

**§ 5937. Natural products research program****(a) In general**

The Secretary shall establish within the Department a natural products research program.

**(b) Duties**

In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

- (1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of products and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;
- (2) research to characterize the botanical sources, production, chemistry, and biological properties of plant-derived natural products; and
- (3) other research priorities identified by the Secretary.

**(c) Peer and merit review**

The Secretary shall—

- (1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 7613 of this title; and
- (2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

**(d) Buildings and facilities**

Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

**(e) Authorization of appropriations**

There are authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 110-234, title VII, §7525, May 22, 2008, 122 Stat. 1273; Pub. L. 110-246, §4(a), title VII, §7525, June 18, 2008, 122 Stat. 1664, 2035; Pub. L. 113-79, title VII, §7515, Feb. 7, 2014, 128 Stat. 903.)

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

## AMENDMENTS

2014—Subsec. (e). Pub. L. 113-79 amended subsec. (e) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.”

## EFFECTIVE DATE

Enactment 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, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

## DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

**§ 5938. Repealed. Pub. L. 113-79, title VII, §7518, Feb. 7, 2014, 128 Stat. 904**

Section, Pub. L. 110-234, title VII, §7529, May 22, 2008, 122 Stat. 1278; Pub. L. 110-246, §4(a), title VII, §7529, June 18, 2008, 122 Stat. 1664, 2040, related to agricultural and rural transportation research and education.

**§ 5939. Foundation for Food and Agriculture Research****(a) Definitions**

In this section:

**(1) Board**

The term “Board” means the Board of Directors described in subsection (e).

**(2) Department**

The term “Department” means the Department of Agriculture.

**(3) Foundation**

The term “Foundation” means the Foundation for Food and Agriculture Research established under subsection (b).

**(4) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(b) Establishment****(1) In general**

The Secretary shall establish a nonprofit corporation to be known as the “Foundation for Food and Agriculture Research”.

**(2) Status**

The Foundation shall not be an agency or instrumentality of the United States Government.

**(c) Purposes**

The purposes of the Foundation shall be—

(1) to advance the research mission of the Department by supporting agricultural research activities focused on addressing key problems of national and international significance including—

- (A) plant health, production, and plant products;
- (B) animal health, production, and products;
- (C) food safety, nutrition, and health;
- (D) renewable energy, natural resources, and the environment;
- (E) agricultural and food security;
- (F) agriculture systems and technology; and
- (G) agriculture economics and rural communities; and

(2) to foster collaboration with agricultural researchers from the Federal Government, State (as defined in section 3103 of this title) governments, institutions of higher education (as defined in section 1001 of title 20), industry, and nonprofit organizations.

**(d) Duties****(1) In general**

The Foundation shall—

- (A) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and

entities, which may include agricultural research agencies in the Department, university consortia, public-private partnerships, institutions of higher education, nonprofit organizations, and industry, to efficiently and effectively advance the goals and priorities of the Foundation;

(B) in consultation with the Secretary—

(i) identify existing and proposed Federal intramural and extramural research and development programs relating to the purposes of the Foundation described in subsection (c); and

(ii) coordinate Foundation activities with those programs so as to minimize duplication of existing efforts and to avoid conflicts;

(C) identify unmet and emerging agricultural research needs after reviewing the roadmap for agricultural research, education, and extension authorized by section 7614a of this title;

(D) facilitate technology transfer and release of information and data gathered from the activities of the Foundation to the agricultural research community;

(E) promote and encourage the development of the next generation of agricultural research scientists; and

(F) carry out such other activities as the Board determines to be consistent with the purposes of the Foundation.

**(2) Relationship to other activities**

The activities described in paragraph (1) shall be supplemental to any other activities at the Department and shall not preempt any authority or responsibility of the Department under another provision of law.

**(e) Board of Directors**

**(1) Establishment**

The Foundation shall be governed by a Board of Directors.

**(2) Composition**

**(A) In general**

The Board shall be composed of appointed and ex-officio, nonvoting members.

**(B) Ex-officio members**

The ex-officio members of the Board shall be the following individuals or designees of such individuals:

- (i) The Secretary.
- (ii) The Under Secretary of Agriculture for Research, Education, and Economics.
- (iii) The Administrator of the Agricultural Research Service.
- (iv) The Director of the National Institute of Food and Agriculture.
- (v) The Director of the National Science Foundation.

**(C) Appointed members**

**(i) In general**

The ex-officio members of the Board (as specified in subparagraph (B)) shall, by majority vote, appoint to the Board 15 individuals, of whom—

(I) 8 shall be selected from a list of candidates to be provided by the National Academy of Sciences; and

(II) 7 shall be selected from lists of candidates provided by industry.

**(ii) Requirements**

**(I) Expertise**

The ex-officio members shall ensure that a majority of the appointed members of the Board have actual experience in agricultural research and, to the extent practicable, represent diverse sectors of agriculture.

**(II) Limitation**

No employee of the Federal Government may serve as an appointed member of the Board under this subparagraph.

**(III) Not Federal employment**

Appointment to the Board under this subparagraph shall not constitute Federal employment.

**(iii) Authority**

All appointed members of the Board shall be voting members.

**(D) Chair**

The Board shall, from among the members of the Board, designate an individual to serve as Chair of the Board.

**(3) Initial meeting**

Not later than 60 days after February 7, 2014, the Secretary shall convene a meeting of the ex-officio members of the Board—

- (A) to incorporate the Foundation; and
- (B) to appoint the members of the Board in accordance with paragraph (2)(C)(i).

**(4) Duties**

**(A) In general**

The Board shall—

(i) establish bylaws for the Foundation that, at a minimum, include—

(I) policies for the selection of future Board members, officers, employees, agents, and contractors of the Foundation;

(II) policies, including ethical standards, for—

(aa) the acceptance, solicitation, and disposition of donations and grants to the Foundation; and

(bb) the disposition of assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

(III) policies that would subject all employees, fellows, trainees, and other agents of the Foundation (including members of the Board) to conflict of interest standards in the same manner as Federal employees are subject to the conflict of interest standards under section 208 of title 18;

(IV) policies for writing, editing, printing, publishing, and vending of books and other materials;

(V) policies for the conduct of the general operations of the Foundation, including a cap on administrative expenses

for recipients of a grant, contract, or cooperative agreement from the Foundation; and

(VI) specific duties for the Executive Director;

(ii) prioritize and provide overall direction for the activities of the Foundation;

(iii) evaluate the performance of the Executive Director; and

(iv) carry out any other necessary activities regarding the Foundation.

**(B) Establishment of bylaws**

In establishing bylaws under subparagraph (A)(i), the Board shall ensure that the bylaws do not—

(i) reflect unfavorably on the ability of the Foundation to carry out the duties of the Foundation in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee employed by, or involved in, a governmental agency or program.

**(5) Terms and vacancies**

**(A) Terms**

**(i) In general**

The term of each member of the Board appointed under paragraph (2)(C) shall be 5 years, except that of the members initially appointed, 8 of the members shall each be appointed for a term of 3 years and 7 of the members shall each be appointed for a term of 2 years.

**(ii) Partial terms**

If a member of the Board does not serve the full term applicable under clause (i), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

**(iii) Transition**

A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

**(B) Vacancies**

After the initial appointment of the members of the Board under paragraph (2)(C), any vacancy in the membership of the Board shall be filled as provided in the bylaws established under paragraph (4)(A)(i).

**(6) Compensation**

Members of the Board may not receive compensation for service on the Board but may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

**(7) Meetings and quorum**

A majority of the members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

**(f) Administration**

**(1) Executive Director**

**(A) In general**

The Board shall hire an Executive Director who shall carry out such duties and responsibilities as the Board may prescribe.

**(B) Service**

The Executive Director shall serve at the pleasure of the Board.

**(2) Administrative powers**

**(A) In general**

In carrying out this section, the Board, acting through the Executive Director, may—

(i) adopt, alter, and use a corporate seal, which shall be judicially noticed;

(ii) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define the duties of the officers, employees, and agents;

(iii) solicit and accept any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including such support from private entities;

(iv) prescribe the manner in which—

(I) real or personal property of the Foundation is acquired, held, and transferred;

(II) general operations of the Foundation are to be conducted; and

(III) the privileges granted to the Board by law are exercised and enjoyed;

(v) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of the department or agency in carrying out this section on a reimbursable basis;

(vi) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

(vii) hold, administer, invest, and spend any funds, gifts, grant, devise, or bequest of real or personal property made to the Foundation;

(viii) enter into such contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

(ix) modify or consent to the modification of any contract or agreement to which the Foundation is a party or in which the Foundation has an interest;

(x) take such action as may be necessary to obtain and maintain patents for and to license inventions (as defined in section 201 of title 35) developed by the Foundation, employees of the Foundation, or derived from the collaborative efforts of the Foundation;

(xi) sue and be sued in the corporate name of the Foundation, and complain and defend in courts of competent jurisdiction;

(xii) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

(xiii) exercise such other incidental powers as are necessary to carry out the duties and functions of the Foundation in accordance with this section.

**(B) Limitation**

No appointed member of the Board or officer or employee of the Foundation or of any

program established by the Foundation (other than ex-officio members of the Board) shall exercise administrative control over any Federal employee.

**(3) Records**

**(A) Audits**

The Foundation shall—

(i) provide for annual audits of the financial condition of the Foundation; and

(ii) make the audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

**(B) Reports**

**(i) Annual report on Foundation**

**(I) In general**

Not later than 5 months following the end of each fiscal year, the Foundation shall publish a report for the preceding fiscal year that includes—

(aa) a description of Foundation activities, including accomplishments; and

(bb) a comprehensive statement of the operations and financial condition of the Foundation.

**(II) Financial condition**

Each report under subclause (I) shall include a description of all gifts, grants, devises, or bequests to the Foundation of real or personal property or money, which shall include—

(aa) the source of the gifts, grants, devises, or bequests; and

(bb) any restrictions on the purposes for which the gift, grant, devise, or bequest may be used.

**(III) Availability**

The Foundation shall—

(aa) make copies of each report submitted under subclause (I) available for public inspection; and

(bb) on request, provide a copy of the report to any individual.

**(IV) Public meeting**

The Board shall hold an annual public meeting to summarize the activities of the Foundation.

**(ii) Grant reporting**

Any recipient of a grant under subsection (d)(1)(A) shall provide the Foundation with a report at the conclusion of any research or studies conducted that describes the results of the research or studies, including any data generated.

**(4) Integrity**

**(A) In general**

To ensure integrity in the operations of the Foundation, the Board shall develop and enforce procedures relating to standards of conduct, financial disclosure statements, conflicts of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

**(B) Financial conflicts of interest**

Any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(i) the individual;

(ii) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)) of that individual; or

(iii) a business organization or other entity in which the individual has an interest, including an organization or other entity with which the individual is negotiating employment.

**(5) Intellectual property**

The Board shall adopt written standards to govern the ownership and licensing of any intellectual property rights derived from the collaborative efforts of the Foundation.

**(6) Liability**

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

**(g) Funds**

**(1) Mandatory funding**

**(A) In general**

On February 7, 2014, of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Foundation to carry out this section \$200,000,000, to remain available until expended under the conditions described in subparagraph (B).

**(B) Conditions on expenditure**

The Foundation may use the funds made available under subparagraph (A) to carry out the purposes of the Foundation only to the extent that the Foundation secures an equal amount of non-Federal matching funds for each expenditure.

**(C) Prohibition on construction**

None of the funds made available under subparagraph (A) may be used for construction.

**(2) Separation of funds**

The Executive Director shall ensure that any funds received under paragraph (1) are held in separate accounts from funds received from nongovernmental entities as described in subsection (f)(2)(A)(iii).

(Pub. L. 113-79, title VII, § 7601, Feb. 7, 2014, 128 Stat. 904.)

REFERENCES IN TEXT

Section 109 of the Ethics in Government Act of 1978, referred to in subsec. (f)(4)(B)(ii), is section 109 of Pub. L. 95-521, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

**§ 5940. Legitimacy of industrial hemp research**

**(a) In general**

Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, or any other Federal law, an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if—

- (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

**(b) Definitions**

In this section:

**(1) Agricultural pilot program**

The term “agricultural pilot program” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

(A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and

(B) in a manner that—

- (i) ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;
- (ii) requires that sites used for growing or cultivating industrial hemp in a State be certified by, and registered with, the State department of agriculture; and
- (iii) authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.

**(2) Industrial hemp**

The term “industrial hemp” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

**(3) State department of agriculture**

The term “State department of agriculture” means the agency, commission, or department of a State government responsible for agriculture within the State.

(Pub. L. 113-79, title VII, §7606, Feb. 7, 2014, 128 Stat. 912; Pub. L. 114-95, title IX, §9215(f), Dec. 10, 2015, 129 Stat. 2166.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-95 struck out “the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.)” before “chapter 81” in introductory provisions.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

**CHAPTER 89—PECAN PROMOTION AND RESEARCH**

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**§ 6001. Findings and declaration of policy**

**(a) Findings**

Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.