development in rural areas of the United States through the introduction of new nonfood, nonfeed products obtained from agricultural commodities.

(c) Definitions

For purposes of this subchapter:

(1) The term “agricultural commodity” means a plant or animal species (including a species propagated or raised in a controlled environment or a tree species) and the products derived from that species.

(2) The term “alternative agricultural product” means a new use, application, or material that—

(A) is derived from an agricultural commodity; and

(B) is not in widespread commercial use and is not expected to significantly displace a use, application, or material derived from an agricultural commodity that already is in widespread commercial use.

(3) The term “Board” means the Alternative Agricultural Research and Commercialization Board.

(4) The term “Center” means the Alternative Agricultural Research and Commercialization Center.

(5) The term “commercialization” or “commercialize” includes—

(A) activities associated with the development of alternative agricultural products or industrial plants;

(B) the application of technology and techniques to the development of industrial products and alternative agricultural products; and

(C) the market development of new nonfood, nonfeed uses of new and traditional agricultural commodities and processes that will lead to the creation of goods and services that may be marketed for profit.

(6) The term “Fund” means the Alternative Agricultural Research and Commercialization Revolving Fund.

(7) The term “host institution” means an existing entity that is located in the region that is—

(A) a university or other institution of higher education;

(B) a Department of Agriculture laboratory;

(C) a State agricultural experiment station;

(D) a State cooperative extension service facility; or

(E) another organization that is involved in the development or commercialization of new nonfood, nonfeed uses for agricultural commodities, or is involved in rural economic development.

(8) The term “new nonfood, nonfeed product development” means targeted research, including fundamental and applied research, concerning—

(A) the production and processing of agricultural commodities for the purposes of developing new nonfood, nonfeed products;

(B) the uses of new nonfood, nonfeed products; and

(C) steps necessary to make a nonfood, nonfeed product available for the marketplace.

(9) The term “new nonfood, nonfeed product” means an item that is primarily not a food, feed, or traditional forest or fiber product, including an item that exists but is not commercially available from an agricultural commodity.

(10) The term “nonprofit organization” means an organization that is—

(A) described in section 501(c) of title 26; and

(B) exempt from taxation under section 501(a) of title 26.

(11) The term “Secretary” means the Secretary of Agriculture.

(12) The term “traditional forest or fiber product” means a forest or fiber product that is derived from forest or agricultural materials and does not have substantial new properties.

(Pub. L. 101-624, title XVI, §1657, Nov. 28, 1990, 104 Stat. 3756.)

§ 5902. Alternative Agricultural Research and Commercialization Center

(a) Establishment

The Secretary of Agriculture shall establish an Alternative Agricultural Research and Commercialization Center to carry out the purpose of this subchapter. The Center shall be operated as an independent entity within the Department of Agriculture under the general supervision and policy control of the Secretary.

(b) Functions

The Center shall have the authority to—

(1) make grants to, and enter into cooperative agreements and contracts with, eligible applicants for research, development, and demonstration projects in accordance with section 5904 of this title;

(2) make loans and interest subsidy payments and invest venture capital in accordance with section 5905 of this title;

(3) collect and disseminate information about State, regional, and local commercialization projects;

(4) search for new nonfood, nonfeed products that may be produced from agricultural commodities and for processes to produce such products;

(5) administer, maintain, and dispense funds from the Alternative Agricultural Research and Commercialization Revolving Fund to facilitate the conduct of activities under this subchapter; and

(6) engage in other activities incident to carrying out its functions.

(c) Director

The Center shall be headed by a Director, who shall be appointed by the Board and approved by the Secretary of Agriculture. The Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5. The Director shall be appointed for a term of five years, subject to removal by the Board before the end of that term.

(d) Responsibilities of Director

Subject to the general supervision of the Board, the Director shall be responsible for the overall management of the Center and the implementation of general policies respecting the management and operation of programs and activities of the Center. In carrying out such responsibilities on behalf of the Center, the Director shall—

(1) provide for appropriate peer review of—

(A) applications for grants, contracts, and cooperative agreements submitted under section 5904 of this title and applications for financial assistance submitted under section 5905 of this title;

(B) the conduct of research for which assistance is provided by the Center; and

(C) research findings or reports resulting from grants, contracts, and cooperative agreements administered by the Center as the Board determines necessary;

(2) require, where appropriate, licensing and patent agreements, copyright fees, royalties, or other fee arrangements on the sales of products, new uses, applications technologies, or processes developed through assistance provided through a grant made, contract or cooperative agreement entered into, or other assistance provided, under this subchapter; and

(3) take appropriate action to ensure that all channels for the dissemination and exchange of agricultural products and processes research are maintained between the Center and other agricultural, scientific, and business entities.

(e) Staff

Upon the request of the Director, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department of Agriculture to assist the Director in carrying out the duties of the Director.

(f) Experts and consultants

The Director may procure temporary and intermittent services under section 3109(b) of title 5.

(Pub. L. 101-624, title XVI, §1658, Nov. 28, 1990, 104 Stat. 3757; Pub. L. 102-237, title IV, §405(a), Dec. 13, 1991, 105 Stat. 1864.)

AMENDMENTS

1991—Subsec. (d)(2), (3). Pub. L. 102-237 substituted “; and” for period at end of par. (2) and a period for “; and” at end of par. (3).

§ 5903. Alternative Agricultural Research and Commercialization Board

(a) Establishment of Board

The Secretary shall establish the Alternative Agricultural Research and Commercialization Board.

(b) Members

The Board shall consist of nine members appointed by the Secretary as follows:

(1) One member who shall be an employee of the Department of Agriculture.

(2) Four members, of whom—

(A) at least one shall be a representative of the leading scientific disciplines relevant to the activities of the Center;

(B) at least one shall be a producer or processor of agricultural commodities; and

(C) at least one shall be a person who is privately engaged in the commercialization of new nonfood, nonfeed products from agricultural commodities.

(3) Two members who—

(A) have expertise in areas of applied research relating to the development or commercialization of new nonfood, nonfeed products; and

(B) shall be appointed from a group of at least four persons nominated by the Director of the National Science Foundation if such nominations are made within 60 days after the date a vacancy occurs.

(4) Two members who—

(A) have expertise in financial and managerial matters; and

(B) shall be appointed from a group of at least four persons nominated by the Secretary of Commerce if such nominations are made within 60 days after the date a vacancy occurs.

(c) Responsibilities

The Board shall—

(1) be responsible for the general supervision and policy control of the Center and Regional Centers;

(2) determine (in consultation with the advisory council appointed under section 5905 of this title and those Regional Centers established under section 5907 of this title) high priority commercialization areas to receive assistance under that section;

(3) review any grant, contract, or cooperative agreement to be made by the Center under section 5904 of this title and any financial assistance to be provided under section 5905 of this title;

(4) make the final decision, by majority vote, on whether and how to provide assistance to an applicant;

(5) establish program policy, objectives, research and development, and commercialization priorities to implement this subchapter, through a process of public hearings to be initiated as soon as practicable after the establishment of the Board; and

(6) using the results of such hearings and other information and data collected under paragraph (5), develop and establish a budget plan and a long-term operating plan to implement this subchapter.

(d) Meetings

The Board shall meet at the call of the chairperson or at the request of the Director, but at least three times each fiscal year. The location of the meetings of the Board shall be subject to the approval of the Director. A quorum of the Board shall consist of a majority of the members of the Board. The decisions of the Board shall be made by majority vote.

(e) Term; vacancies

The term of office of a member of the Board shall be four years, except that the members initially appointed shall be appointed to serve staggered terms. A member appointed to fill a vacancy for an unexpired term may be appointed only for the remainder of such term. A vacancy on the Board shall be filled in the same manner as the original appointment.

(f) Chairperson

The members of the Board shall select a chairperson from among the members. The term of office of the chairperson shall be two years. The member appointed under subsection (b)(1) of this section may not serve as chairperson.

(g) Committees

The Board may establish one or more temporary committees with agricultural, scientific, technical, or other expertise, whose duties shall be to provide information, analysis, and recommendations, at the request and direction of the Board, on scientific, technological, policy, and other matters, as determined necessary by the Board.

(h) Compensation

Members of the Board who are officers or employees of the United States shall not receive any additional compensation by reason of service on the Board. Other members of the Board shall receive, for each day (including travel time) they are engaged in the performance of the functions of the Board, compensation at a rate not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule. All members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(i) Restrictions

(1) Conflict of interest

Except as provided in paragraph (3), no member of the Board shall vote on any matter respecting any application, contract, claim, or other particular matter pending before the Center, in which, to the knowledge of the member, such member, spouse or child of such member, partner or organization in which such member is serving as officer, director, trustee, partner, or employee, or any person or organization with whom such member is negotiating or has any arrangement concerning prospective employment, has a financial interest.

(2) Violations

Action by a member of the Board that is contrary to the prohibition contained in paragraph (1) shall be cause for removal of such member, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Center in which the member or officer participated.

(3) Exceptions

The prohibitions contained in paragraph (1) shall not apply if a member of the Board advises the Board of the nature of the particular matter in which such member proposes to participate in, and if such member makes a full disclosure of such financial interest, prior to any participation, and the Board determines, by majority vote, that the financial interest is too remote or too inconsequential to affect the integrity of such member's services to the Center in that matter. The member involved shall not participate in such determination.

(j) Authority of Secretary

Any final decision made under subsection (c) of this section may be vetoed by the Secretary, and the Secretary shall inform the Board of the reasons for such veto.

(Pub. L. 101-624, title XVI, §1659, Nov. 28, 1990, 104 Stat. 3759.)

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5905, 5906 of this title.

§ 5904. Research and development grants, contracts, and agreements**(a) Eligibility**

All public and private educational institutions, other public and private research institutions and organizations, Federal agencies, and individuals shall be eligible to receive a grant from, or enter into a contract or cooperative agreement with, the Center for a research, development, or demonstration project, as provided in this section.

(b) Competitive basis for awards

Grants made, and contracts and cooperative agreements entered into, under this section shall be selected on a competitive basis on the recommendation of a peer review system to be established by the Center. Such system shall contain peer review expertise in commercial production, product development, processing, and marketing of agricultural commodities as well as in scientific research.

(c) Selection criteria

The Board may select a research, development, or demonstration project to receive a grant, contract, or cooperative agreement under

this section based on the likelihood that the project will result in creating or improving economically viable commercial nonfood, nonfeed products, applications, processes, or technologies that involve the use of raw or processed agricultural commodities. The criteria to be considered may include the following:

(1) the prospect of developing technologies that could make it possible to use or modify existing agricultural commodities to provide an economically viable quantity of new nonfood, nonfeed products;

(2) the potential market size of the new nonfood, nonfeed product, the likely time period needed to bring the product into the stream of commerce for general use, and the likely availability of the agricultural commodity used to produce the product;

(3) the potential for job creation in an economically distressed rural area;

(4) the anticipated State or local participation;

(5) the anticipated financial participation of private entities;

(6) the likely impact on reducing Federal crop subsidies and other Federal agricultural assistance program costs;

(7) the unavailability of adequate funding from other sources;

(8) the likely positive impact on resource conservation and the environment; and

(9) the likely positive effect of helping family-sized farmers and rural communities near the affected agricultural and forested areas.

(d) Set-aside of funds for certain projects**(1) In general**

Not less than two-thirds of the funds obligated each fiscal year for grants, contracts, and cooperative agreements under this section shall be awarded only for research, development, and demonstration projects for which the applicant—

(A) has committed substantial funding and support from its own resources; and

(B) has entered into a cooperative agreement or other contractual arrangement with a commercial company domiciled in the United States that commits such company to—

(i) provide funds for at least 20 percent of the total cost of such project; and

(ii) engage in commercial production and sale of the marketable products, processes, uses, applications, or technologies developed through the project, under appropriate licensing, royalty, or other agreements.

(2) Animal sources

Not more than 25 percent of the funds obligated each fiscal year for grants, contracts, and cooperative agreements under this section shall be awarded only for projects concerning new nonfood, nonfeed products derived from animal sources.

(e) Limitation on funds provided

Funds committed by the Center for any project under a grant, contract, or cooperative agreement under this section shall in no case exceed two-thirds of the total cost of the project.

(f) Preference

In selecting projects to receive funds, the Center may give preference to those projects for which the ratio of Center funds to non-Center funds would be lowest.

(Pub. L. 101-624, title XVI, §1660, Nov. 28, 1990, 104 Stat. 3761.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5902, 5903, 5905, 5906, 5908 of this title.

§ 5905. Commercialization assistance**(a) Assistance authorized**

The Center, at the discretion of the Board, may provide to entities described in subsection (b) of this section for projects commercializing new nonfood, nonfeed products using agricultural commodities, financial assistance in the form of—

- (1) loans made or insured by the Center;
- (2) interest subsidy payments made by the Center (pursuant to an agreement between the Center, the lender, and the borrower) to the lender in amounts determined pursuant to the agreement;
- (3) venture capital invested by the Center in the form of a convertible debenture; and
- (4) repayable grants that are matched by private or local public funds and that are repaid as agreed in a contract between the Center and the entity.

(b) Eligible entities

To obtain financial assistance for commercialization of nonfood, nonfeed products from the Center, an entity shall be a university or other institution of higher education, a non-profit organization, a cooperative, or a business concern.

(c) Advisory Council

The Board shall appoint an Advisory Council to advise the Board and Regional Centers concerning all applications for assistance submitted under this section. The conflict of interest provisions of subsection (i) of section 5903 of this title shall apply to the Advisory Council. In appointing members of the Advisory Council, the Board shall ensure regional participation on the Advisory Council. The Advisory Council shall—

- (1) review (or coordinate the review of) the technical, engineering, financial, and managerial soundness and marketing potential of the applications;
- (2) by majority vote, make a nonbinding recommendation on each application submitted under this section;
- (3) monitor the progress of ongoing projects and provide technical and business counseling as needed;
- (4) monitor the operation of the Regional Centers; and
- (5) provide technical and business counseling to entities that are not seeking financial assistance from the Center, but which are engaged in commercializing nonfood, nonfeed uses of agricultural commodities.

(d) Application requirements**(1) Filed with Director**

To obtain financial assistance from the Center under this section, an eligible entity shall file an application with the Director.

(2) Contents

An application submitted to the Director under paragraph (1) shall—

(A) describe the proposal of the entity for the commercialization of a new product consistent with this section, including documentation that such proposal is—

- (i) scientifically sound;
- (ii) technologically feasible; and
- (iii) marketable;

(B) provide documentation that adequate private sector funding is not available, but that the applicant has the ability to obtain matching funds from the public or private sectors;

(C) provide documentation that the applicant has invested in the project a significant amount of the applicant's own resources, including time and money;

(D) provide documentation that the product or process has broad application and has the potential to be commercially viable without continual assistance;

(E) provide documentation that the proposal has broad participation by representatives of the public sector, the financial community, the private business community, State and local governments, educational institutions, the farm community, the science and engineering communities;

(F) provide documentation that an established relationship exists between the applicant and other entities to give the applicant access to private business assistance;

(G) provide assurances of legal compliance by the applicant with the terms and conditions of the receipt of assistance under this section; and

(H) provide assurances that the project will result in the creation of new jobs in rural communities.

(e) Priorities

The Board shall give priority to—

- (1) applications that shall create jobs in economically distressed rural areas;
- (2) applications that have State or local government financial participation; and
- (3) applications that have private financial participation.

(f) Additional criteria

The Board shall establish additional criteria for use in selecting among equivalent applications. Such criteria shall emphasize—

- (1) the quantity and quality of jobs that are likely to be created in rural communities;
- (2) the amount of the financial participation by State or local governments or private entities;
- (3) the qualifications of the management to be used in the project;
- (4) the potential market demand for the potential product to be marketed proportional to the financial assistance requested; and

(5) the likely level of returns to the Fund and the items described in paragraphs (2), (6), (8), and (9) of section 5904(c) of this title.

(Pub. L. 101-624, title XVI, §1661, Nov. 28, 1990, 104 Stat. 3762.)

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5902, 5903, 5906, 5907, 5908 of this title.

§ 5906. General rules regarding provision of assistance

(a) Notice of receipt of applications

Not later than 30 days before the start of each period established by the Board for receipt of applications for financial assistance under section 5904 or 5905 of this title, the Board shall publish in the Federal Register a notice that it will receive such applications.

(b) Monitoring

The Board shall monitor the progress of projects that receive financial assistance under this subchapter. Such monitoring may include on-site reviews by representatives of the Board, a Regional Center, or the Advisory Council, the requirement of written reports by recipients of assistance, and supportive business and technical counseling as needed by the recipient. The Board may use the Advisory Council appointed under section 5905 of this title to assist in such monitoring.

(c) Auditing and accountability

(1) Required

The Board shall establish a thorough and effective system of auditing and accountability to ensure that funds paid under section 5904 or 5905 of this title are used by recipients only for the purposes for which those funds are provided by the Center.

(2) Demonstrated compliance

The Board may require that recipients of financial assistance demonstrate that the use of financial assistance is in compliance with the agreement by which that assistance is provided.

(d) Information exempt from disclosure

With respect to research, development, demonstration, or commercialization projects carried out with the participation of private research institutions or commercial companies, information received by the Center incident thereto shall be exempt from disclosure under section 552 of title 5 and shall not be made available publicly except—

(1) with the approval of the person providing the information; or

(2) in a judicial or administrative proceeding in which such information is subject to protective order.

(e) Overhead and administrative costs

The Board shall require that applications or responses to requests for proposals issued by the Center for grants, contracts, or cooperative agreements include detailed estimates of project overhead and administrative costs. In selecting such applications or proposals for awards, the Center shall give preference to those with the lowest effective costs.

(f) Prohibition on certain uses of assistance

No grant may be awarded, or contract or cooperative agreement entered into under this subchapter, for the acquisition or construction of a building or a facility.

(g) Reports

(1) Preparation

As soon as practicable after the end of each fiscal year, the Board shall prepare and submit to the Secretary a report on the activities, progress, and accomplishments of the Center during such fiscal year. The report shall include—

(A) a description of the progress, activities, and accomplishments of the Center during that fiscal year and the expenditures by the Center for its information and other service activities; and

(B) a copy of the operating plan prepared by the Board under section 5903(c)(6) of this title.

(2) Transmittal

The Secretary shall transmit each report received under paragraph (1) to the President and Congress not later than 30 days after the date on which the Secretary receives the report.

(Pub. L. 101-624, title XVI, §1662, Nov. 28, 1990, 104 Stat. 3764.)

§ 5907. Regional Centers

(a) Establishment

(1) Required

Except as provided in paragraph (2), the Board shall establish not less than two nor more than six Regional Centers to carry out the activities specified in this section and such other activities as the Board shall from time to time specify.

(2) Exception

No Regional Centers may be established in a fiscal year unless at least \$5,000,000 has been appropriated for that fiscal year to carry out this subchapter.

(b) Method of establishment

(1) Regional basis

Each Regional Center established under this section shall be located at a host institution. The Regional Centers shall be established in different States to reflect the different regional climatic conditions and rural economic stresses in the United States.

(2) Competition

An organization that desires to be selected as a host institution for a Regional Center shall submit an application to the Board. The Board shall determine the location of the Regional Centers based on a competitive review of the contents of such applications and shall consider the ability of the applicant to carry out the activities specified in this section.

(c) Matching of funds**(1) Assurances of applicants**

Each institution submitting an application for a Regional Center under this section shall provide assurances—

(A) that adequate funds or in-kind support (including office space, equipment and staff support) shall be provided to match the amount of funds used for administrative costs that are provided by the Federal Government under this subchapter;

(B) that the institution is qualified to carry out the activities required of a Regional Center; and

(C) concerning such other matters as the Board determines to be appropriate.

(2) Consortium

The matching funds required under paragraph (1) may be provided by a consortia that may include the host institution and other public or private entities existing within various regions of the United States, including State and local governments, entities created by State and local governments, charitable organizations, public and private universities and other institutions of higher education, cooperatives, and economic development organizations.

(d) Director

Each Regional Center shall be headed by a full-time Regional Director who shall—

(1) be selected by the Board; and

(2) have a scientific or engineering background or have experience in the development of new products or processes in the public or private sector.

(e) Activities

Each Regional Center shall—

(1) encourage interaction among the private and Federal laboratories, National Science Foundation centers, Department of Agriculture research programs, other Federal resources, State and local regional economic development programs, universities, colleges, the private sector, and the financial community, for the purpose of evaluating and commercializing new nonfood, nonfeed uses of agricultural commodities;

(2) identify broad areas where commercialization of new nonfood, nonfeed products and processes can contribute to economic growth in rural areas of the United States, through the development of new nonfood, nonfeed uses for agricultural commodities by private companies and businesses;

(3) provide technical assistance and related business and financial counseling for small domestic businesses to commercialize new nonfood, nonfeed uses of agricultural commodities;

(4) identify new nonfood, nonfeed products and processes that are worthy of financial assistance;

(5) make use of existing programs in scientific, engineering, technical, and management education that will support the accelerated commercialization of new nonfood, nonfeed products and processes using agricultural commodities;

(6) advise the Board on the viability of specific applications submitted for financial assistance and on the type of assistance, if any, to be provided;

(7) coordinate their activities with the Small Business Development Centers; and

(8) coordinate their activities with the Center.

(f) Review of proposals for assistance**(1) Submission to Regional Center**

If a Regional Center is established that includes the area in which a person applying for assistance under this subchapter is located, that person shall submit the application to the Regional Center for review.

(2) Review

The Directors of the Regional Centers shall work in consultation with the Advisory Council appointed under section 5905(c) of this title to obtain peer review and evaluation of applications submitted to the Regional Centers.

(3) Role of Advisory Council

The Advisory Council shall review applications submitted to the Regional Centers. The Advisory Council shall, by majority vote, make a nonbinding recommendation on each proposal to the appropriate Regional Director.

(4) Recommendation

The Regional Director, after consideration of the Advisory Council's recommendation and based on the comments of the reviewers, shall make and submit a recommendation to the Board along with the recommendation of the Advisory Council. A recommendation submitted by a Regional Director or the Advisory Council shall not be binding on the Board.

(Pub. L. 101-624, title XVI, §1663, Nov. 28, 1990, 104 Stat. 3765; Pub. L. 102-237, title IV, §405(b), Dec. 13, 1991, 105 Stat. 1864.)

AMENDMENTS

1991—Subsec. (a)(2). Pub. L. 102-237 substituted “No Regional Centers may be established” for “A Regional Center may not be established or operated”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5903 of this title.

§ 5908. Alternative Agricultural Research and Commercialization Revolving Fund**(a) Establishment**

There is established in the Treasury of the United States a revolving fund to be known as the Alternative Agricultural Research and Commercialization Revolving Fund. The Fund shall be available to the Center, without fiscal year limitation, to carry out the authorized programs and activities of the Center under this subchapter.

(b) Contents of Fund

There shall be deposited in the Fund—

- (1) such amounts as may be appropriated or transferred to support the programs and activities of the Center;
- (2) payments received from any source for products, services, or property furnished in connection with the activities of the Center;
- (3) fees and royalties collected by the Center from licensing or other arrangements relating to commercialization of products developed through projects funded in whole or part by grants, contracts, or cooperative agreements executed by the Center;
- (4) donations or contributions accepted by the Center to support authorized programs and activities; and
- (5) any other funds acquired by the Center.

(c) Funding allocations

Funding of projects and activities under this subchapter shall be subject to the following restrictions:

- (1) Of the total amount of funds made available for a fiscal year under this subchapter—
 - (A) not more than 5 percent may be set aside to be used for authorized administrative expenses of the Center in carrying out its functions;
 - (B) not more than 5 percent may be set aside to be used for information collection and dissemination and technology transfer programs authorized in this subchapter; and
 - (C) not less than 85 percent shall be set aside to be awarded to qualified applicants who file project applications with, or respond to requests for proposals from, the Center under sections 5904 and 5905 of this title.
- (2) Any funds remaining uncommitted at the end of a fiscal year shall be credited to the Fund and added to the total program funds available to the Center for the next fiscal year.

(d) Termination of Fund

On expiration of the provisions of this subchapter, all assets (after payment of all outstanding obligations) of the Fund shall revert to the general fund of the Treasury.

(e) Authorization of appropriations

There are authorized to be appropriated to the Fund—

- (1) \$10,000,000 for fiscal year 1991;
- (2) \$20,000,000 for fiscal year 1992;
- (3) \$30,000,000 for fiscal year 1993;
- (4) \$50,000,000 for fiscal year 1994; and
- (5) \$75,000,000 for each of the fiscal years 1995 through 2000.

(Pub. L. 101-624, title XVI, §1664, Nov. 28, 1990, 104 Stat. 3766.)

SUBCHAPTER VII—MISCELLANEOUS
RESEARCH PROVISIONS

§ 5921. Biotechnology risk assessment research**(a) Purpose**

It is the purpose of this section to—

- (1) authorize and support environmental assessment research to the extent necessary to

help address general concerns about environmental effects of biotechnology; and

- (2) authorize research to help regulators develop policies, as soon as practicable, concerning the introduction into the environment of such technology.

(b) Grant program

The Secretary of Agriculture shall establish a grant program within the Cooperative State Research Service and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered organisms into the environment.

(c) Types of research

Types of research for which grants may be made under this section shall include the following:

- (1) Research designed to develop methods to physically and biologically contain genetically engineered animals, plants, and microorganisms once they are introduced into the environment.
- (2) Research designed to develop methods to monitor the dispersal of genetically engineered animals, plants, and microorganisms.
- (3) Research designed to further existing knowledge with respect to the rates and methods of gene transfer that may occur between genetically engineered organisms and related wild and agricultural organisms.
- (4) Other areas of research designed to further the purposes of this section.

(d) Eligibility requirements

Grants under this section shall be—

- (1) made on the basis of the quality of the proposed research project; and
- (2) available to any public or private research or educational institution or organization.

(e) Consultation

In considering specific areas of research for funding under this section, the Secretary of Agriculture shall consult with the Administrator of the Animal and Plant Health Inspection Service, the Office of Agricultural Biotechnology, and the Agricultural Biotechnology Research Advisory Committee.

(f) Program coordination

The Secretary of Agriculture shall coordinate research funded under this section with the Office of Research and Development of the Environmental Protection Agency in order to avoid duplication of research activities.

(g) Authorization of appropriations**(1) In general**

There are authorized to be appropriated such sums as necessary to carry out this section.

(2) Withholdings from biotechnology outlays

The Secretary of Agriculture shall withhold from outlays of the Department of Agriculture for research on biotechnology, as defined and determined by the Secretary, at least one percent of such amount for the purpose of making grants under this section for research on biotechnology risk assessment.

(Pub. L. 101-624, title XVI, §1668, Nov. 28, 1990, 104 Stat. 3767; Pub. L. 102-237, title IV, §407(9), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (g)(2). Pub. L. 102-237 substituted “Withholdings” for “Withholdings” in heading.

§ 5922. Graduate School of Department of Agriculture

(a) Training services

Notwithstanding any other provision of law, the head of a Federal agency or major organizational unit within any agency, including agencies and offices within the Department of Agriculture, may place an order (or enter into an agreement) with the Graduate School of the Department of Agriculture under the provisions of section 1535 of title 31 for training and other services incidental to the provision of such training.

(b) Goods or services

The Graduate School may obtain any goods or services necessary to the fulfillment of an order under subsection (a) of this section or its obligations under such agreement without regard to the requirements of—

- (1) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.); or
- (2) any other law that prescribes procedures for the procurement of property or services by an executive agency.

(c) Audits of records

The financial records of the Graduate School relating to orders or agreements under subsection (a) of this section shall be made available to the Comptroller General for purposes of conducting an audit.

(d) Definitions

For purposes of this section:

- (1) The term “Graduate School” means the Graduate School of the Department of Agriculture.
- (2) The term “training” has the meaning given that term in section 4101(4) of title 5.

(Pub. L. 101-624, title XVI, §1669, Nov. 28, 1990, 104 Stat. 3768.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), referred to in subsec. (b)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that Act relating to procurement are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works, and subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

§ 5923. Livestock product safety and inspection program

(a) Establishment

The Assistant Secretary for Science and Education, acting through the Cooperative State Research Service special grants program, may provide assistance to eligible entities to encourage and assist efforts made by research institutions to improve the efficiency and effectiveness

of safety and inspection systems for livestock products.

(b) Eligible entities

To be eligible to receive assistance under this section an entity shall be a land-grant college or university or any other college or university which demonstrates capability in the agriculture sciences, an individual research institution, or a consortia of such institutions.

(c) Contribution by entity

(1) Requirement

To be eligible to receive assistance under this section, an entity shall agree that such entity will, with respect to the costs to be incurred by the entity in conducting the research for which the assistance is provided, make available (directly or through donations) non-Federal contributions toward such costs in an amount equal to 50 percent of such costs.

(2) Non-Federal contributions

Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) Administration

In providing assistance under this section, the Assistant Secretary for Science and Education shall to the extent practicable ensure that the amount of such assistance is provided equally to eligible entities representing the beef, pork, lamb, poultry, and aquaculture industries.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section, such sums as necessary for each of the fiscal years 1991 through 1995.

(Pub. L. 101-624, title XVI, §1670, Nov. 28, 1990, 104 Stat. 3769; Pub. L. 102-237, title IV, §407(10), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (d). Pub. L. 102-237 substituted “aquaculture” for “acquaculture”.

§ 5924. Plant genome mapping program

(a) Program required

The Secretary of Agriculture (hereinafter in this section referred to as the “Secretary”) shall conduct a research program for the purpose of—

- (1) supporting basic and applied research and technology development in the area of plant genome structure and function;
- (2) providing United States leadership in biotechnology; and
- (3) providing crop varieties that may be cultivated profitably without negatively impacting the environment.

(b) Competitive grants

The Secretary may make competitive grants, for periods not to exceed five years, to State agricultural experiment stations, all colleges and universities, other research institutions and or-

ganizations, Federal agencies, private organizations or corporations, and individuals for research projects in the research areas identified in subsection (c) of this section.

(c) Research areas

Grants available under subsection (b) of this section shall be awarded in the following research areas:

- (1) Construction of plant genome maps.
- (2) Identification, characterization, transfer, and expression of genes of agricultural importance.
- (3) Technology development in the areas of plant genome mapping, sequencing, gene transfer, and data management.
- (4) Research on microorganisms associated with plants, such as plant pathogens and plant symbionts.

(d) Plan for making grants

Not later than 90 days after November 28, 1990, the Secretary shall submit to the Congress a detailed plan for awarding grants under this section.

(e) Coordination of efforts

The Secretary shall coordinate activities under this section with related activities sponsored by the National Science Foundation, the National Institutes of Health, the Department of Energy, and the Department of Commerce.

(f) Proprietary interests

The Secretary shall require (when the Secretary considers it to be appropriate) licensing and patent agreements, copyright fees, royalties, or other fee arrangements on the sales of products and new uses, applications, technologies, or processes developed through assistance provided under this section.

(g) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 101-624, title XVI, §1671, Nov. 28, 1990, 104 Stat. 3769; Pub. L. 104-66, title I, §1011(s), Dec. 21, 1995, 109 Stat. 710.)

AMENDMENTS

1995—Subsecs. (g), (h). Pub. L. 104-66 redesignated subsec. (h) as (g) and struck out former subsec. (g) which required Secretary to submit annual reports to Congress describing operations of grant program for plant genome mapping.

§ 5925. Specialized research programs

(a) Animal lean content research

The Secretary of Agriculture is encouraged to fund research for the development of technology which will ascertain the lean content of animal carcasses to be used for human consumption.

(b) Ethanol research

In order to further carry on and enhance needed ethanol research, the facility of the Agricultural Research Service located at Peoria, Illinois (authorized by section 1292 of this title), may enter into cooperative agreements, contracts, and the exchange of scientific information with the Department of Energy in the area

of ethanol research. Such facility shall on and after November 28, 1990, be referred to as the National Center for Agricultural Utilization Research, Agricultural Research Service, United States Department of Agriculture.

(c) Aflatoxin research

The Secretary of Agriculture shall conduct a research program for the purpose of determining the presence of aflatoxin in the food and feed chains. The research required under this subsection shall include research in the following areas:

- (1) The examination of agricultural commodities, products, and feeds for the presence and quantity of aflatoxin.
- (2) The examination of human populations to assess the exposure level to aflatoxin.
- (3) The examination of safe levels of aflatoxin in the food and feed chains.
- (4) The development and assessment of control methods for aflatoxin, including methods to handle, store, detoxify, and dispose of aflatoxin-contaminated agricultural commodities, products, and feeds.
- (5) The development of effective methods of controlling the aflatoxin contamination of agricultural products in international trade when the level of such contamination exceeds an acceptable level.
- (6) The development of plants resistant to aflatoxin contamination.
- (7) The improvement of sampling and analysis methods for aflatoxin.
- (8) The effect of aflatoxin on animal disease through immunosuppression and interaction with other disease agents.
- (9) The economic consequences of aflatoxin contamination.

(d) Mesquite research

(1) Research required

The Secretary of Agriculture shall conduct a research program for the purpose of developing enhanced production methods and commercial uses of mesquite.

(2) Competitive grants

The Secretary shall make competitive grants, for periods not to exceed 5 years, to a State agricultural experiment station, a college or university, or a consortium of such entities, for a research project in the research areas identified in paragraph (3).

(3) Research areas

A grant available under paragraph (2) shall be awarded to an applicant to conduct research in—

- (A) the development of techniques to produce, from small-diameter, short-length, or otherwise irregular mesquite logs, solid-wood products useful as flooring, furniture parts, turning blanks, and such other uses as may have potential economic value;
- (B) the development of management techniques designed to improve stands for quality lumber production from mesquite; and
- (C) such other methods of production, harvesting, processing, and marketing that are designed to provide viable markets for mesquite and lead to the commercialization of mesquite as a cash crop.

(4) Authorization of appropriations

There are authorized to be appropriated \$100,000 for each of the fiscal years 1991 through 1995 to carry out this subsection.

(e) Prickly pear research**(1) Research required**

The Secretary of Agriculture shall conduct a research program for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

(2) Competitive grants

The Secretary shall make competitive grants, for periods not to exceed 5 years, to a State agricultural experiment station, a college or university, or a consortium of such entities, for research projects in the research areas identified in paragraph (3).

(3) Research areas

A grant available under paragraph (2) shall be awarded to an applicant to conduct research—

(A) to investigate, through genetic selection, the development of varieties of prickly pear with improved growth, freeze tolerance, and harvest characteristics;

(B) to develop techniques to produce and process prickly pear as a food source; and

(C) to continue to investigate the nutritional value and health benefits of prickly pears.

(4) Authorization of appropriations

There are authorized to be appropriated \$100,000 for each of the fiscal years 1991 through 1995 to carry out this subsection.

(f) Immunoassay research**(1) Research required**

The Secretary of Agriculture shall establish and carry out a program to make grants to colleges and universities for research relating to immunoassay used—

(A) to detect agricultural pesticide residues on agricultural commodities for human consumption; and

(B) to diagnose animal and plant diseases.

(2) Preference

In making grants under this subsection, the Secretary may give preference to those colleges and universities that, as of November 28, 1990, are conducting research described in this subsection.

(g) Niche market development

The Secretary shall make research and extension grants available for the development of agricultural production and marketing systems that will service niche markets located in nearby metropolitan areas. In awarding such grants, the Secretary shall pay particular attention to areas—

(1) with a high concentration of small farm operations; and

(2) that experience difficulty in delivering products to market due to geographic isolation.

(h) Scrapie research**(1) Research authorized**

The Secretary of Agriculture may establish and carry out a program to conduct research

on the disease of scrapie in sheep and goats, including research regarding the following:

(A) Methods for detecting infection of animals with scrapie before the animals become symptomatic.

(B) Methods for treatment, prevention, and cure of scrapie.

(C) Methods for controlling the spread of scrapie.

(2) Grants and contracts

In carrying out a research program established under this subsection, the Secretary may make grants to and contract with Federal, State, and local agencies and any other organizations that are experienced in research regarding animal diseases.

(3) Coordination

The Secretary shall coordinate the research program established under this subsection with other research programs regarding encephalopathies, in particular research regarding bovine spongiform encephalopathy in cattle.

(i) Deer tick ecology and related research

There are authorized to be appropriated \$250,000 for each of the fiscal years 1991 through 1995 to be used by the Secretary of Agriculture, acting through the Cooperative State Research Service, to make competitive grants to assist research in the field of population ecology of deer ticks and other insects and pests which transmit Lyme disease.

(j) New commercial products from natural plant materials

The Secretary of Agriculture may—

(1) conduct fundamental and applied research related to the development of new commercial products derived from natural plant materials for industrial, medical, and agricultural applications; and

(2) participate with colleges and universities, other Federal agencies, and private sector entities in conducting such research.

(k) Administrative provisions**(1) Peer review**

Research funded under this section shall be subject to peer review at such times as the Secretary considers necessary for the purpose of reviewing the progress and efficacy of the research and the justification and need for continued funding.

(2) Limitation on use of funds

Funds provided under this section may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(3) General eligibility

Unless otherwise specified in this section, State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals shall be eligible to participate in the programs established by this section.

(Pub. L. 101-624, title XVI, §1672, Nov. 28, 1990, 104 Stat. 3770; Pub. L. 102-237, title IV, §§406, 407(11), Dec. 13, 1991, 105 Stat. 1864, 1865.)

AMENDMENTS

1991—Subsec. (c). Pub. L. 102-237, §407(11), redesignated pars. (A) to (I) as (1) to (9), respectively.

Subsec. (i). Pub. L. 102-237, §406(1), substituted "Secretary of Agriculture, acting through the Cooperative State Research Service, to make competitive grants" for "Agricultural Research Service".

Subsec. (k)(1). Pub. L. 102-237, §406(2), substituted "Research" for "Except for research funded under subsection (i), research".

§ 5926. Agricultural telecommunications program**(a) Purpose**

The program (hereafter referred to in this section as the "program") established under this section is intended to encourage the development and utilization of an agricultural communications network to facilitate and to strengthen agricultural extension, resident education and research, and domestic and international marketing of United States agricultural commodities and products through a partnership between eligible institutions and the Department of Agriculture. The network will employ satellite and other telecommunications technology to disseminate and to share academic instruction, cooperative extension programming, agricultural research, and marketing information.

(b) Objectives

The objectives of the program established under this section are—

- (1) to make optimal use of available resources for agricultural extension, resident education, and research by sharing resources between participating institutions;
- (2) to improve the competitive position of United States agriculture in international markets by disseminating information to producers, processors, and researchers;
- (3) to train students for careers in agriculture and food industries;
- (4) to facilitate interaction among leading agricultural scientists;
- (5) to enhance the ability of United States agriculture to respond to environmental and food safety concerns; and
- (6) to identify new uses for farm commodities and to increase the demand for United States agricultural products in both domestic and foreign markets.

(c) Definitions

For purposes of this section—

(1) The term "eligible institution" means an accredited institution of higher education determined by the Secretary to be able to meet the objectives identified in subsection (b) of this section.

(2) The term "communications network" refers to television or cable television origination or distribution equipment, signal conversion equipment (including both modulators and demodulators), computer hardware and software, programs or terminals, or related devices, used to process and exchange data through a telecommunications system in which signals are generated, modified, or prepared for transmission, or received, via telecommunications terminal equipment or via telecommunications transmission.

(3) The term "delivery" means the transmission and reception of programs by facili-

ties that transmit, receive, or carry data between telecommunications terminal equipment at each end of a telecommunications circuit or path.

(4) The term "facilities" includes microwave antennae, fiberoptic cables and repeaters, coaxial cables, communications satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmission, and similar items as defined by the Secretary.

(5) The term "satellite ground station complex" includes transmitters, receivers, and communications antennae at the Earth station site together with the interconnecting terrestrial transmission facilities (including cables, line, or microwave facilities) and modulating and demodulating equipment necessary for processing traffic received from the terrestrial distribution system prior to transmission via satellite and the traffic received from the satellite prior to transfer to terrestrial distribution systems.

(d) Authorization of assistance to eligible institutions

(1) The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education, under which financial and technical assistance may be provided to eligible institutions that participate in a network that distributes programs consistent with the objectives described in subsection (b) of this section.

(2) The Secretary may approve all or part of any application submitted by an eligible institution if the proposed activity will contribute, directly or indirectly, to the purpose and objectives of the program established under this section.

(3) As provided in subsection (f) of this section, applications for financial assistance may include requests to fund program production or program delivery, or both.

(e) Priority

The Secretary, in considering applications for assistance under this program, shall establish procedures to ensure a broad dissemination of programming, giving a preference to applications that—

(1) are submitted by institutions affiliated with an established agricultural telecommunications network that distributes programs to a wide geographical area; or

(2) demonstrate the need for such assistance, taking into consideration the relative needs of all applicants and the financial ability of the applicants to otherwise secure or create the telecommunications system.

(f) Applications for program production and delivery

(1) The Secretary shall consider applications for financial assistance for the production and delivery of programs of cooperative extension, academic instruction in agriculture, agricultural research, and other topics consistent with the objectives described in subsection (b) of this section.

(2) Eligible institutions shall request assistance by submitting applications to the Assis-

ant Secretary for Science and Education. Applications shall include—

(A) a detailed description of the telecommunications network and programming proposed to be produced and delivered, including to whom the programming will be distributed, how the programming will contribute to achieving the objectives described in subsection (b) of this section, and the total cost of producing and delivering such programming;

(B) the amount of assistance requested for the proposed program authorized under this section and other sources of funding that will be used for the proposed program; and

(C) an analysis of the costs and benefits of purchasing (or leasing) different types of facilities, equipment, components, hardware and software, or other items.

(g) Limitations on assistance

(1) The Secretary may provide funds totaling not more than 50 percent of the cost of a proposal for which an application is submitted under subsection (f) of this section. Notwithstanding the preceding sentence, the Secretary may provide funds totaling up to 100 percent of the cost of such a proposal if the Secretary determines that an eligible institution would otherwise be unable to carry out the proposal.

(2) The Secretary may allocate not more than 10 percent of the funds appropriated under this section for the acquisition and installation of telecommunications transmission facilities.

(h) Authorization of appropriations

For the purposes of implementing the program established under this section, there are hereby authorized to be appropriated not more than \$12,000,000 for each of the fiscal years 1991 through 1995.

(Pub. L. 101-624, title XVI, §1673, Nov. 28, 1990, 104 Stat. 3773; Pub. L. 102-237, title IV, §407(12), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (f)(1). Pub. L. 102-237 substituted “programs of” for “programs or”.

§ 5927. Commission on agricultural research facilities

(a) Definitions

For purposes of this section:

(1) Agricultural research facility

The term “agricultural research facility” means a facility at which agricultural research is regularly carried out, or proposed to be carried out, and which is—

(A) an existing Agricultural Research Service facility or a Forest Service facility;

(B) an agricultural facility in the process of being planned or being constructed using Federal funding or a planned agricultural facility that will use Federal funding; or

(C) any other facility under the jurisdiction of the Secretary of Agriculture.

(2) Study Commission

The term “Study Commission” means the Agriculture Research Facilities Planning and Closure Study Commission established under this section.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Study Commission established

The Secretary shall establish an Agriculture Research Facilities Planning and Closure Study Commission to carry out the activities described in subsection (c) of this section.

(c) General duties

The Study Commission shall—

(1) review all currently operating and planned agricultural research facilities for research importance;

(2) identify those agricultural research facilities that should be closed, realigned, consolidated, or modernized, in order to aid in carrying out the research agenda of the Secretary;

(3) develop recommendations concerning agricultural research facilities; and

(4) evaluate the agricultural research facilities acquisition and modernization system utilized by the Department of Agriculture and recommend improvements in such system.

(d) Elements of Study Commission

(1) Membership

The Study Commission shall be composed of 14 members to be appointed not later than 60 days after November 28, 1990, of which—

(A) two members shall be appointed by the Secretary from among private citizens or employees of the Executive Branch;

(B) three members shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) three members shall be appointed by the Ranking Minority Member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(D) three members shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives; and

(E) three members shall be appointed by the Ranking Minority Member of the Committee on Agriculture of the House of Representatives.

(2) Vacancies

A vacancy occurring on the Study Commission shall be filled in the same manner as that in which the original appointment was made.

(3) Compensation and expenses

(A) Compensation

Members of the Study Commission who are not regular full-time employees of the United States Government shall, while attending meetings and conferences of the Study Commission or otherwise engaged in the business of the Study Commission (including travel time), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service under GS-18 of the General Schedule established under section 5332 of title 5.

(B) Expenses

While away from their homes or regular places of business on the business of the

Study Commission, members of such Commission may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5 for persons employed intermittently by the Federal Government.

(4) Chairperson

The Secretary shall designate a member of the Study Commission to serve as the Chairperson.

(5) Meetings

The Study Commission shall meet at the call of the Chairperson, of a majority of the members of the Study Commission, or at the call of the Secretary.

(6) Director and staff

The Chairperson of the Study Commission may appoint a Director of such Commission, and may request the detailing of the staff of Federal agencies to such Commission to assist it in carrying out its duties. The Chairperson may employ experts and consultants.

(e) General powers

The Study Commission shall have the power to meet and hold hearings, use the mails of the United States, and provide and acquire administrative support services.

(f) Report

Not later than 240 days after November 28, 1990, the Study Commission shall prepare and submit to the Secretary, the Committees on Agriculture and Appropriations of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry and Appropriations of the Senate, a report concerning the findings and recommendations developed under subsection (c) of this section.

(g) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 101-624, title XVI, §1674, Nov. 28, 1990, 104 Stat. 3775; Pub. L. 102-237, title IV, §407(13), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (d)(3)(A). Pub. L. 102-237, §407(13)(A), substituted “Schedule” for “Schedules”.

Subsec. (f). Pub. L. 102-237, §407(13)(B), substituted “Committees” for “Committee” in two places.

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General

Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 5928. National centers for agricultural product quality research

(a) Purposes

The purposes of the national centers for agricultural product quality research shall be to—

(1) serve as regional or commodity specific agricultural product quality research and education focal points involving one or more university and Federal participants;

(2) take advantage of opportunities, and establish linkages between universities and other entities with expertise, in basic biology and engineering, the development of new technology, the application of technology to practice, and related quality assurance and regulatory activities;

(3) develop and enhance explicit relationships (including the possible sharing of the cost of center operations) between the research and development community, the Department, and other Federal agencies, and with all aspects of the involved industries;

(4) provide a mechanism for dealing with the safety and wholesomeness of new food products and processes that use biotechnology (including transgenic plants and animals);

(5) provide factual public information about agricultural product quality and wholesomeness on a continuing basis; and

(6) where appropriate, build on existing institutional strengths and commitments to address issues relating to agricultural product quality and wholesomeness and on demonstrated capability to effectively link with operational units of the Department, other Federal agencies, and private industry.

(b) Characteristics of centers

(1) Regional basis

The centers shall be regional based units that conduct a broad spectrum of research, development, and education programs to assure the safety and wholesomeness of food through the prevention, detection, and modification of processes and products involved in the food chain that potentially compromise agricultural product quality and wholesomeness.

(2) Research approach

The centers shall involve multidisciplinary and interdisciplinary approaches to the development of new knowledge and technology. The centers may include multi-institutional linkages between universities or related Federal laboratories.

(3) Management

The centers shall serve as a management focal point for grants that deal with agricultural product quality research, extension, and teaching, including the provision of mechanisms for sharing resources between cooperating institutions and laboratories.

(4) Research linkages

Appropriate linkages within the centers shall include related efforts in agriculture,

medicine, veterinary medicine, public health, engineering and related life and physical sciences, and social sciences dealing with health related behavior.

(5) Research scope

Each center shall conduct research and education on the full spectrum of production, processing, transportation, and marketing for commodity classes, such as animals (including animal products and animal feed), agronomic crops, and horticultural crops.

(c) Establishment of centers

(1) Establishment

Notwithstanding subsection (g)(1) of this section, the Secretary shall establish not more than four centers.

(2) Operating grants

The Secretary shall make grants to operate the centers established under paragraph (1). Such grants shall be competitively awarded based on merit and relevance in reference to meeting the purposes specified in subsection (a) of this section. Such grants may be awarded for periods of up to five years and may be renewed in competition with demonstration of adequate performance. The Secretary shall give preference to proposals that demonstrate linkages with action agencies of the Department, with other related Federal research laboratories and agencies, and with private industry.

(3) Primary institution in center

The primary institution involved in a center shall be a land-grant college with other cooperating or collaborating academic institutions, nonprofit research and development entities, and Federal laboratories. A center may involve institutions or laboratories in more than one State.

(4) Matching funds

The non-Federal sponsors of a center shall contribute an amount of funds for operation of the center equal to not less than the amount awarded by the Federal Government.

(d) Program plan and review

(1) Plan

A program plan shall be developed by the Department after obtaining the advice of representative users of the centers, including both action agencies and appropriate representatives from various segments of the food industry. The plan shall be submitted to the Congress for review at intervals of not less than once every three years.

(2) Review

Accomplishments and directions of the centers shall be reviewed by the Department on a periodic basis, but not less frequently than at the end of the second and fourth years after November 28, 1990. The persons conducting the review shall be appointed by, and report to, the Secretary.

(e) Limitation on use of funds

Funds provided under this section may not be used for the planning, repair, rehabilitation, ac-

quisition, or construction of a building or facility.

(f) Definitions

For purposes of this section:

(1) The term "center" means a national center for agricultural product quality research established under this section.

(2) The term "Secretary" means the Secretary of Agriculture.

(3) The term "Department" means the Department of Agriculture.

(g) Authorization of appropriations

(1) There are authorized to be appropriated such funds as may be necessary to carry out this section for each of the fiscal years 1991 through 1995.

(2) The centers shall be funded through the Cooperative State Research Service in the Department.

(Pub. L. 101-624, title XVI, §1675, Nov. 28, 1990, 104 Stat. 3777; Pub. L. 102-237, title IV, §407(14), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (c)(1). Pub. L. 102-237, §407(14)(A), added par. (1) and struck out former par. (1) "Grants" which read as follows: "The Secretary shall make grants to establish the centers. Such grants establishing centers shall be competitively awarded based on merit and relevance in reference to meeting the purposes specified in subsection (a) of this section."

Subsec. (c)(2). Pub. L. 102-237, §407(14)(B), in heading substituted "Operating grants" for "Periods and preferences" and in text substituted "The Secretary shall make grants to operate the centers established under paragraph (1). Such grants shall be competitively awarded based on merit and relevance in reference to meeting the purposes specified in subsection (a) of this section. Such grants" for "Grants".

§ 5929. Turkey Research Center

There are authorized to be appropriated \$500,000 for fiscal year 1992 to be used by the Agricultural Research Service for planning purposes in the establishment of a facility to be known as the Agricultural Turkey Research Center to be located in Pelican Rapids, Minnesota, and operated in cooperation with the North Dakota State University.

(Pub. L. 101-624, title XVI, §1676, Nov. 28, 1990, 104 Stat. 3779.)

§ 5930. Reservation extension agents

(a) Establishment

The Secretary of Agriculture, acting through the Extension Service, shall establish appropriate extension education programs on Indian reservations and tribal jurisdictions. In establishing these extension programs, the Secretary shall consult with the Bureau of Indian Affairs, the Intertribal Agriculture Council, and the Southwest Indian Agriculture Association, and shall make such interagency cooperative agreements or memoranda of understanding as may be necessary. The programs to be developed and delivered on reservations and within tribal jurisdictions shall be determined with the advice and counsel of reservation or tribal program advisory committees.

(b) Administration and management

Extension agents shall be employees of, and administratively responsible to, the Cooperative Extension Service of the State within which the reservation or tribal jurisdiction is located, and employment and personnel management responsibilities shall be vested with the State Cooperative Extension Service. In cases where a reservation or tribal jurisdiction is located in two or more States, the Secretary of Agriculture shall make the determination of administrative responsibility, including possible divisions along State boundaries.

(c) Advisory committees

At the request of a State Extension Director, and with the assistance of the tribal authorities, the Secretary of Agriculture may form an advisory committee to give overall policy and program advice to that State Extension Director with regard to programs conducted on reservations or within tribal jurisdictions. Program advisory committees may be formed to assist extension staff in development and conduct of program activities.

(d) Staffing

Insofar as possible, agent and specialist staff shall include individuals representative of the tribal grouping being served. Programs shall emphasize training and employment of local people in positions such as program aides, master gardeners, and volunteers. Staffing at a particular location shall be dependent on the needs and priorities of that location, as identified by the advisory committees and the State Extension Director, and the Director may make use of existing personnel and facilities as appropriate.

(e) Placing of agents

The number of offices and their placement shall be jointly determined by the State Extension Directors and tribal authorities of the respective States by taking into consideration the agricultural acreage within the boundaries of an Indian reservation or tribal jurisdiction, the soil classifications of such acreage, and the population of such reservation or tribal jurisdiction.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 101-624, title XVI, §1677, Nov. 28, 1990, 104 Stat. 3779; Pub. L. 102-237, title IV, §407(15), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237, §407(15)(A), (B), substituted “reservation” for “Reservation” and “reservations” for “Reservations” wherever appearing.

Subsec. (b). Pub. L. 102-237, §407(15)(A), substituted “reservation” for “Reservation” in two places.

Subsec. (c). Pub. L. 102-237, §407(15)(C), substituted “tribal” for “Tribal” after “assistance of the”.

Subsec. (e). Pub. L. 102-237, §407(15)(A), substituted “reservation” for “Reservation” in two places.

INDIAN SUBSISTENCE FARMING DEMONSTRATION GRANT PROGRAM

Subtitle C (§§931-939) of title IX of Pub. L. 102-237 provided that:

“SEC. 931. PURPOSES.

“The purposes of this subtitle are to—

“(1) provide technical assistance and training through the Extension Service in the Department of Agriculture to Indian tribes and Alaska Natives for the development and operation of subsistence farming programs to improve the nutritional health of Indians living on or near Indian reservations;

“(2) establish the Indian subsistence farming demonstration grant program within the Department of Agriculture; and

“(3) provide a supplemental source of fresh produce for Indians and Alaska Natives who—

“(A) have special dietary needs;

“(B) are participating in—

“(i) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

“(ii) the food distribution program on Indian reservations established under section 4(b) of such Act (7 U.S.C. 2013(b)); or

“(C) have income below 185 percent of the poverty line referred to in section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)).

“SEC. 932. DEFINITIONS.

“For the purposes of this subtitle:

“(1) ELIGIBLE RECIPIENT.—The term ‘eligible recipient’ means an Indian who—

“(A) is identified by the Secretary as having special dietary needs;

“(B) is participating in—

“(i) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

“(ii) the food distribution program on Indian reservations established under section 4(b) of such Act (7 U.S.C. 2013(b)); or

“(C) has income below 185 percent of the poverty line referred to in section 5(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(1)).

“(2) INDIAN.—The term ‘Indian’ means a person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation (as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g))[]).

“(3) INDIAN RESERVATION.—The term ‘Indian reservation’ has the same meaning given to the term ‘reservation’ under section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)).

“(4) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community (including any Alaska Native village, Regional Corporation, or Regional Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.))[]), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

“(5) INTER-TRIBAL CONSORTIUM.—The term ‘intertribal consortium’ means a partnership between—

“(A) an Indian tribe or tribal organization on an Indian reservation; and

“(B) one or more Indian tribes or tribal organizations of other Indian tribes.

“(6) PROGRAM.—The term ‘program’ means any subsistence farming program funded or assisted under this subtitle.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“SEC. 933. INDIAN SUBSISTENCE FARMING DEMONSTRATION GRANT PROGRAM.

“(a) IN GENERAL.—The Secretary may establish an Indian subsistence farming demonstration grant program that provides grants to any Indian tribe, or intertribal consortium, for the establishment on Indian reservations of subsistence farming operations that grow fresh produce for distribution to eligible recipients.

“(b) APPLICATION.—Any Indian tribe or tribal consortium may submit to the Secretary an application for a grant under this subtitle. Any such application shall—

“(1) be in such form as the Secretary may prescribe;

“(2) be submitted to the Secretary on or before the date designated by the Secretary; and

“(3) specify—

“(A) the nature and scope of the subsistence farming project proposed by the applicant;

“(B) the extent to which the project plans to use or incorporate existing resources and services available on the reservation; and

“(C) the number of Indians who are projected as eligible recipients of produce grown under the project.

“SEC. 934. TRAINING AND TECHNICAL ASSISTANCE.

“The Extension Service may conduct, with respect to the projects established under this title [probably should be “subtitle”], site surveys, workshops, short courses, training, and technical assistance on such topics as nutrition food preservation and preparation techniques, spacing, depth of seed placement, soil types, and other aspects of subsistence farming operations.

“SEC. 935. TRIBAL CONSULTATION.

“An Indian tribe participating in any subsistence farming program established under this subtitle shall consult with appropriate tribal and Indian Health Service officials regarding the specific dietary needs of the population to be served by the operation of the Indian subsistence farming project.

“SEC. 936. USE OF GRANTS.

“Funds provided under this subtitle may be used for—

“(1) the purchase or lease of agricultural machinery, equipment, and tools for the operation of the program;

“(2) the purchase of seeds, fertilizers, and such other resources as may be required for the operation of the program;

“(3) the construction of greenhouses, fences, and other structures or facilities;

“(4) accounting and distribution of produce grown under the program; and

“(5) the employment of persons for the management and operation of the program.

“SEC. 937. AMOUNT AND TERM OF GRANT.

“(a) AMOUNT.—The maximum amount of any grant awarded under this subtitle shall not exceed \$50,000.

“(b) TERM.—The maximum term of any grant awarded under this subtitle shall be 3 years.

“SEC. 938. OTHER REQUIREMENTS.

“Each recipient of a grant awarded under this subtitle shall—

“(1) furnish the Secretary with such information as the Secretary may require to—

“(A) evaluate the program for which the grant is made;

“(B) ensure that the grant funds are expended for the purposes for which the grant was made; and

“(C) ensure that the produce grown is distributed to eligible recipients on the reservation; and

“(2) submit to the Secretary at the close of the term of the grant a final report that shall include such information as the Secretary may require.

“SEC. 939. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subtitle \$2,000,000 for each of the fiscal years 1993 through 1995.”

[Subtitle C of title IX of Pub. L. 102-237, set out above, effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102-237, set out as an Effective Date of 1991 Amendment note under section 1421 of this title.]

§ 5931. Special grant to study constraints on agricultural trade

(a) Grant required

The Secretary of Agriculture shall provide at least two special grants to land-grant colleges

and universities to conduct a study that will evaluate the trade impacts of technical barriers, quality factors, and end-use characteristics in agricultural trade to determine whether such factors are consistent as between commodities. Such study shall be conducted with the objective—

(1) to identify and analyze constraints related to end-use characteristics in trade and competition;

(2) to design production and processing techniques to lessen their impacts; and

(3) to identify public policy alternatives, nationally and internationally, that may reduce the impacts of such trade restrictions.

(b) Joint development

The Secretary shall ensure that the grants provided for in this section provide for the joint development of the methodology and techniques between the recipients of such grants to meet the objectives set forth in subsection (a) of this section.

(c) Report

Not later than 18 months after November 28, 1990, the Secretary shall report the results of the study grants under subsection (a) of this section to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) “Land-grant colleges and universities” defined

For purposes of this section, the term “land-grant colleges and universities” has the meaning given to that term in section 3103(10) of this title.

(Pub. L. 101-624, title XVI, §1678, Nov. 28, 1990, 104 Stat. 3780; Pub. L. 102-237, title IV, §407(16), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (d). Pub. L. 102-237 made technical amendment to reference to section 3103(10) of this title to correct reference to corresponding provision of original act.

§ 5932. Pilot project to coordinate food and nutrition education programs

(a) Pilot project

The Secretary of Agriculture shall establish a five-year pilot project to make available grants to not less than two States, on a competitive basis, for the purpose of implementing in such States, a plan that—

(1) provides for the full coordination of the conceptual design and program delivery of food and nutrition education programs for potential participants within the State; and

(2) provides to the greatest extent possible for the coordination of such food and nutrition education programs with related State programs.

(b) Elements of project

In carrying out subsection (a) of this section, the Secretary shall—

(1) provide for enhanced intraagency and interagency coordination in the design and delivery of food and nutrition education programs;

(2) develop more efficient methods, and improved agency organization, to inform the public and persons eligible for food and nutrition programs about such education programs (including those education programs regarding nutrition and management of family resources for better nutrition and health) and nutrition education programs available at the Federal, State, and local level; and

(3) provide for an evaluation of the degree to which stated program coordination objectives are being attained, the impact on actual behavioral change of program participants, and the implication of the program outcomes for future public health, budget expenditures, and the general public welfare.

(c) Definitions

For purposes of this section:

(1) The term “coordination” means the development and implementation of a consistent and coherent program of nutrition education regarding the receipt and increased beneficial use of the resources made available to persons for food and nutrition programs and, to the extent possible, related State and local food and nutrition programs.

(2) The term “food and nutrition education programs” includes any educational programs or components of the food stamp program, the expanded food and nutrition education program, and such other programs administered by the Department of Agriculture as the Secretary determines necessary to effectively implement the programs required under subsection (a) of this section.

(d) Authorization of appropriations

There are authorized to be appropriated to the Secretary for each of the fiscal years 1991 through 1995 such sums as may be necessary to carry out the pilot project established under subsection (a) of this section.

(Pub. L. 101-624, title XVI, §1679, Nov. 28, 1990, 104 Stat. 3780.)

§ 5933. Assistive technology program for farmers with disabilities

(a) Special demonstration grants

(1) In general

The Secretary of Agriculture, in consultation with other appropriate Federal agencies, shall make demonstration grants to support cooperative programs between State Cooperative Extension Service agencies and private nonprofit disability organizations to provide on-the-farm agricultural education and assistance directed at accommodating disability in farm operations for individuals with disabilities who are engaged in farming and farm-related occupations and their families.

(2) Eligible services

Grants awarded under paragraph (1) may be used to support programs serving individuals with disabilities, and their families, who are engaged in farming and farm-related occupations.

(3) Eligible programs

Grants awarded under paragraph (1) may be used to initiate, expand, or sustain programs that—

(A) provide direct education and assistance to accommodate disability in farming to individuals with disabilities who engage in farming and farm-related occupations;

(B) provide on-the-farm technical advice concerning the design, fabrication, and use of agricultural and related equipment, machinery, and tools, and assist in the modification of farm worksites, operations, and living arrangements to accommodate individuals with disabilities who engage in farming, farm living and farm-related tasks;

(C) involve community and health care professionals, including Extension Service agents and others, in the early identification of farm and rural families that are in need of services related to the disability of an individual;

(D) provide specialized education programs to enhance the professional competencies of rural agricultural professionals, rehabilitation and health care providers, vocational counselors, and other providers of service to individuals with disabilities, and their families, who engage in farming or farm-related occupations; and

(E) mobilize rural volunteer resources, including peer counseling among farmers with disabilities and rural ingenuity networks promoting cost effective methods or accommodating disabilities in farming and farm-related activities.

(4) Extension Service agencies

Grants shall be awarded under this subsection directly to State Extension Service agencies to enable them to enter into contracts, on a multiyear basis, with private nonprofit community-based direct service organizations to initiate, expand, or sustain cooperative programs described under paragraphs (2) and (3).

(5) Minimum amount

A grant awarded under this subsection may not be less than \$150,000.

(6) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection—

(A) not less than \$3,000,000 for each of the fiscal years 1991 and 1992; and

(B) not less than \$5,000,000 for each of the fiscal years 1993 through 1996.

(b) National grant for technical assistance, training, and dissemination

(1) In general

The Secretary of Agriculture shall award a competitive grant to a national private nonprofit disability organization to enable such organization to provide technical assistance, training, information dissemination and other activities to support community-based direct service programs of on-site rural rehabilitation and assistive technology for individuals with disabilities, and their families, who are engaged in farming or farm-related occupations.

(2) Authorization of appropriations

There are authorized to be appropriated \$1,000,000 to carry out this subsection for each of the fiscal years 1991 through 1996.

(Pub. L. 101-624, title XVI, §1680, Nov. 28, 1990, 104 Stat. 3781.)

§ 5934. Research on honeybee diseases

(a) Sense of Congress

It is the sense of Congress that—

(1) diseases affecting the entire honeybee population impact on the ability of honeybees to carry out crop pollination and honey production, and therefore impact negatively on beekeepers, producers and consumers; and

(2) certain diseases (such as those caused by tracheal mite, varroa mite, and the Africanized honeybee) pose a threat to the continued well-being of the general honeybee population, and thus merit further study.

(b) Research

Notwithstanding any other provision of law, the Secretary of Agriculture shall give priority attention to the funding of research regarding the diseases referred to in subsection (a) of this section that are affecting the honeybee population.

(Pub. L. 101-624, title XVI, §1681, Nov. 28, 1990, 104 Stat. 3782; Pub. L. 102-237, title IV, §407(17), Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Subsec. (a)(2). Pub. L. 102-237 substituted “tracheal mite” for “teacheal mite”.

CHAPTER 89—PECAN PROMOTION AND RESEARCH

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§ 6001. Findings and declaration of policy

(a) Findings

Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.

(b) Policy

It is declared to be the policy of Congress that it is in the public interest to authorize the es-