

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (i). Pub. L. 113-79 amended subsec. (i) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated \$20,000,000 for each fiscal year to carry out the National Training Program.”

2008—Subsec. (b). Pub. L. 110-246, § 7511(c)(17)(A), substituted “the National Institute of Food and Agriculture” for “the Extension Service” in first sentence.

Subsec. (h). Pub. L. 110-246, § 7511(c)(17)(B), substituted “National Institute of Food and Agriculture” for “Extension Service”.

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”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(17) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

SUBCHAPTER II—NATIONAL GENETIC RESOURCES PROGRAM

§ 5841. Establishment, purpose, and functions of National Genetic Resources Program**(a) In general**

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

(b) Purpose

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

(c) Administration

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

(d) Functions

The Secretary, acting through the program, shall—

- (1) provide for the collection, classification, preservation, and dissemination of genetic material of importance to the food and agriculture sectors of the United States;
- (2) conduct research on the genetic materials collected and on methods for storage and preservation of those materials;
- (3) coordinate the activities of the program with similar activities occurring domestically;
- (4) 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;”.

§ 5842. Appointment and authority of Director**(a) Director**

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

(b) Administrative authority

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

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

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

(3) may accept voluntary and uncompensated services; and

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

(c) Duties

The Director shall—

(1) advise participants on the program activities;

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

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

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

(d) Biennial reports

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

(1) a description of the activities carried out by and through the program and the policies

of the program, and such recommendations respecting such activities and policies as the Director considers to be appropriate;

(2) a description of the necessity for, and progress achieved toward providing, additional programs and activities designed to include the range of genetic resources described in section 5841(d)(5) of this title in the activities of the program; and

(3) an assessment of events and activities occurring internationally as they relate to the activities and policies of the program.

(e) Initial reports

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

(1) describing the projected needs over a 10-year period in each of the areas of genetic resources described in section 5841(d)(5) of this title, including the identification of existing components of a comprehensive program, policies and activities needed to coordinate those components, and additional elements not in existence which are required for the development of a comprehensive genetic resources program as described in such section;

(2) assessing the international efforts and activities related to the program, and their effect upon and coordination with the program; and

(3) evaluating the potential effect of various national laws, including national quarantine requirements, as well as treaties, agreements, and the activities of international organizations on the development of a comprehensive international system for the collection and maintenance of genetic resources of importance to agriculture.

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

AMENDMENTS

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

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d) of this section relating to biennial reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 49 of House Document No. 103-7.

§ 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) 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) do not all expire in the same year. A member may serve after the expiration of the member's term until a successor takes office.

(3) Reappointment

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

(4) Vacancies

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