

which could supply critical agricultural materials; and

(j) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

(Pub. L. 95-592, §9, Nov. 4, 1978, 92 Stat. 2532; Pub. L. 98-284, §9, May 16, 1984, 98 Stat. 183.)

#### REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act (Public Law 93-638, 25 U.S.C. 450), referred to in cl. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians, prior to editorial reclassification as chapter 46 (§5301 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

#### AMENDMENTS

1984—Cl. (h). Pub. L. 98-284, §9(1), inserted “or the culture of other native agricultural crops which could supply critical agricultural materials”.

Cl. (i). Pub. L. 98-284, §9(2), inserted “or the technology of other native agricultural crops which could supply critical agricultural materials”.

#### § 178h. Powers of Secretary of Commerce

In carrying out the provisions of this subchapter, the Secretary of Commerce is authorized to—

(a) make grants to States, education institutions, scientific organizations, and Indian tribes as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 25 U.S.C. 450),<sup>1</sup> and enter into contracts with such institutions and organizations and with industrial or engineering firms;

(b) acquire the services of biologists, agronomists, foresters, geneticists, engineers, economists, and other personnel having expertise in native agricultural crops which could supply critical agricultural materials by contract or otherwise;

(c) utilize the facilities of Federal and State institutions and other scientific laboratories;

(d) establish and operate necessary facilities and pilot plants to carry out the continuous research, testing, development, and programing necessary to effectuate the purposes of this section;

(e) acquire secret processes, technical data, invention, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation; and

(f) foster and participate in regional, national, and international conferences relating to the activities authorized by this subchapter.

(Pub. L. 95-592, §10, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, §10, May 16, 1984, 98 Stat. 184.)

#### REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act (Public Law 93-638, 25 U.S.C. 450), referred to in cl. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203,

<sup>1</sup> See References in Text note below.

which was classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians, prior to editorial reclassification as chapter 46 (§5301 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 25 and Tables.

#### AMENDMENTS

1984—Pub. L. 98-284, §10(1), (2), in provisions preceding cl. (a) substituted “this subchapter” for “this section” and struck out “, acting through the Regional Commissions or otherwise,” after “the Secretary of Commerce”.

Cl. (b). Pub. L. 98-284, §10(3), inserted “having expertise in native agricultural crops which could supply critical agricultural materials”.

Cl. (f). Pub. L. 98-284, §10(4), substituted “the activities authorized by this subchapter” for “natural rubber manufacture”.

#### § 178i. Coordination of activities with Federal agencies

In carrying out the provisions of this subchapter, the Secretaries and the Joint Commission shall cooperate with each other in the conduct of their activities under this subchapter, and shall ensure that their activities under this subchapter are closely coordinated with the activities of other Federal agencies such as the Department of the Interior, National Science Foundation, Bureau of Indian Affairs, Department of Energy, Department of State, Department of Defense, Treasury Department, Federal Emergency Management Agency, and others, in order to prevent duplication of effort, ensure compatibility with ongoing programs and policies, and to fully exploit the opportunities inherent in the culture and manufacture of native latex.

(Pub. L. 95-592, §11, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, §11, May 16, 1984, 98 Stat. 184; Pub. L. 102-237, title X, §1005(2), Dec. 13, 1991, 105 Stat. 1894.)

#### AMENDMENTS

1991—Pub. L. 102-237 substituted “ensure” for “insure” in two places.

1984—Pub. L. 98-284 substituted “shall cooperate with each other in the conduct of their activities under this subchapter, and shall insure that their activities under this subchapter are closely coordinated with the activities of other Federal agencies” for “shall insure that their activities are closely coordinated with the activities of other Federal agencies” and “Federal Emergency Management Agency, and others,” for “Federal Preparedness Agency, and others”, and inserted “Department of State,”.

#### TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 178j. Laws governing inventions under this subchapter**

Relative to the definitions of, title to, and licensing of inventions made or conceived in the course of or under any contract or grant pursuant to this subchapter, and notwithstanding any other provisions of law, the provisions of sections 5908 and 5909 of title 42 shall govern.

(Pub. L. 95-592, § 12, Nov. 4, 1978, 92 Stat. 2533.)

**§ 178k. Disposition of byproducts and strategic and industrially important products**

The Secretaries may dispose of any latex, resin, wax, pulp, and any other byproducts, as well as products, other than rubber, developed from agricultural crops which are of strategic and industrial importance, resulting from operations under this subchapter. Dispositions under this section may include sales of the materials involved to other Federal departments and agencies for testing purposes. All moneys received from dispositions under this section shall be paid into the Treasury as miscellaneous receipts.

(Pub. L. 95-592, § 13, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, § 12, May 16, 1984, 98 Stat. 184.)

AMENDMENTS

1984—Pub. L. 98-284, substituted “The Secretaries” for “The Secretary of Agriculture and the Secretary of Commerce”, and inserted “, as well as products, other than rubber, developed from agricultural crops which are of strategic and industrial importance,” and “Dispositions under this section may include sales of the materials involved to other Federal departments and agencies for testing purposes.”

**§ 178l. Rules and regulations**

The Secretaries may issue rules and regulations necessary to effectuate the purposes of this subchapter.

(Pub. L. 95-592, § 14, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, § 13, May 16, 1984, 98 Stat. 184.)

AMENDMENTS

1984—Pub. L. 98-284 substituted “The Secretaries” for “The Secretary of Agriculture and the Secretary of Commerce”.

**§ 178m. Report to President and Congress**

The Secretaries shall submit to the President and the Congress, no later than December 31, 1980, and each year thereafter through 1987, a report on the status of the research, development, and other work underway under this subchapter. Such report shall (1) recommend specific directions for further research, development and other work, and (2) recommend funding levels for various elements of the overall project.

(Pub. L. 95-592, § 15, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, § 14, May 16, 1984, 98 Stat. 184.)

AMENDMENTS

1984—Pub. L. 98-284 substituted “The Secretaries” for “The Secretary of Agriculture and the Secretary of Commerce” and “1987” for “1982”.

**§ 178n. Administration and funding**

**(a) Authorization of appropriations to Secretary of Agriculture**

There are authorized to be appropriated to the Secretary of Agriculture to carry out this subchapter—

(1) such sums as are necessary for each of fiscal years 1991 through 2013; and

(2) \$2,000,000 for each of fiscal years 2014 through 2023.

**(b) Administration and management**

No more than 3 per centum of funds authorized under subsection (a) shall be available for administration and management of the program.

**(c) Contract authority as limited by amounts provided in appropriations acts**

Notwithstanding any other provision of this subchapter the authority to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

**(d) Activities limited to critical materials other than native latex after fiscal 1988**

Notwithstanding any other provision of this subchapter, the Secretaries and the Joint Commission shall limit their activities under this subchapter to critical agricultural materials other than native latex after the close of the fiscal year ending September 30, 1988.

(Pub. L. 95-592, § 16, Nov. 4, 1978, 92 Stat. 2534; Pub. L. 98-284, § 15, May 16, 1984, 98 Stat. 184; Pub. L. 101-624, title XVI, § 1601(e), Nov. 28, 1990, 104 Stat. 3704; Pub. L. 104-127, title VIII, § 881(b), Apr. 4, 1996, 110 Stat. 1175; Pub. L. 105-185, title III, § 301(c), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, § 7138, May 13, 2002, 116 Stat. 436; Pub. L. 110-234, title VII, § 7401, May 22, 2008, 122 Stat. 1245; Pub. L. 110-246, § 4(a), title VII, § 7401, June 18, 2008, 122 Stat. 1664, 2007; Pub. L. 113-79, title VII, § 7401, Feb. 7, 2014, 128 Stat. 893; Pub. L. 115-334, title VII, § 7501(b), Dec. 20, 2018, 132 Stat. 4819.)

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

2018—Subsec. (a)(2). Pub. L. 115-334 substituted “2023” for “2018”.

2014—Subsec. (a). Pub. L. 113-79 struck out “such sums as are necessary” after “Agriculture”, substituted “subchapter—” for “subchapter in each of the fiscal years 1991 through 2012.”, and added pars. (1) and (2).

2008—Subsec. (a). Pub. L. 110-246, § 7401, substituted “2012” for “2007”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

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

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

1990—Subsec. (a). Pub. L. 101-624, § 1601(e)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “There is authorized to be appropriated to the Secretary of Agriculture \$2,500,000 for each of the fiscal years ending September 30, 1980, and September