

TERMINATION DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-78 to terminate 5 years after Oct. 22, 1999, see section 942 of Pub. L. 106-78, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

§ 5713. Other reports to Congress

Subject to section 6917 of this title, 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 or in a consolidated report.

(Pub. L. 95-501, title VI, § 603, as added Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3689; amended Pub. L. 104-127, title II, §§ 241(c)(2), 251, Apr. 4, 1996, 110 Stat. 964, 971.)

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.

AMENDMENTS

1996—Pub. L. 104-127, § 251, in first sentence, substituted “Subject to section 6917 of this title, the” for “The”.

Pub. L. 104-127, § 241(c)(2), in last sentence, substituted “or in a consolidated report” for “, 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”.

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.

SUBCHAPTER VII—FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM

§ 5721. “Eligible trade organization” defined

In this subchapter, the term “eligible trade organization” means a United States trade organization that—

(1) promotes the export of 1 or more United States agricultural commodities or products; and

(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

(Pub. L. 95-501, title VII, § 701, as added Pub. L. 104-127, title II, § 252, Apr. 4, 1996, 110 Stat. 971.)

§ 5722. Foreign market development cooperator program**(a) In general**

The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

(b) Administration

Funds made available to carry out this subchapter shall be used only to provide—

(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

(2) assistance for other costs that are necessary or appropriate to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

(Pub. L. 95-501, title VII, § 702, as added Pub. L. 104-127, title II, § 252, Apr. 4, 1996, 110 Stat. 971.)

§ 5723. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of fiscal years 1996 through 2002.

(Pub. L. 95-501, title VII, § 703, as added Pub. L. 104-127, title II, § 252, Apr. 4, 1996, 110 Stat. 972.)

CHAPTER 88—RESEARCH

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- § 5801. Purpose and definitions**
- (a) Purpose**
- It is the purpose of this subchapter to encourage research designed to increase our knowledge concerning agricultural production systems that—
- (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.

(b) Definitions

For purposes of this subchapter:

(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 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 “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.

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

(9) 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; Pub. L. 104-127, title VIII, §860(c)(1), Apr. 4, 1996, 110 Stat. 1173.)

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

1996—Subsec. (b)(7) to (10). Pub. L. 104-127 redesignated pars. (8) to (10) as (7) to (9), respectively, and struck out former par. (7) which read as follows: “The term ‘Advisory Council’ means the National Sustainable Agriculture Advisory Council established under section 5812(c) of this title.”

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 relevance of the project to the purposes of this part;
- (B) the appropriateness of the design of the project;
- (C) the likelihood of obtaining the objectives of the project; and
- (D) 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) closely coordinate research and extension activities;
- (B) indicate the manner in which the findings of the project will be made readily usable by farmers;
- (C) maximize the involvement and cooperation of farmers, including projects involving on-farm research and demonstration;
- (D) involve a multidisciplinary systems approach; and
- (E) 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; Pub. L. 104-127, title VIII, §860(c)(2), Apr. 4, 1996, 110 Stat. 1173.)

AMENDMENTS

1996—Subsec. (c)(1). Pub. L. 104-127, §860(c)(2)(A), redesignated subpars. (B) to (E) as (A) to (D), respectively, and struck out former subpar. (A) which read as follows: “the recommendations of the Advisory Council;”.

Subsec. (c)(2). Pub. L. 104-127, §860(c)(2)(B), redesignated subpars. (B) to (F) as (A) to (E), respectively, and struck out former subpar. (A) which read as follows: “are recommended by the Advisory Council;”.

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 a minimum of four Regional Administrative Councils in accordance with subsection (b) of this section; and
- (3) in conjunction with such Regional Administrative Councils, identify regional host institutions required to carry out such programs or projects.

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

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

(C) appoint a technical committee to evaluate the proposals for projects to be considered under this subchapter by such council;

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

(E) 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; Pub. L. 104-127, title VIII, §860(a), (b), Apr. 4, 1996, 110 Stat. 1173.)

AMENDMENTS

1996—Subsec. (a)(2) to (4). Pub. L. 104-127, §860(b)(1), redesignated pars. (3) and (4) as (2) and (3), respectively, substituted “subsection (b)” for “subsection (e)” in par. (2), and struck out former par. (2) which read as follows: “establish the Advisory Council in accordance with subsection (c) of this section;”.

Subsec. (b). Pub. L. 104-127, §860(a), (b)(3), redesignated subsec. (e) as (b) and struck out former subsec. (b) which required Secretary, not later than Apr. 1, 1991, and each April 1 thereafter, to prepare and submit to congressional committees and to Advisory Council report describing results of programs carried out under sections 5811, 5813, and 5821 of this title and report describing progress of projects conducted under this subchapter.

Subsec. (b)(2). Pub. L. 104-127, §860(b)(4), redesignated subpars. (B) to (F) as (A) to (E), respectively, and struck out former subpar. (A) which read as follows: “make recommendations to the Advisory Council concerning research and extension projects that merit funding under sections 5811 and 5813 of this title;”.

Subsecs. (c) to (e). Pub. L. 104-127, §860(b)(2), (3), redesignated subsec. (e) as (b) and struck out subsec. (c) which provided for membership of the National Sustainable Agriculture Advisory Council and subsec. (d) which set forth responsibilities of Advisory Council.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 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,¹ 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; Pub. L. 104-127, title VIII, §862(b)(2), Apr. 4, 1996, 110 Stat. 1174.)

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.

Chapter 86 of this title, referred to in subsec. (a)(3), was in the original “subtitle G of title XIV”, meaning subtitle G (§§1481-1485) of title XIV of Pub. L. 101-624, which was repealed by Pub. L. 105-185, title III, §302(c), June 23, 1998, 112 Stat. 563.

AMENDMENTS

1996—Subsec. (a)(3). Pub. L. 104-127 struck out “and section 5881 of this title” before “and other appropriate”.

§ 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

¹ See References in Text note below.

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 management 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 ef-

fect 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 particu-

lar 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)¹ of the Agricultural Act of 1949, the term "traditionally underplanted acreage" means 8 per-

cent 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. Sections 101B, 103B, 105B, and 107B of the Act were classified to sections 1441-2, 1444-2, 1444f, and 1445b-3a of this title prior to repeal by Pub. L. 104-127, title I, §171(b)(2)(A)-(D), Apr. 4, 1996, 110 Stat. 938. 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 former 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.

¹ See References in Text note below.

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,¹ 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 Natural Resources 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,¹ 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.

¹ See References in Text note below.

(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; Pub. L. 104-127, title VIII, §§860(c)(3), 862(b)(3), Apr. 4, 1996, 110 Stat. 1174.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (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.

Chapter 86 of this title, referred to in subsecs. (a) and (d), was in the original “subtitle G of title XIV”, meaning subtitle G (§§1481-1485) of title XIV of Pub. L. 101-624, which was repealed by Pub. L. 105-185, title III, §302(c), June 23, 1998, 112 Stat. 563.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, §862(b)(3), struck out “section 5881 of this title,” before “and other appropriate”.

Subsec. (b). Pub. L. 104-127, §860(c)(3), substituted “Natural Resources Conservation Service” for “Advisory Council, the Soil Conservation Service,”.

Subsec. (d). Pub. L. 104-127, §862(b)(3), struck out “section 5881 of this title,” before “and other appropriate” in introductory provisions.

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 demonstrations 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,¹ 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,¹ 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;¹

(10) provide specific information on nutrient management practices developed through the research programs in chapter 86 of this title;¹ and

(11) provide information concerning whole-farm management systems integrating re-

¹ See References in Text note below.

search results under this subchapter, chapter 86 of this title,¹ 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; Pub. L. 104-127, title VIII, §862(b)(4), Apr. 4, 1996, 110 Stat. 1174; Pub. L. 105-185, title VI, §606(f), June 23, 1998, 112 Stat. 604.)

REFERENCES IN TEXT

Chapter 86 of this title, referred to in subsecs. (f) and (g), was in the original “subtitle G of title XIV”, meaning subtitle G (§§1481-1485) of title XIV of Pub. L. 101-624, which was repealed by Pub. L. 105-185, title III, §302(c), June 23, 1998, 112 Stat. 563.

AMENDMENTS

1998—Subsec. (g). Pub. L. 105-185 struck out “section 5881 of this title,” before “and other appropriate research” in introductory provisions.

1996—Subsecs. (f), (g)(11). Pub. L. 104-127 struck out “section 5881 of this title,” before “and other appropriate”.

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

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) unless otherwise prohibited by law, have the right to make available on request, without charge and without regard to the country from which the request originates, the genetic material that 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; Pub. L. 104-127, title VIII, §832(a), Apr. 4, 1996, 110 Stat. 1168.)

AMENDMENTS

1996—Subsec. (d)(4). Pub. L. 104-127 added par. (4) and struck out former par. (4) which read as follows: “make available upon request, without charge and without regard to the country from which such request originates, the genetic material which the program assembles;”.

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 ag-

riculture 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.

sory 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 subsection (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 2002.

(Pub. L. 101-624, title XVI, §1635, Nov. 28, 1990, 104 Stat. 3747; Pub. L. 104-127, title VIII, §832(b), Apr. 4, 1996, 110 Stat. 1168; Pub. L. 105-185, title III, §301(b)(1), June 23, 1998, 112 Stat. 562.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-185 substituted “2002” for “1997”.

1996—Subsec. (b). Pub. L. 104-127 substituted “1997” for “1995”.

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 Agricultural 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 1997.

(Pub. L. 101-624, title XVI, §1641, Nov. 28, 1990, 104 Stat. 3750; Pub. L. 104-127, title VIII, §833, Apr. 4, 1996, 110 Stat. 1168.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-127 substituted “1997” for “1995”.

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

§§ 5871 to 5874. Repealed. Pub. L. 104-127, title VIII, § 861, Apr. 4, 1996, 110 Stat. 1174

Section 5871, Pub. L. 101-624, title XVI, §1644, Nov. 28, 1990, 104 Stat. 3751, provided for establishment of research and grant program.

Section 5872, Pub. L. 101-624, title XVI, §1645, Nov. 28, 1990, 104 Stat. 3752, related to advisory committee and grant process.

Section 5873, Pub. L. 101-624, title XVI, §1646, Nov. 28, 1990, 104 Stat. 3753, provided for reports to Congress.

Section 5874, Pub. L. 101-624, title XVI, §1647, Nov. 28, 1990, 104 Stat. 3754, provided for appropriations for research and grant program.

SUBCHAPTER V—PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM

§§ 5881 to 5885. Repealed. Pub. L. 104-127, title VIII, § 862(a), Apr. 4, 1996, 110 Stat. 1174

Section 5881, Pub. L. 101-624, title XVI, §1650, Nov. 28, 1990, 104 Stat. 3754, related to plant and animal pest and disease control program.

Section 5882, Pub. L. 101-624, title XVI, §1651, Nov. 28, 1990, 104 Stat. 3754, related to pest and disease control data base and pesticide resistance monitoring.

Section 5883, 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, related to research on control and eradication of exotic pests.

Section 5884, Pub. L. 101-624, title XVI, §1653, Nov. 28, 1990, 104 Stat. 3755, provided for study of biology and behavior of chinch bugs.

Section 5885, Pub. L. 101-624, title XVI, §1654, Nov. 28, 1990, 104 Stat. 3756, authorized appropriations for plant, pest, and disease control program.

SUBCHAPTER VI—ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 917, 2204f, 6911, 6944, 7621 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, de-

velopment, 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 “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.

(4) CORPORATE BOARD.—The term “Corporate Board” means the Board of Directors of the Corporation described in section 5903 of this title.

(5) CORPORATION.—The term “Corporation” means the Alternative Agricultural Research and Commercialization Corporation established under section 5902 of this title.

(6) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director

of the Corporation appointed under section 5903(e) of this title.

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

(8) 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.

(9) 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.

(10) 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.

(11) 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.

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

(13) 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; Pub. L. 104-127, title VII, §721, Apr. 4, 1996, 110 Stat. 1112.)

AMENDMENTS

1996—Subsec. (c)(3). Pub. L. 104-127, §721(1), (2), redesignated par. (5) as (3) and struck out former par. (3) which read as follows: “The term ‘Board’ means the Alternative Agricultural Research and Commercialization Board.”

Subsec. (c)(4). Pub. L. 104-127, §721(1), (4), added par. (4) and struck out former par. (4) which read as follows: “The term ‘Center’ means the Alternative Agricultural Research and Commercialization Center.”

Subsec. (c)(5). Pub. L. 104-127, §721(2), (4), added par. (5) and redesignated former par. (5) as (3).

Subsec. (c)(6) to (13). Pub. L. 104-127, §721(3), (4), added par. (6) and redesignated former pars. (6) to (12) as (7) to (13), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5909 of this title.

§ 5902. Alternative Agricultural Research and Commercialization Corporation

(a) Establishment

To carry out this subchapter, there is created a body corporate to be known as the Alternative Agricultural Research and Commercialization Corporation, which shall be an agency of the United States, within the Department of Agriculture, subject to the general supervision and direction of the Secretary, except as specifically provided for in this subchapter.

(b) Purpose

The purpose of the Corporation is to—

(1) expedite the development and market penetration of industrial, nonfood, nonfeed products from agricultural and forestry materials; and

(2) assist the private sector in bridging the gap between the results of research into nonfood, nonfeed products and the commercialization of the research.

(c) Place of incorporation

The Corporation shall be incorporated in the District of Columbia.

(d) Central office

The Secretary shall provide facilities for the principal office of the Corporation within the Washington, D.C., metropolitan area.

(e) Wholly-owned Government corporation

The Corporation shall be considered a wholly-owned government¹ corporation in accordance with chapter 91 of title 31.

(f) General powers

In addition to any other powers granted to the Corporation under this subchapter, the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt, alter, and rescind any bylaw and adopt and alter a corporate seal, which shall be judicially noticed;

(3) may enter into any agreement or contract with a person or private or governmental agency, except that the Corporation shall not provide any financial assistance unless specifically authorized by this subchapter;

(4) may lease, purchase, accept a gift or donation of, or otherwise acquire, use, own, hold, improve, or otherwise deal in or with, and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property or interest in property, as the Corporation considers necessary in the transaction of the business of the Corporation, except that this paragraph shall not provide authority for carrying out a program of real estate investment;

(5) may sue and be sued in the corporate name of the Corporation, except that—

(A) no attachment, injunction, garnishment, or similar process shall be issued against the Corporation or property of the Corporation; and

¹ So in original. Probably should be capitalized.

(B) exclusive original jurisdiction shall reside in the district courts of the United States, but the Corporation may intervene in any court in any suit, action, or proceeding in which the Corporation has an interest;

(6) may independently retain legal representation;

(7) may provide for and designate such committees, and the functions of the committees, as the Corporate Board considers necessary or desirable;

(8) may indemnify the Executive Director and other officers of the Corporation, as the Corporate Board considers necessary and desirable, except that the Executive Director and officers shall not be indemnified for an act outside the scope of employment;

(9) may, with the consent of any board, commission, independent establishment, or executive department of the Federal Government, including any field service, use information, services, facilities, officials, and employees in carrying out this subchapter, and pay for the use, which payments shall be transferred to the applicable appropriation account that incurred the expense;

(10) may obtain the services and fix the compensation of any consultant and otherwise procure temporary and intermittent services under section 3109(b) of title 5;

(11) may use the United States mails on the same terms and conditions as the Executive agencies of the Federal Government;

(12) shall have the rights, privileges, and immunities of the United States with respect to the right to priority of payment with respect to debts due from bankrupt, insolvent, or deceased creditors;

(13) may collect or compromise any obligations assigned to or held by the Corporation, including any legal or equitable rights accruing to the Corporation;

(14) shall determine the character of, and necessity for, obligations and expenditures of the Corporation and the manner in which the obligations and expenditures shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations;

(15) may make final and conclusive settlement and adjustment of any claim by or against the Corporation or a fiscal officer of the Corporation;

(16) may sell assets, loans, and equity interests acquired in connection with the financing of projects funded by the Corporation; and

(17) may exercise all other lawful powers necessarily or reasonably related to the establishment of the Corporation to carry out this subchapter and the powers, purposes, functions, duties, and authorized activities of the Corporation.

(g) Specific powers

To carry out this subchapter, the Corporation may—

(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 concerning 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 the products;

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

(6) engage in other activities incident to carrying out the functions of the Corporation.

(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; Pub. L. 104-127, title VII, §722(a), Apr. 4, 1996, 110 Stat. 1113.)

AMENDMENTS

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions relating to establishment of Alternative Agricultural Research and Commercialization Center, including provisions relating to functions, appointment, compensation and responsibilities of Director, staff, and experts and consultants.

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).

BUSINESS PLAN AND FEASIBILITY STUDY AND REPORT

Section 730 of Pub. L. 104-127 provided that:

“(a) BUSINESS PLAN.—Not later than 180 days after the date of enactment of this Act [Apr. 4, 1996], the Alternative Agricultural Research and Commercialization Corporation established by section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 [7 U.S.C. 5902] shall—

“(1) develop a 5-year business plan pursuant to section 1659(c)(1)(E) of the Act [7 U.S.C. 5903(c)(1)(E)]; and

“(2) submit the plan to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(b) FEASIBILITY STUDY AND REPORT.—

“(1) STUDY.—The Secretary of Agriculture shall conduct a study of, and prepare a report on, the continued feasibility of the Alternative Agricultural Research and Commercialization Corporation. In conducting the study, the Secretary shall examine options for privatizing the Corporation and converting the Corporation to a Government-sponsored enterprise.

“(2) REPORT.—Not later than December 31, 2001, the Secretary shall transmit the report required by paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5901, 5903, 7624 of this title.

§ 5903. Board of directors, employees, and facilities

(a) In general

The powers of the Corporation shall be vested in a Corporate Board.

(b) Members of Corporate Board

The Corporate Board shall consist of 11 members as follows:

(1) The Under Secretary of Agriculture for Rural Development.

(2) The Under Secretary of Agriculture for Research, Education, and Economics.

(3) 5 members appointed by the Secretary, of whom—

(A) at least 1 member shall be a representative of the leading scientific disciplines relevant to the activities of the Corporation;

(B) at least 1 member shall be a producer or processor of agricultural commodities;

(C) at least 1 member shall be a person who is privately engaged in the commercialization of new nonfood, nonfeed products from agricultural commodities; and

(D) at least 1 member shall have expertise in financial management.

A different member shall be appointed pursuant to each subparagraph of this paragraph.

(4) 2 members appointed by the Secretary 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 4 individuals nominated by the Director of the National Science Foundation if the nominations are made not later than 60 days after the date a vacancy occurs.

(5) 2 members appointed by the Secretary who—

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

(B) shall be appointed from a group of at least 4 individuals nominated by the Secretary of Commerce if the nominations are made not later than 60 days after the date a vacancy occurs.

(c) Responsibilities of Corporate Board

(1) In general

The Corporate Board shall—

(A) be responsible for the general supervision of the Corporation and Regional Centers established under section 5907 of this title;

(B) determine (in consultation with Regional Centers) high priority commercialization areas to receive assistance under section 5907 of this title;

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

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

(E) develop and establish a budget plan and a long-term operating plan to carry out this subchapter.

(2) Authority of the Secretary

(A) In general

The Secretary shall vacate and remand to the Corporate Board for reconsideration any decision made pursuant to paragraph (1)(D) if the Secretary determines that there has been a violation of subsection (j) of this sec-

tion, or any conflict of interest provisions of the bylaws of the Corporate Board, with respect to the decision.

(B) Reasons

In the case of any violation and referral of a funding decision to the Corporate Board, the Secretary shall inform the Corporate Board of the reasons for any remand pursuant to subparagraph (A).

(d) Chairperson

The members of the Corporate Board shall select a Chairperson from among the members of the Corporate Board. The term of office of the Chairperson shall be 2 years. The members referred to in paragraphs (1) and (2) of subsection (b) of this section may not serve as Chairperson.

(e) Executive Director

(1) Appointment

The Corporate Board shall appoint an Executive Director, subject to the approval of the Secretary.

(2) Duties

The Executive Director shall be the chief executive officer of the Corporation, with such power and authority as may be conferred by the Corporate Board.

(3) Compensation

The Executive Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(f) Officers

The Corporate Board shall establish the offices and appoint the officers of the Corporation, including a Secretary, and define the duties of the officers in a manner consistent with this subchapter.

(g) Meetings

The Corporate Board shall meet at least 3 times each fiscal year at the call of the Chairperson or at the request of the Executive Director. The location of the meetings shall be subject to approval of the Executive Director. A quorum of the Corporate Board shall consist of a majority of the members. The decisions of the Corporate Board shall be made by majority vote.

(h) Term; vacancies

(1) In general

The term of office of a member of the Corporate Board shall be 4 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 the term. A vacancy on the Corporate Board shall be filled in the same manner as the original appointment. The Secretary may remove a member of the Corporate Board only for cause.

(2) Transition measure

The Secretary may appoint to the Corporate Board an individual who, on the day before April 4, 1996, was serving on the former Alternative Agricultural Research and Commercialization Board, for a term that does not exceed the term for which the individual was appointed to the former Board.

(i) Compensation

A member of the Corporate Board who is an officer or employee of the United States shall not receive any additional compensation by reason of service on the Corporate Board. Any other member shall receive, for each day (including travel time) the member is engaged in the performance of the functions of the Corporate Board, compensation at a rate not to exceed the daily equivalent of the annual rate in effect for Level IV of the Executive Schedule. A member of the Corporate Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred by the member in the performance of the duties of the member.

(j) Conflict of interest; financial disclosure**(1) Conflict of interest**

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

(2) Violations

Violation of paragraph (1) by a member of the Corporate Board shall be cause for removal of the member, but shall not impair or otherwise affect the validity of any otherwise lawful action by the Corporation in which the member participated.

(3) Exceptions

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

(4) Financial disclosure

A Board member shall be subject to the financial disclosure requirements set forth in subchapter B of chapter XVI of title 5, Code of Federal Regulations (or any corresponding or similar regulation or ruling), applicable to a special Government employee (as defined in section 202(a) of title 18).

(k) Delegation of authority**(1) In general**

The Corporate Board may, by resolution, delegate to the Chairperson, the Executive Director, or any other officer or employee any function, power, or duty assigned to the Corporation under this subchapter, other than a function, power, or duty expressly vested in

the Corporate Board by subsections (c) through (n) of this section.

(2) Prohibition on delegation

Notwithstanding any other law, the Secretary and any other officer or employee of the United States shall not make any delegation to the Corporate Board, the Chairperson, the Executive Director, or the Corporation of any power, function, or authority not expressly authorized by this subchapter, unless the delegation is made pursuant to an authority in law that expressly makes reference to this section.

(3) Reorganization act

Notwithstanding any other law, the President (through authorities provided under chapter 9 of title 5) may not authorize the transfer to the Corporation of any power, function, or authority in addition to powers, functions, and authorities provided by law.

(l) Bylaws

Notwithstanding section 5902(f)(2) of this title, the Corporate Board shall adopt, and may from time to time amend, any bylaw that is necessary for the proper management and functioning of the Corporation. The Corporate Board shall not adopt any bylaw that has not been reviewed and approved by the Secretary.

(m) Organization

The Corporate Board shall provide a system of organization to fix responsibility and promote efficiency.

(n) Personnel and facilities of Corporation**(1) Appointment and compensation of personnel**

The Corporation may select and appoint officers, attorneys, employees, and agents, who shall be vested with such powers and duties as the Corporation may determine.

(2) Use of facilities and services of the Department of Agriculture

Notwithstanding any other provision of law, to perform the responsibilities of the Corporation under this subchapter, the Corporation may partially or jointly utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Corporation.

(3) Government employment laws

An officer or employee of the Corporation shall be subject to all laws of the United States relating to governmental employment. (Pub. L. 101-624, title XVI, §1659, Nov. 28, 1990, 104 Stat. 3759; Pub. L. 104-127, title VII, §723(a), Apr. 4, 1996, 110 Stat. 1115.)

REFERENCES IN TEXT

The laws of the United States relating to governmental employment, referred to in subsec. (n)(3), are classified generally to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions relating to Alternative Agricultural Research and Commercializa-

tion Board, including provisions relating to establishment, members, responsibilities, meetings, terms and vacancies, chairperson, committees, compensation, restrictions, and authority of Secretary.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5901, 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 Corporation 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 Corporation. 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 Corporate 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 Corporation 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 Corporation may give preference to those projects for which the ratio of Corporation funds to non-Corporation funds would be lowest.

(Pub. L. 101-624, title XVI, §1660, Nov. 28, 1990, 104 Stat. 3761; Pub. L. 104-127, title VII, §724, Apr. 4, 1996, 110 Stat. 1119.)

AMENDMENTS

1996—Subsecs. (a), (b). Pub. L. 104-127, §724(1), substituted “Corporation” for “Center”.

Subsec. (c). Pub. L. 104-127, §724(2), substituted “Corporate Board” for “Board” in introductory provisions.

Subsec. (e). Pub. L. 104-127, §724(1), substituted “Corporation” for “Center”.

Subsec. (f). Pub. L. 104-127, §724(1), (3), substituted “Corporation” for “Center” in two places and substituted “non-Corporation” for “non-Center”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5902, 5903, 5905, 5906, 5908, 5909 of this title.

§ 5905. Commercialization assistance

(a) Assistance authorized

The Corporation, at the discretion of the Corporate 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 Corporation;

(2) interest subsidy payments made by the Corporation (pursuant to an agreement between the Corporation, the lender, and the borrower) to the lender in amounts determined pursuant to the agreement;

(3) venture capital invested by the Corporation 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 Corporation and the entity.

(b) Eligible entities

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

(c) Application requirements

(1) Filed with Executive Director

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

(2) Contents

An application submitted to the Executive 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.

(d) Priorities

The Corporate 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.

(e) Additional criteria

The Corporate 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; Pub. L. 104-127, title VII, §725, Apr. 4, 1996, 110 Stat. 1119.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, §725(1), (2), substituted “Corporation” for “Center” wherever appearing and substituted “Corporate Board” for “Board” in introductory provisions.

Subsec. (b). Pub. L. 104-127, §725(1), substituted “Corporation” for “Center”.

Subsec. (c). Pub. L. 104-127, §725(3), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c) which provided for appointment of Advisory Council to advise Board and Regional Centers concerning applications for assistance submitted under this section.

Pub. L. 104-127, §725(1), (5), substituted “Corporation” for “Center” in par. (1) and “Executive Director” for “Director” in par. (1) heading and text and introductory provisions of par. (2).

Subsecs. (d) to (f). Pub. L. 104-127, §725(2), (4), redesignated subsecs. (e) and (f) as (d) and (e), respectively, and substituted “Corporate Board” for “Board”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5902, 5903, 5906, 5907, 5908, 5909 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 Corporate Board for receipt of applications for financial assistance under section 5904 or 5905 of this title, the Corporate Board shall publish in the Federal Register a notice that it will receive such applications.

(b) Monitoring

The Corporate 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 Corporate Board or a Regional Center, the requirement of written reports by recipients of assistance, and supportive business and technical counseling as needed by the recipient.

(c) Auditing and accountability**(1) Required**

The Corporate 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 Corporation.

(2) Demonstrated compliance

The Corporate 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 Corporation 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 Corporate Board shall require that applications or responses to requests for proposals issued by the Corporation for grants, contracts, or cooperative agreements include detailed estimates of project overhead and administrative costs. In selecting such applications or proposals for awards, the Corporation 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 Corporate Board shall prepare and submit to the Secretary a report on the activities, progress, and accomplishments of the Corporation during such fiscal year. The report shall include—

- (A) a description of the progress, activities, and accomplishments of the Corporation during that fiscal year and the expenditures by the Corporation for its information and other service activities; and
- (B) a copy of the operating plan prepared by the Corporate Board under section 5903(c)(6)¹ 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; Pub. L. 104-127, title VII, §726, Apr. 4, 1996, 110 Stat. 1119.)

REFERENCES IN TEXT

Section 5903 of this title, referred to in subsec. (g)(1)(B), was amended generally by Pub. L. 104-127, title VII, §723(a), Apr. 4, 1996, 110 Stat. 1115, and, as so amended, subsec. (c) of section 5903 no longer contains a par. (6). See section 5903(c)(1)(E) of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127, §726(2), substituted “Corporate Board” for “Board” in two places.

Subsec. (b). Pub. L. 104-127, §726(2), (3), in first sentence, substituted “The Corporate Board” for “The Board”, in second sentence, substituted “Corporate Board or a Regional Center” for “Board, a Regional Center, or the Advisory Council” and struck out at end “The Board may use the Advisory Council appointed under section 5905 of this title to assist in such monitoring.”

Subsecs. (c) to (e), (g). Pub. L. 104-127, §726(1), (2), substituted “Corporation” for “Center” and “Corporate Board” for “Board” wherever appearing.

§ 5907. Regional Centers**(a) Establishment****(1) Required**

Except as provided in paragraph (2), the Corporate 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 Corporate 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 Corporate Board. The Corporate 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;

¹ See References in Text note below.

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

(C) concerning such other matters as the Corporate 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 Corporate 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 Corporate 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 Corporation.

(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 to obtain peer review and evaluation of applications submitted to the Regional Centers.

(3) Recommendation

The Regional Director, based on the comments of the reviewers, shall make and submit a recommendation to the Board, which 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; Pub. L. 104-127, title VII, §727, Apr. 4, 1996, 110 Stat. 1119.)

AMENDMENTS

1996—Subsecs. (a)(1), (b)(2), (c)(1)(C), (d)(1), (e)(6). Pub. L. 104-127, §727(1), substituted “Corporate Board” for “Board” wherever appearing.

Subsec. (e)(8). Pub. L. 104-127, §727(2), substituted “Corporation” for “Center”.

Subsec. (f)(2) to (4). Pub. L. 104-127, §727(3), in par. (2), struck out “in consultation with the Advisory Council appointed under section 5905(c) of this title” before “to obtain peer review”, added par. (3), and struck out former pars. (3) and (4) which read as follows:

“(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.”

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 Corporation, without fiscal year limitation, to carry out this subchapter.

(b) Contents of Fund

There shall be deposited in the Fund—

(1) such amounts as may be appropriated or transferred to support programs and activities of the Corporation;

(2) payments received from any source for products, services, or property furnished in connection with the activities of the Corporation;

(3) fees and royalties collected by the Corporation 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 Corporation;

(4) proceeds from the sale of assets, loans, and equity interests made in furtherance of the purposes of the Corporation;

(5) donations or contributions accepted by the Corporation to support authorized programs and activities; and

(6) any other funds acquired by the Corporation.

(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 the lesser of 15 percent or \$3,000,000 may be set aside to be used for authorized administrative expenses of the Corporation;

(B) not more than 1 percent may be set aside to be used for generic studies and specific reviews of individual proposals for financial assistance; and

(C) except as provided in subsection (e) of this section, not less than 84 percent shall be set aside to be awarded to qualified applicants who file project applications with, or respond to requests for proposals from, the Corporation 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 Corporation for the next fiscal year.

(d) Authorized administrative expenses

For the purposes of this section, authorized administrative expenses shall include all ordinary and necessary expenses, including all compensation for personnel and consultants, expenses for computer usage, or space needs of the Corporation and similar expenses. Funds authorized for administrative expenses shall not be available for the acquisition of real property.

(e) Project monitoring

The Corporate Board may establish, in the by-laws of the Corporate Board, that a percentage (which shall not exceed 1 percent) of the funds provided under subsection (c) of this section for any commercialization project shall be expended to ensure that project funds are being utilized in accordance with the project agreement.

(f) Termination of Fund

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

(g) Authorization of appropriations; capitalization

(1) Authorization of appropriation

There are authorized to be appropriated to the Fund \$75,000,000 for each of fiscal years 1996 through 2002.

(2) Capitalization

The Executive Director may pay in as capital of the Corporation, out of dollar receipts made available through annual appropriations, \$75,000,000 for each of fiscal years 1996 through 2002. On the payment of an amount of capital by the Executive Director, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

(3) Transfer

All obligations, assets, and related rights and responsibilities of the former Alternative Agricultural Research and Commercialization Center established under former section 5902 of this title (as in effect on the day before April 4, 1996) are transferred to the Corporation.

(Pub. L. 101-624, title XVI, §1664, Nov. 28, 1990, 104 Stat. 3766; Pub. L. 104-127, title VII, §728, Apr. 4, 1996, 110 Stat. 1120.)

REFERENCES IN TEXT

Former section 5902 of this title, referred to in subsec. (g)(3), means section 5902 of this title as in effect before the general amendment of that section by Pub. L. 104-127, title VII, §722(a), Apr. 4, 1996, 110 Stat. 1113.

AMENDMENTS

1996—Pub. L. 104-127 amended section generally, substituting present provisions for provisions providing for establishment of Alternative Agricultural Research and Commercialization Revolving Fund, including provisions relating to contents of Fund, funding allocations, termination of Fund, and authorization of appropriations.

§ 5909. Procurement of alternative agricultural research and commercialization products

(a) “Executive agency” defined

In this section, the term “executive agency” has the meaning provided the term in section 403(1) of title 41.

(b) Procurement

To further the achievement of the purposes specified in section 5901(b) of this title, an executive agency may, for any procurement involving the acquisition of property, establish set-asides and preferences for property that has been commercialized with assistance provided under this subchapter.

(c) Set-asides

Procurements solely for property may be set aside exclusively for products developed with commercialization assistance provided under section 5905 of this title.

(d) Preferences

Preferences for property developed with assistance provided under this subchapter in procurements involving the acquisition of property may be—

(1) a price preference, if the procurement is solely for property, of not greater than a percentage to be determined within the sole discretion of the head of the procuring agency; or

(2) a technical evaluation preference included as an award factor or subfactor as determined within the sole discretion of the head of the procuring agency.

(e) Notice

Each competitive solicitation or invitation for bids selected by an executive agency for a set-

aside or preference under this section shall contain a provision notifying offerors where a list of products eligible for the set-aside or preference may be obtained.

(f) Eligibility

Offerors shall receive the set-aside or preference required under this section if, in the case of products developed with financial assistance under—

(1) section 5904 of this title, less than 10 years have elapsed since the expiration of the grant, cooperative agreement, or contract;

(2) paragraph (1) or (2) of section 5905(a) of this title, less than 5 years have elapsed since the date the loan was made or insured;

(3) section 5905(a)(3) of this title, less than 5 years have elapsed since the date of sale of any remaining government equity interest in the company; or

(4) section 5905(a)(4) of this title, less than 5 years have elapsed since the date of the final payment on the repayable grant.

(Pub. L. 101-624, title XVI, §1665, as added Pub. L. 104-127, title VII, §729, Apr. 4, 1996, 110 Stat. 1121.)

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 sub-

section (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.

CROSS REFERENCES

Graduate School of Department of Agriculture, operation as nonappropriated fund instrumentality, see section 2279b of this title.

§ 5923. Repealed. Pub. L. 105-185, title III, § 302(c), June 23, 1998, 112 Stat. 563

Section, 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; Pub. L. 104-127, title VIII, §834, Apr. 4, 1996, 110 Stat. 1169, authorized establishment of livestock product safety and inspection program.

§ 5924. Agricultural Genome Initiative

(a) Goals

The goals of this section are—

(1) to expand the knowledge of public and private sector entities and persons concerning genomes for species of importance to the food and agriculture sectors in order to maximize the return on the investment in genomics of agriculturally important species;

(2) to focus on the species that will yield scientifically important results that will enhance the usefulness of many agriculturally important species;

(3) to build on genomic research, such as the Human Genome Initiative and the Arabidopsis Genome Project, to understand gene structure and function that is expected to have considerable payoffs in agriculturally important species;

(4) to develop improved bioinformatics to enhance both sequence or structure determination and analysis of the biological function of genes and gene products;

(5) to encourage Federal Government participants to maximize the utility of public and private partnerships for agricultural genome research;

(6) to allow resources developed under this section, including data, software, germplasm, and other biological materials, to be openly accessible to all persons, subject to any confidentiality requirements imposed by law; and

(7) to encourage international partnerships with each partner country responsible for fi-

nancing its own strategy for agricultural genome research.

(b) Duties of Secretary

The Secretary of Agriculture (referred to in this section as the “Secretary”) shall conduct a research initiative (to be known as the “Agricultural Genome Initiative”) for the purpose of—

(1) studying and mapping agriculturally significant genes to achieve sustainable and secure agricultural production;

(2) ensuring that current gaps in existing agricultural genetics knowledge are filled;

(3) identifying and developing a functional understanding of genes responsible for economically important traits in agriculturally important species, including emerging plant and animal diseases causing economic hardship;

(4) ensuring future genetic improvement of agriculturally important species;

(5) supporting preservation of diverse germplasm;

(6) ensuring preservation of biodiversity to maintain access to genes that may be of importance in the future; and

(7) otherwise carrying out this section.

(c) Grants and cooperative agreements

(1) Authority

The Secretary may make grants or enter into cooperative agreements with individuals and organizations in accordance with section 3318 of this title.

(2) Competitive basis

A grant or cooperative agreement under this subsection shall be made or entered into on a competitive basis.

(d) Administration

Paragraphs (1), (6), (7), and (11) of subsection (b) of section 450i of this title shall apply with respect to the making of a grant or cooperative agreement under this section.

(e) Matching of funds

(1) General requirement

If a grant or cooperative agreement under this section provides a particular benefit to a specific agricultural commodity, the Secretary shall require the recipient to provide funds or in-kind support to match the amount of funds provided by the Secretary under the grant or cooperative agreement.

(2) Waiver

The Secretary may waive the matching funds requirement of paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the recipient is unable to satisfy the matching funds requirement.

(f) Consultation with National Academy of Sciences

The Secretary may use funds made available under this section to consult with the National

Academy of Sciences regarding the administration of the Agricultural Genome Initiative.

(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; Pub. L. 104-127, title VIII, §835, Apr. 4, 1996, 110 Stat. 1169; Pub. L. 105-185, title II, §241, June 23, 1998, 112 Stat. 547.)

AMENDMENTS

1998—Pub. L. 105-185 amended section catchline and text generally, substituting present provisions for provisions which in subsec. (a) required plant genome mapping program, in subsec. (b) authorized competitive grants for research projects, in subsec. (c) described research areas for projects, in subsec. (d) set forth deadline for submission of plan for awarding grants, in subsec. (e) directed coordination of section activities with certain related activities, in subsec. (f) required protection of proprietary interests when considered to be appropriate, and in subsec. (g) authorized appropriations for fiscal years 1996 and 1997 to carry out this section.

1996—Subsec. (g). Pub. L. 104-127 inserted “for fiscal years 1996 and 1997” after “appropriated”.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450i of this title.

§ 5925. High-priority research and extension initiatives

(a) Competitive specialized research and extension grants authorized

The Secretary of Agriculture (referred to in this section as the “Secretary”) may make competitive grants to support research and extension activities specified in subsections (e), (f), and (g) of this section. The Secretary shall make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

(b) Administration

(1) In general

Except as otherwise provided in this section, paragraphs (1), (6), (7), and (11) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

(2) Use of task forces

To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e) of this section, the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with each task force established under this paragraph.

(c) Matching funds required

(1) In general

The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

(2) Waiver authority

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(d) Partnerships encouraged

Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

(e) High-priority research and extension areas

(1) Brown citrus aphid and citrus tristeza virus research and extension

Research and extension grants may be made under this section for the purpose of—

(A) developing methods to control or eradicate the brown citrus aphid and the citrus tristeza virus from citrus crops grown in the United States; or

(B) adapting citrus crops grown in the United States to the brown citrus aphid and the citrus tristeza virus.

(2) Ethanol research and extension

Research and extension grants may be made under this section for the purpose of carrying out or enhancing research on ethanol derived from agricultural crops as an alternative fuel source.

(3) Aflatoxin research and extension

Research and extension grants may be made under this section for the purpose of identifying and controlling aflatoxin in the food and feed chains.

(4) Mesquite research and extension

Research and extension grants may be made under this section for the purpose of developing enhanced production methods and commercial uses of mesquite.

(5) Prickly pear research and extension

Research and extension grants may be made under this section for the purpose of investigating enhanced genetic selection and processing techniques of prickly pears.

(6) Deer tick ecology research and extension

Research and extension grants may be made under this section for the purpose of studying the population ecology of deer ticks and other insects and pests that transmit Lyme disease.

(7) Red meat safety research and extension

Research and extension grants may be made under this section for the purpose of developing—

(A) intervention strategies that reduce microbial contamination on carcass surfaces;

(B) microbiological mapping of carcass surfaces; and

(C) model hazard analysis and critical control point plans.

(8) Grain sorghum ergot research and extension

Research and extension grants may be made under this section for the purpose of developing techniques for the eradication of sorghum ergot.

(9) Peanut market enhancement research and extension

Research and extension grants may be made under this section for the purpose of evaluating the economics of applying innovative technologies for peanut processing in a commercial environment.

(10) Dairy financial risk management research and extension

Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding risk management strategies for dairy producers and for dairy cooperatives and other processors and marketers of milk.

(11) Cotton research and extension

Research and extension grants may be made under this section for the purpose of improving pest management, fiber quality enhancement, economic assessment, textile production, and optimized production systems for short staple cotton.

(12) Methyl bromide research and extension

Research and extension grants may be made under this section for the purpose of—

(A) developing and evaluating chemical and nonchemical alternatives, and use and emission reduction strategies, for pre-planting and post-harvest uses of methyl bromide; and

(B) transferring the results of the research for use by agricultural producers.

(13) Potato research and extension

Research and extension grants may be made under this section for the purpose of developing and evaluating new strains of potatoes that are resistant to blight and other diseases, as well as insects. Emphasis may be placed on developing potato varieties that lend themselves to innovative marketing approaches.

(14) Wood use research and extension

Research and extension grants may be made under this section for the purpose of developing new uses for wood from underused tree species as well as investigating methods of modifying wood and wood fibers to produce better building materials.

(15) Low-bush blueberry research and extension

Research and extension grants may be made under this section for the purpose of evaluating methods of propagating and developing low-bush blueberry as a marketable crop.

(16) Wetlands use research and extension

Research and extension grants may be made under this section for the purpose of better use

of wetlands in diverse ways to provide various economic, agricultural, and environmental benefits.

(17) Wild pampas grass control, management, and eradication research and extension

Research and extension grants may be made under this section for the purpose of control, management, and eradication of wild pampas grass.

(18) Food safety, including pathogen detection and limitation, research and extension

Research and extension grants may be made under this section for the purpose of increasing food safety, including the identification of advanced detection and processing methods to limit the presence of pathogens (including hepatitis A and E. coli 0157:H7) in domestic and imported foods.

(19) Financial risk management research and extension

Research and extension grants may be made under this section for the purpose of providing research, development, or education materials, information, and outreach programs regarding financial risk management strategies for agricultural producers and for cooperatives and other processors and marketers of any agricultural commodity.

(20) Ornamental tropical fish research and extension

Research and extension grants may be made under this section for the purpose of meeting the needs of commercial producers of ornamental tropical fish and aquatic plants for improvements in the areas of fish reproduction, health, nutrition, predator control, water use, water quality control, and farming technology.

(21) Sheep scrapie research and extension

Research and extension grants may be made under this section for the purpose of investigating the genetic aspects of scrapie in sheep.

(22) Gypsy moth research and extension

Research and extension grants may be made under this section for the purpose of developing biological control, management, and eradication methods against nonnative insects, including *Lymantria dispar* (commonly known as the “gypsy moth”), that contribute to significant agricultural, economic, or environmental harm.

(23) Forestry research and extension

Research and extension grants may be made under this section to develop and distribute new, high-quality, science-based information for the purpose of improving the long-term productivity of forest resources and contributing to forest-based economic development by addressing such issues as—

(A) forest land use policies;

(B) multiple-use forest management, including wildlife habitat development, improved forest regeneration systems, and timber supply; and

(C) improved development, manufacturing, and marketing of forest products.

(24) Tomato spotted wilt virus research and extension

Research and extension grants may be made under this section for the purpose of control, management, and eradication of tomato spotted wilt virus.

(f) Imported fire ant control, management, and eradication**(1) Task force**

The Secretary shall establish a task force pursuant to subsection (b)(2) of this section regarding the control, management, and eradication of imported fire ants. The Secretary shall solicit and evaluate grant proposals under this subsection in consultation with the task force.

(2) Initial grants**(A) Request for proposals**

The Secretary shall publish a request for proposals for grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants.

(B) Selection

Not later than 1 year after the date of publication of the request for proposals, the Secretary shall evaluate the grant proposals submitted in response to the request and may select meritorious research or demonstration projects related to the control, management, and possible eradication of imported fire ants to receive an initial grant under this subsection.

(3) Subsequent grants**(A) Evaluation of initial grants**

If the Secretary awards grants under paragraph (2)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for their use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

(B) Selection

On the basis of the evaluation under subparagraph (A), the Secretary may select the projects that the Secretary considers most promising for additional research or demonstration related to preparation of a national plan for the control, management, and possible eradication of imported fire ants. The Secretary shall notify the task force of the projects selected under this subparagraph.

(4) Selection and submission of national plan**(A) Evaluation of subsequent grants**

If the Secretary awards grants under paragraph (3)(B), the Secretary shall evaluate all of the research or demonstration projects conducted under the grants for use as the basis of a national plan for the control, management, and possible eradication of imported fire ants by the Federal Government, State and local governments, and owners and operators of land.

(B) Selection

On the basis of the evaluation under subparagraph (A), the Secretary shall select 1 project funded under paragraph (3)(B), or a combination of those projects, for award of a grant for final preparation of the national plan.

(C) Submission

The Secretary shall submit to Congress the final national plan prepared under subparagraph (B) for the control, management, and possible eradication of imported fire ants.

(g) Formosan termite research and eradication**(1) Research program**

The Secretary may make competitive research grants under this subsection to regional and multijurisdictional entities, local government planning organizations, and local governments for the purpose of conducting research for the control, management, and possible eradication of Formosan termites in the United States.

(2) Eradication program

The Secretary may enter into cooperative agreements with regional and multijurisdictional entities, local government planning organizations, and local governments for the purposes of—

- (A) conducting projects for the control, management, and possible eradication of Formosan termites in the United States; and
- (B) collecting data on the effectiveness of the projects.

(3) Funding priority

In allocating funds made available to carry out paragraph (2), the Secretary shall provide a higher priority for regions or locations with the highest historical rates of infestation of Formosan termites.

(4) Management coordination

The program management of research grants, cooperative agreements, and projects under this subsection shall be conducted under existing authority in coordination with the national formosan¹ termite management and research demonstration program conducted by the Agricultural Research Service.

(h) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

(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; Pub. L. 104-127, title VIII, §§836, 863, 888, Apr. 4, 1996, 110 Stat. 1169, 1174, 1180; Pub. L. 105-185, title II, §242, June 23, 1998, 112 Stat. 549.)

AMENDMENTS

1998—Pub. L. 105-185 amended section catchline and text generally, substituting present provisions for provisions which in subsecs. (a) to (f) which authorized specialized research programs relating to, respectively,

¹ So in original. Probably should be capitalized.

brown citrus aphid and citrus tristeza virus, ethanol, aflatoxin, mesquite, prickly pear, and deer tick ecology and related research, and for provisions in subsec. (g) subjecting research to peer review, setting limitation on use of funds, and providing for general eligibility to participate in programs.

1996—Subsec. (a). Pub. L. 104-127, §§863(1), 888, added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “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.”

Subsecs. (d)(4), (e)(4). Pub. L. 104-127, §836, substituted “1997” for “1995”.

Subsec. (f). Pub. L. 104-127, §863, redesignated subsec. (i) as (f) and struck out heading and text of former subsec. (f). Text read as follows:

“(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.”

Subsec. (g). Pub. L. 104-127, §863, redesignated subsec. (k) as (g) and struck out heading and text of former subsec. (g). Text read as follows: “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.”

Subsec. (h). Pub. L. 104-127, §863(1), struck out subsec. (h) which provided that Secretary of Agriculture may establish and carry out a program to conduct research on disease of scrapie in sheep and goats.

Subsec. (i). Pub. L. 104-127, §§836, 863(2), redesignated subsec. (i) as (f) and substituted “1997” for “1995”.

Subsec. (j). Pub. L. 104-127, §863(1), struck out heading and text of subsec. (j). Text read as follows: “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.”

Subsec. (k). Pub. L. 104-127, §863(2), redesignated subsec. (k) as (g).

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”.

§ 5925a. Nutrient management research and extension initiative

(a) Competitive research and extension grants authorized

The Secretary of Agriculture (referred to in this section as the “Secretary”) may make competitive grants to support research and extension activities specified in subsection (e) of this section. The Secretary shall make the grants in

consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board.

(b) Administration

(1) In general

Paragraphs (1), (6), (7), and (11) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

(2) Use of task forces

To facilitate the making of research and extension grants under this section in the research and extension areas specified in subsection (e) of this section, the Secretary may appoint a task force for each such area to make recommendations to the Secretary. The Secretary may not incur costs in excess of \$1,000 for any fiscal year in connection with each task force established under this paragraph.

(c) Matching funds required

(1) In general

The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

(2) Waiver authority

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

(A) the results of the project, while of particular benefit to a specific agricultural commodity, are likely to be applicable to agricultural commodities generally; or

(B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(d) Partnerships encouraged

Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

(e) Nutrient management research and extension areas

(1) Animal waste and odor management

Research and extension grants may be made under this section for the purpose of—

(A) identifying, evaluating, and demonstrating innovative technologies for animal waste management and related air quality management and odor control;

(B) investigating the unique microbiology of specific animal wastes, such as swine waste, to develop improved methods to effectively manage air and water quality; and

(C) conducting information workshops to disseminate the results of the research.

(2) Water quality and aquatic ecosystems

Research and extension grants may be made under this section for the purpose of inves-

tigating the impact on aquatic food webs, especially commercially important aquatic species and their habitats, of microorganisms of the genus *Pfiesteria* and other microorganisms that are a threat to human or animal health.

(3) Rural and urban interface

Research and extension grants may be made under this section for the purpose of identifying, evaluating, and demonstrating innovative technologies to be used for animal waste management (including odor control) in rural areas adjacent to urban or suburban areas in connection with waste management activities undertaken in urban or suburban areas.

(4) Animal feed

Research and extension grants may be made under this section for the purpose of maximizing nutrition management for livestock, while limiting risks, such as mineral bypass, associated with livestock feeding practices.

(5) Alternative uses of animal waste

Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies for economic use or disposal of animal waste.

(g)¹ Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

(Pub. L. 101-624, title XVI, §1672A, as added Pub. L. 105-185, title II, §243, June 23, 1998, 112 Stat. 554.)

§ 5925b. Organic agriculture research and extension initiative

(a) Competitive specialized research and extension grants authorized

In consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, the Secretary of Agriculture (referred to in this section as the “Secretary”) may make competitive grants to support research and extension activities regarding organically grown and processed agricultural commodities for the purposes of—

- (1) facilitating the development of organic agriculture production and processing methods;
- (2) evaluating the potential economic benefits to producers and processors who use organic methods; and
- (3) exploring international trade opportunities for organically grown and processed agricultural commodities.

(b) Grant types and process, prohibition on construction

Paragraphs (1), (6), (7), and (11) of subsection (b) of section 450i of this title shall apply with respect to the making of grants under this section.

(c) Matching funds required

(1) In general

The Secretary shall require the recipient of a grant under this section to provide funds or

in-kind support from non-Federal sources in an amount at least equal to the amount provided by the Federal Government.

(2) Waiver authority

The Secretary may waive the matching funds requirement specified in paragraph (1) with respect to a research project if the Secretary determines that—

- (A) the results of the project, while of particular benefit to a specified agricultural commodity, are likely to be applicable to agricultural commodities generally; or
- (B) the project involves a minor commodity, the project deals with scientifically important research, and the grant recipient is unable to satisfy the matching funds requirement.

(d) Partnerships encouraged

Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals, found in the peer review process to be scientifically meritorious, that involve the cooperation of multiple entities.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1999 through 2002.

(Pub. L. 101-624, title XVI, §1672B, as added Pub. L. 105-185, title II, §244, June 23, 1998, 112 Stat. 555.)

§ 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

¹ So in original. No subsec. (f) has been enacted.

(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) A*DEC.—The term “A*DEC” means the distance education consortium known as A*DEC.

(2) 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.

(3) 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.

(4) The term “delivery” means the transmission and reception of programs by facilities that transmit, receive, or carry data between telecommunications terminal equipment at each end of a telecommunications circuit or path.

(5) 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.

(6) 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.

(7) SECRETARY.—Except as provided in subsection (d)(1) of this section, the term “Secretary” means the Secretary of Agriculture, acting through A*DEC.

(d) Authorization of assistance to eligible institutions

(1) The Secretary of Agriculture shall establish a program, to be administered through a grant provided to A*DEC under terms and conditions established by the Secretary of Agriculture, 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 objec-

tives 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 A*DEC. 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 2002.

(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; Pub. L. 104-127, title VIII, §837, Apr. 4, 1996, 110 Stat. 1169; Pub. L. 105-185, title II, §245, title III, §301(b)(2), June 23, 1998, 112 Stat. 556, 563.)

AMENDMENTS

1998—Subsec. (c)(1) to (7). Pub. L. 105-185, §245(1), added pars. (1) and (7) and redesignated former pars. (1) to (5) as (2) to (6), respectively.

Subsec. (d)(1). Pub. L. 105-185, §245(2), substituted “The Secretary of Agriculture shall establish a program, to be administered through a grant provided to A*DEC under terms and conditions established by the Secretary of Agriculture,” for “The Secretary shall establish a program, to be administered by the Assistant Secretary for Science and Education.”

Subsec. (f)(2). Pub. L. 105-185, §245(3), substituted “A*DEC” for “the Assistant Secretary for Science and Education” in first sentence.

Subsec. (h). Pub. L. 105-185, §301(b)(2), substituted “2002” for “1997”.

1996—Subsec. (h). Pub. L. 104-127 substituted “1997” for “1995”.

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

§ 5927. Repealed. Pub. L. 104-127, title VIII, § 864, Apr. 4, 1996, 110 Stat. 1174

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, provided for establishment of Agriculture Research Facilities Planning and Closure Study Commission.

§ 5928. Repealed. Pub. L. 105-185, title III, § 302(c), June 23, 1998, 112 Stat. 563

Section, 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; Pub. L. 104-127, title VIII, §838, Apr. 4, 1996, 110 Stat. 1169, related to national centers for agricultural product quality research.

§ 5929. Red meat safety research center

(a) Establishment of center

The Secretary of Agriculture shall award a grant, on a competitive basis, to a research facility described in subsection (b) of this section to establish a red meat safety research center.

(b) Eligible research facility described

A research facility eligible for a grant under subsection (a) of this section is a research facility that—

- (1) is part of a land-grant college or university, or other federally supported agricultural research facility, located in close proximity to a livestock slaughter and processing facility; and

- (2) is staffed by professionals with a wide diversity of scientific expertise covering all aspects of meat science.

(c) Research conducted

The red meat safety research center established under subsection (a) of this section shall carry out research related to general food safety, including—

- (1) the development of intervention strategies that reduce microbiological contamination of carcass surfaces;
- (2) research regarding microbiological mapping of carcass surfaces; and

- (3) the development of model hazard analysis and critical control point plans.

(d) Administration of funds

The Secretary of Agriculture shall administer funds appropriated to carry out this section.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary for fiscal year 1997 to carry out this section.

(Pub. L. 101-624, title XVI, §1676, Nov. 28, 1990, 104 Stat. 3779; Pub. L. 104-127, title VIII, §839, Apr. 4, 1996, 110 Stat. 1169.)

AMENDMENTS

1996—Pub. L. 104-127 substituted “Red meat safety research center” for “Turkey Research Center” in section catchline and amended text generally. Prior to amendment, text read as follows: “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.”

§ 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) Reduced regulatory burden

On a determination by the Secretary of Agriculture that a program carried out under this section has been satisfactorily administered for not less than 2 years, the Secretary shall implement a reduced reapplication process for the continued operation of the program in order to reduce regulatory burdens on participating university and tribal entities.

(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, §1677, Nov. 28, 1990, 104 Stat. 3779; Pub. L. 102-237, title IV, §407(15), Dec. 13, 1991, 105 Stat. 1865; Pub. L. 104-127, title VIII, §840, Apr. 4, 1996, 110 Stat. 1170.)

AMENDMENTS

1996—Subsecs. (f), (g). Pub. L. 104-127 added subsec. (f) and redesignated former subsec. (f) as (g).

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

Pub. L. 102-237, title IX, subtitle C, §§931-939, Dec. 13, 1991, 105 Stat. 1889, established Indian subsistence farming demonstration grant program to provide grants to any Indian tribe, or intertribal consortium, for establishment on Indian reservations of subsistence farming operations that grow fresh produce for distribution to eligible recipients, and provided for definitions, applications for assistance, training and technical assistance by Extension Service, tribal consultation, use, amount, and terms of grants, additional requirements, and authorization of appropriations through fiscal year 1995, prior to repeal by Pub. L. 104-127, title VIII, §874, Apr. 4, 1996, 110 Stat. 1175.

§§ 5931, 5932. Repealed. Pub. L. 104-127, title VIII, §§ 865, 866, Apr. 4, 1996, 110 Stat. 1174

Section 5931, 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, related to special grants to study constraints on agricultural trade.

Section 5932, Pub. L. 101-624, title XVI, §1679, Nov. 28, 1990, 104 Stat. 3780, provided for establishment of five-year pilot project to coordinate food and nutrition education programs.

§ 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 organi-

zations 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.

(b) National grant for technical assistance, training, and dissemination

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.

(c) Authorization of appropriations

(1) In general

Subject to paragraph (2), there is authorized to be appropriated to carry out this section \$6,000,000 for each of fiscal years 1999 through 2002.

(2) National grant

Not more than 15 percent of the amounts made available under paragraph (1) for a fiscal year shall be used to carry out subsection (b) of this section.

(Pub. L. 101-624, title XVI, §1680, Nov. 28, 1990, 104 Stat. 3781; Pub. L. 104-127, title VIII, §841, Apr. 4, 1996, 110 Stat. 1170; Pub. L. 105-185, title II, §246, June 23, 1998, 112 Stat. 556.)

AMENDMENTS

1998—Subsec. (a)(6). Pub. L. 105-185, §246(1), struck out heading and text of par. (6). Text read as follows: “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 1997.”

Subsec. (b). Pub. L. 105-185, §246(2), struck out par. (1) designation and heading and struck out heading and text of par. (2). Text read as follows: “There are authorized to be appropriated \$1,000,000 to carry out this subsection for each of the fiscal years 1991 through 1997.”

Subsec. (c). Pub. L. 105-185, §246(3), added subsec. (c). 1996—Subsecs. (a)(6)(B), (b)(2). Pub. L. 104-127 substituted “1997” for “1996”.

§ 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”.

§ 5935. Use of remote sensing data and other data to anticipate potential food, feed, and fiber shortages or excesses and to provide timely information to assist farmers with planting decisions

(a) Findings

Congress finds that—

(1) remote sensing data can be useful to predict impending famine problems and forest infestations in time to allow remedial action;

(2) remote sensing data can inform the agricultural community as to the condition of crops and the land that sustains those crops; and

(3) remote sensing data and other data can be valuable, when received on a timely basis, in determining the need for additional plantings of a particular crop or a substitute crop.

(b) Information development

The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration, maximizing private funding and involvement, shall provide farmers and other interested persons with timely information, through remote sensing, on crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and any other information available through remote sensing.

(c) Coordination

The Secretary of Agriculture and the Administrator of the National Aeronautics and Space Administration shall jointly develop a proposal to provide farmers and other prospective users with supply and demand information for food and fibers.

(d) Sunset

The authorities provided by this section shall expire 5 years after April 4, 1996.

(Pub. L. 104-127, title VIII, §892, Apr. 4, 1996, 110 Stat. 1183.)

CODIFICATION

Section was enacted as part of the Federal Agriculture Improvement and Reform Act of 1996, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

CHAPTER 89—PECAN PROMOTION AND RESEARCH

Sec.

6001. Findings and declaration of policy.

(a) Findings.

(b) Policy.

(c) Construction.