

1985—Pars. (11), (12). Pub. L. 99-198 added pars. (11) and (12) and struck out former par. (11) which required the Secretary to “take the initiative in overcoming barriers to long-range planning by developing, in conjunction with the States, State cooperative institutions, the Joint Council, the Advisory Board, and other appropriate institutions, a long-term needs assessment for food, fiber, and forest products, and by determining the research requirements necessary to meet the identified needs.”

1981—Par. (1). Pub. L. 97-98, §1405(1), substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare”.

Par. (5). Pub. L. 97-98, §1405(2), substituted “and appropriate advisory” for “and other appropriate advisory”.

Par. (6). Pub. L. 97-98, §1405(3), inserted “or proposed”.

Pars. (10), (11). Pub. L. 97-98, §1405(4)–(6), added pars. (10) and (11).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

§ 3122. Repealed. Pub. L. 104-127, title VIII, § 852(a), Apr. 4, 1996, 110 Stat. 1171

Section, Pub. L. 95-113, title XIV, §1407, Sept. 29, 1977, 91 Stat. 986; Pub. L. 97-98, title XIV, §1407, Dec. 22, 1981, 95 Stat. 1299; Pub. L. 99-198, title XIV, §1405, Dec. 23, 1985, 99 Stat. 1545; Pub. L. 101-624, title XVI, §1604(a), Nov. 28, 1990, 104 Stat. 3706; Pub. L. 102-237, title IV, §§ 402(1), 407(1), Dec. 13, 1991, 105 Stat. 1863, 1864; Pub. L. 104-66, title I, §1012(d), (e), Dec. 21, 1995, 109 Stat. 712, related to establishment of Joint Council on Food and Agricultural Sciences.

§ 3123. National Agricultural Research, Extension, Education, and Economics Advisory Board

(a) Establishment

The Secretary shall establish within the Department of Agriculture a board to be known as the “National Agricultural Research, Extension, Education, and Economics Advisory Board”.

(b) Membership

(1) In general

The Advisory Board shall consist of 15 members, appointed by the Secretary.

(2) Selection of members

The Secretary shall appoint members of the Advisory Board from nominations submitted by organizations, associations, societies, councils, federations, groups, and companies fitting the criteria specified in paragraph (3).

(3) Membership categories

The Advisory Board shall consist of members from each of the following categories:

(A) 3 members representing national farm or producer organizations, which may include members—

- (i) representing farm cooperatives;
- (ii) who are producers actively engaged in the production of a food animal commodity and who are recommended by a coalition of national livestock organizations;

(iii) who are producers actively engaged in the production of a plant commodity and who are recommended by a coalition of national crop organizations; or

(iv) who are producers actively engaged in aquaculture and who are recommended by a coalition of national aquacultural organizations.

(B) 2 members representing academic or research societies, which may include members representing—

(i) a national food animal science society;

(ii) a national crop, soil, agronomy, horticulture, plant pathology, or weed science society;

(iii) a national food science organization;

(iv) a national human health association; or

(v) a national nutritional science society.

(C) 5 members representing agricultural research, extension, and education, which shall include each of the following:

(i) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

(ii) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

(iii) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)).

(iv) 1 member representing NLGCA Institutions or Hispanic-serving institutions.

(v) 1 member representing American colleges of veterinary medicine.

(D) 5 members representing industry, consumer, or rural interests, including members representing—

(i) entities engaged in transportation of food and agricultural products to domestic and foreign markets;

(ii) food retailing and marketing interests;

(iii) food and fiber processors;

(iv) rural economic development interests;

(v) a national consumer interest group;

(vi) a national forestry group;

(vii) a national conservation or natural resource group;

(viii) a national social science association;

(ix) private sector organizations involved in international development; or

(x) a national association of agricultural economists.

(4) Ex officio members

The Secretary, the Under Secretary of Agriculture for Research, Education, and Economics, the Administrator of the Agricultural Research Service, the Director of the National Institute of Food and Agriculture, the Admin-

istrator of the Economic Research Service, and the Administrator of the National Agricultural Statistics Service shall serve as ex officio members of the Advisory Board.

(5) Officers

At the first meeting of the Advisory Board each year, the members shall elect from among the members of the Advisory Board a chairperson, vice chairperson, and 7 additional members to serve on the executive committee established under paragraph (6).

(6) Executive committee

The Advisory Board shall establish an executive committee charged with the responsibility of working with the Secretary and officers and employees of the Department of Agriculture to summarize and disseminate the recommendations of the Advisory Board.

(7) Equal representation of public and private sector members

In appointing members to serve on the Advisory Board, the Secretary shall ensure, to the maximum extent practicable, equal representation of public and private sector members.

(c) Duties

The Advisory Board shall—

(1) make recommendations, review, and provide consultation to the Secretary, land-grant colleges and universities, and the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate on—

(A) long-term and short-term national policies and priorities consistent with the—

(i) purposes specified in section 3101 of this title for agricultural research, extension, education, and economics; and

(ii) priority areas of the Agriculture and Food Research Initiative specified in subsection (b)(2) of section 3157 of this title;

(B) the annual establishment of national priorities that are in accordance with the priority areas of the Agriculture and Food Research Initiative specified in subsection (b)(2) of section 3157 of this title.

(2) evaluate the results and effectiveness of agricultural research, extension, education, and economics with respect to the policies and priorities and make recommendations to the Secretary based on such evaluation;

(3) review and make recommendations to the Under Secretary of Agriculture for Research, Education, and Economics on the research, extension, education, and economics portion of the draft strategic plan required under section 306 of title 5;

(4) review and make recommendations on the mechanisms of the Department of Agriculture for technology assessment (which should be conducted by qualified professionals) for the purposes of—

(A) performance measurement and evaluation of the implementation by the Secretary of the strategic plan required under section 306 of title 5;

(B) implementation of national research policies and priorities that are consistent with the purposes specified in section 3101 of this title; and

(C) the development of mechanisms for the assessment of emerging public and private agricultural research and technology transfer initiatives; and

(5) consult with industry groups on agricultural research, extension, education, and economics, and make recommendations to the Secretary based on that consultation.

(d) Consultation

(1) Duties of Advisory Board

In carrying out this section, the Advisory Board shall consult with any appropriate agencies of the Department of Agriculture and solicit opinions and recommendations from persons who will benefit from and use federally funded agricultural research, extension, education, and economics.

(2) Duties of Secretary

To comply with a provision of this chapter or any other law that requires the Secretary to consult or cooperate with the Advisory Board or that authorizes the Advisory Board to submit recommendations to the Secretary, the Secretary shall—

(A) solicit the written opinions and recommendations of the Advisory Board; and

(B) provide a written response to the Advisory Board regarding the manner and extent to which the Secretary will implement recommendations submitted by the Advisory Board.

(e) Appointment

A member of the Advisory Board shall be appointed by the Secretary for a term of up to 3 years. The members of the Advisory Board shall be appointed to serve staggered terms.

(f) Federal Advisory Committee Act

The Advisory Board shall be deemed to have filed a charter for the purpose of section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

(g) Annual limitation on Advisory Board expenses

(1) Maximum amount

Not more than \$500,000 may be used to cover the necessary expenses of the Advisory Board for each fiscal year.

(2) General limitation

The expenses of the Advisory Board shall not be counted toward any general limitation on the expenses of advisory committees, panels, commissions, and task forces of the Department of Agriculture contained in any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after June 23, 1998, unless the appropriation Act specifically refers to this subsection and specifically includes this Advisory Board within the general limitation.

(h) Termination

The Advisory Board shall remain in existence until September 30, 2023.

(Pub. L. 95–113, title XIV, §1408, Sept. 29, 1977, 91 Stat. 988; Pub. L. 97–98, title XIV, §1408, Dec. 22, 1981, 95 Stat. 1300; Pub. L. 99–198, title XIV, §1406, Dec. 23, 1985, 99 Stat. 1545; Pub. L. 101–624, title XVI, §1604(b), Nov. 28, 1990, 104 Stat. 3709; Pub. L. 102–237, title IV, §402(2), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104–66, title I, §§1011(t), 1012(f), Dec. 21, 1995, 109 Stat. 710, 712; Pub. L. 104–127, title VIII, §802(a), Apr. 4, 1996, 110 Stat. 1156; Pub. L. 105–185, title II, §222, June 23, 1998, 112 Stat. 538; Pub. L. 107–171, title VII, §§7133, 7209(a), May 13, 2002, 116 Stat. 435, 444; Pub. L. 110–234, title VII, §§7102(a), 7511(c)(8), May 22, 2008, 122 Stat. 1214, 1268; Pub. L. 110–246, §4(a), title VII, §§7102(a), 7511(c)(8), June 18, 2008, 122 Stat. 1664, 1975, 2029; Pub. L. 113–79, title VII, §7102, Feb. 7, 2014, 128 Stat. 863; Pub. L. 115–334, title VII, §7103, Dec. 20, 2018, 132 Stat. 4781.)

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (b)(3)(C)(i), is act July 2, 1862, ch. 130, 12 Stat. 503, popularly known as the “Morrill Act” and also as the “First Morrill Act”, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, referred to in subsec. (b)(3)(C)(ii), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

For definition of “this chapter”, referred to in subsec. (d)(2), see note set out under section 3102 of this title.

Section 9 of the Federal Advisory Committee Act, referred to in subsec. (f), is section 9 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110–246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110–246, see section 701(a) of Pub. L. 112–240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

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

2018—Subsec. (b)(1). Pub. L. 115–334, §7103(1)(A), substituted “15” for “25”.

Subsec. (b)(3). Pub. L. 115–334, §7103(1)(B), amended par. (3) generally. Prior to amendment, par. (3) provided 25 membership categories of the Advisory Board.

Subsec. (c)(1). Pub. L. 115–334, §7103(2)(A)(i), substituted “make recommendations, review, and” for “review and” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 115–334, §7103(2)(A)(ii), added subpar. (A) and struck out former subpar. (A) which read as follows: “long-term and short-term national policies and priorities consistent with the purposes specified in section 3101 of this title for agricultural research, extension, education, and economics; and”.

Subsec. (c)(1)(B). Pub. L. 115–334, §7103(2)(A)(iii), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “the annual establishment of priorities that—

“(i) are in accordance with the purposes specified in a provision of a covered law (as defined in subsection (d) of section 3371 of this title) under which competitive grants (described in subsection (c) of such section) are awarded; and

“(ii) the Board determines are national priorities.”

Subsec. (c)(2). Pub. L. 115–334, §7103(2)(B), inserted “and make recommendations to the Secretary based on such evaluation” after “priorities”.

Subsec. (c)(4). Pub. L. 115–334, §7103(2)(C), inserted “and make recommendations on” after “review” in introductory provisions.

Subsec. (h). Pub. L. 115–334, §7103(3), substituted “2023” for “2018”.

2014—Subsec. (c)(1). Pub. L. 113–79, §7102(b)(1), substituted “Committee on Appropriations of the Senate on—” for “Committee on Appropriations of the Senate on long-term and short-term national policies and priorities, as set forth in section 3101 of this title, relating to agricultural research, extension, education, and economics;” and added subpars. (A) and (B).

Subsec. (c)(4)(B). Pub. L. 113–79, §7102(b)(3)(A), substituted “national research policies and priorities that are consistent with the purposes specified in” for “the national research policies and priorities set forth in”.

Subsec. (c)(5). Pub. L. 113–79, §7102(b)(2), (3)(B), (4), added par. (5).

Subsec. (h). Pub. L. 113–79, §7102(a), substituted “2018” for “2012”.

2008—Subsec. (b)(1). Pub. L. 110–246, §7102(a)(1)(A), substituted “25” for “31”.

Subsec. (b)(3). Pub. L. 110–246, §7102(a)(1)(B), added par. (3) and struck out former par. (3) which related to membership categories and directed that the Advisory Board consist of members from each of the categories listed in former subpars. (A) to (EE).

Subsec. (b)(4). Pub. L. 110–246, §7511(c)(8), substituted “the Director of the National Institute of Food and Agriculture” for “the Administrator of the Cooperative State Research, Education, and Extension Service”.

Subsec. (g)(1). Pub. L. 110–246, §7102(a)(2), substituted “\$500,000” for “\$350,000”.

Subsec. (h). Pub. L. 110–246, §7102(a)(3), substituted “2012” for “2007”.

2002—Subsec. (b)(1). Pub. L. 107–171, §7209(a)(1), substituted “31 members” for “30 members”.

Subsec. (b)(3)(R) to (EE). Pub. L. 107–171, §7209(a)(2), added subpar. (R) and redesignated former subpars. (R) to (DD) as (S) to (EE), respectively.

Subsec. (c)(1). Pub. L. 107–171, §7209(a)(3), substituted “Secretary, land-grant colleges and universities, and the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate” for “Secretary and land-grant colleges and universities”.

Subsec. (d)(1). Pub. L. 107–171, §7209(a)(4), inserted “consult with any appropriate agencies of the Department of Agriculture and” after “The Advisory Board shall”.

Subsec. (h). Pub. L. 107–171, §7133, substituted “2007” for “2002”.

1998—Subsec. (b)(7). Pub. L. 105–185, §222(a), added par. (7).

Subsec. (d). Pub. L. 105–185, §222(b), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsecs. (g), (h). Pub. L. 105–185, §222(c), added subsec. (g) and redesignated former subsec. (g) as (h).

1996—Pub. L. 104–127 amended section generally, substituting present provisions for provisions which estab-

lished National Agricultural Research and Extension Users Advisory Board and provided for membership, chairperson and vice-chairperson, meetings, panels of the Board, responsibilities of the Board, reports by the Board, and a report by the Secretary of Agriculture on manner in which recommendations of Board had been incorporated into programs of Department of Agriculture.

1995—Subsec. (g)(1). Pub. L. 104-66, §1012(f), inserted “may provide” before “a written report” in first sentence.

Subsec. (g)(2), (3). Pub. L. 104-66, §1011(t), redesignated par. (3) as (2) and struck out former par. (2) which required Advisory Board to submit to the President and congressional committees a report containing appraisal by Board of President’s proposed budget for food and agricultural sciences and recommendations of Secretary.

1991—Subsec. (e). Pub. L. 102-237, §402(2)(A), substituted “Government” for “government”.

Subsec. (g)(1). Pub. L. 102-237, §402(2)(B), substituted “federally” for “Federally”.

1990—Pub. L. 101-624 amended section generally, substituting present provisions for provisions which established National Agricultural Research and Extension Users Advisory Board to expire on Sept. 30, 1990, authorized membership of Board at 25 representatives, provided for selection of chairman and vice-chairman, provided for meetings at least once during each three month period, authorized establishment of panels to assist Board in meeting its responsibilities, and outlined general and specific responsibilities of Board, including the submission of reports.

1985—Subsec. (a). Pub. L. 99-198, §1406(a), substituted “1990” for “1985”.

Subsec. (f)(2)(G). Pub. L. 99-198, §1406(b), added subpar. (G).

1981—Subsec. (a). Pub. L. 97-98, §1408(a), substituted “that expires September 30, 1985” for “of five years”.

Subsec. (b). Pub. L. 97-98, §1408(b), in provision preceding par. (1) substituted “twenty-five” for “twenty-one” and inserted “to serve staggered terms” and in par. (1) substituted “eight” for “four” and “agricultural, forestry, and aquacultural products, from various geographical regions” for “agricultural commodities, forest products, and aquacultural products”.

Subsec. (f)(2)(E). Pub. L. 97-98, §1408(c)(1), substituted “July 1” for “October 1”.

Subsec. (f)(2)(F). Pub. L. 97-98, §1408(c)(2), substituted “February 20 of” for “March 1 of”.

CHANGE OF NAME

Subcommittee on Agriculture, Rural Development, and Related Agencies of the Committee on Appropriations of the Senate changed to Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations of the Senate.

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)(8) 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.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

EFFECT OF 2008 AMENDMENT ON TERMS

Pub. L. 110-234, title VII, §7102(b), May 22, 2008, 122 Stat. 1215, and Pub. L. 110-246, §4(a), title VII, §7102(b), June 18, 2008, 122 Stat. 1664, 1976, provided that: “Nothing in this section [amending this section] or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Board serving as of the date of enactment of this Act [June 18, 2008].”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

§ 3123a. Specialty crop committee

(a) Establishment

(1) In general

Not later than 90 days after December 21, 2004, the executive committee of the Advisory Board shall establish, and appoint the initial members of, a permanent specialty crops committee that will be responsible for studying the scope and effectiveness of research, extension, and economics programs affecting the specialty crop industry.

(2) Citrus disease subcommittee

(A) In general

Not later than 45 days after February 7, 2014, the Secretary shall establish within the specialty crops committee, and appoint the initial members of, a citrus disease subcommittee to carry out the responsibilities of the subcommittee described in subsection (g) in accordance with subsection (j)(3) of section 7632 of this title.

(B) Composition

The citrus disease subcommittee shall be composed of 11 members, each of whom is a domestic producer of citrus in a State, represented as follows:

- (i) Five of such members shall represent Arizona or California.
- (ii) Five of such members shall represent Florida.
- (iii) One of such members shall represent Texas.

(C) Membership

The Secretary may appoint individuals who are not members of the specialty crops committee or the Advisory Board established under section 3123 of this title as members of the citrus disease subcommittee¹

(D) Termination

The subcommittee established under subparagraph (A) shall terminate on September 30, 2023.

(E) Federal Advisory Committee Act

The subcommittee established under subparagraph (A) shall be covered by the exemption to section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.) applicable to the Advisory Board under section 3123(f) of this title.

¹ So in original. Probably should be followed by a period.