

CODIFICATION

Section was formerly classified to section 427i of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of act June 29, 1935, ch. 338, popularly known as the "Agricultural Research Act" and also as the "Bankhead-Jones Act", and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

In subsec. (a), "section 6101 of title 41" substituted for "section 3709, Revised Statutes" on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (a), "section 3324(a) and (b) of title 31" substituted for "section 3648, Revised Statutes [31 U.S.C. 529]" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1954—Subsec. (e). Act July 23, 1954, added subsec. (e).

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

SUBCHAPTER II—COORDINATION AND PLANNING OF AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING

§ 3121. Responsibilities of Secretary and Department of Agriculture

The Department of Agriculture is designated as the lead agency of the Federal Government for agricultural research (except with respect to the biomedical aspects of human nutrition concerned with diagnosis or treatment of disease), extension, and teaching in the food and agricultural sciences, and the Secretary, in carrying out the Secretary's responsibilities, shall—

(1) establish jointly with the Secretary of Health and Human Services procedures for coordination with respect to nutrition research in areas of mutual interest;

(2) keep informed of developments in, and the Nation's need for, research, extension, teaching, and manpower development in the food and agricultural sciences and represent such need in deliberations within the Department of Agriculture, elsewhere within the executive branch of the United States Government, and with the several States and their designated land-grant colleges and universities, other colleges and universities, agricultural and related industries, and other interested institutions and groups;

(3) coordinate all agricultural research, extension, and teaching activity conducted or financed by the Department of Agriculture and, to the maximum extent practicable, by other agencies of the executive branch of the United States Government;

(4) take the initiative in establishing coordination of State-Federal cooperative agricultural research, extension, and teaching programs, funded in whole or in part by the Department of Agriculture in each State, through the administrative heads of land-grant colleges and universities and the State

directors of agricultural experiment stations and cooperative extension services, and other appropriate program administrators;

(5) consult the Advisory Board and appropriate advisory committees of the Department of Agriculture in the formulation of basic policies, goals, strategies, and priorities for programs of agricultural research, extension, and teaching;

(6) report (as a part of the Department of Agriculture's annual budget submissions) to the House Committee on Agriculture, the House Committee on Appropriations, the Senate Committee on Agriculture, Nutrition, and Forestry, and the Senate Committee on Appropriations actions taken or proposed to support the recommendations of the Advisory Board;

(7) establish appropriate review procedures to assure that agricultural research projects are timely and properly reported and published and that there is no unnecessary duplication of effort or overlapping between agricultural research units;

(8) establish Federal or cooperative multidisciplinary research teams on major agricultural research problems with clearly defined leadership, budget responsibility, and research programs;

(9) in order to promote the coordination of agricultural research of the Department of Agriculture, conduct a continuing inventory of ongoing and completed research projects being conducted within or funded by the Department;

(10) coordinate all agricultural research, extension, and teaching activities conducted or financed by the Department of Agriculture with the periodic renewable resource assessment and program provided for in sections 1601 and 1602 of title 16 and the appraisal and program provided for in sections 2004 and 2005 of title 16;

(11) coordinate the efforts of States, State cooperative institutions, State extension services, the Advisory Board, and other appropriate institutions in assessing the current status of, and developing a plan for, the effective transfer of new technologies, including biotechnology, to the farming community, with particular emphasis on addressing the unique problems of small- and medium-sized farms in gaining information about those technologies; and

(12) establish appropriate controls with respect to the development and use of the application of biotechnology to agriculture.

(Pub. L. 95-113, title XIV, §1405, Sept. 29, 1977, 91 Stat. 985; Pub. L. 97-98, title XIV, §1405, Dec. 22, 1981, 95 Stat. 1298; Pub. L. 99-198, title XIV, §1404, Dec. 23, 1985, 99 Stat. 1544; Pub. L. 101-624, title XVI, §1605(b)(3), Nov. 28, 1990, 104 Stat. 3714; Pub. L. 104-127, title VIII, §§852(b)(1), 853(b)(2), Apr. 4, 1996, 110 Stat. 1171, 1172.)

AMENDMENTS

1996—Par. (5). Pub. L. 104-127, §852(b)(1)(A), substituted "Advisory Board" for "Joint Council, Advisory Board."

Par. (11). Pub. L. 104-127, §852(b)(1)(B), struck out "the Joint Council," before "the Advisory Board".

Par. (12). Pub. L. 104-127, §853(b)(2), struck out “, after coordination with the Technology Board,” after “establish”.

1990—Par. (12). Pub. L. 101-624 inserted “, after coordination with the Technology Board,” after “establish”.

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.

EX. ORD. NO. 13874. MODERNIZING THE REGULATORY FRAMEWORK FOR AGRICULTURAL BIOTECHNOLOGY PRODUCTS

Ex. Ord. No. 13874, June 11, 2019, 84 F.R. 27899, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to conduct Federal oversight of agricultural biotechnology products that is science-based, timely, efficient, and transparent, it is hereby ordered as follows:

SECTION 1. Purpose. Recent advances in biotechnology have the potential to revolutionize agriculture and thereby enhance rural prosperity and improve the quality of American lives. Biotechnology can help the Nation meet its food production needs, raise the productivity of the American farmer, improve crop and animal characteristics, increase the nutritional value of crop and animal products, and enhance food safety. In order to realize these potential benefits, however, the United States must employ a science-based regulatory system that evaluates products based on human health and safety and potential benefits and risks to the environment. Such a system must both foster public confidence in biotechnology and avoid undue regulatory burdens.

The September 2016 National Strategy for Modernizing the Regulatory System for Biotechnology Products (National Strategy) and the January 2017 Update to the Coordinated Framework for the Regulation of Biotechnology (Coordinated Framework) were important steps in clarifying Federal regulatory roles and responsibilities with respect to agricultural biotechnology. The Agriculture and Rural Prosperity Task Force established in April 2017 recommended additional steps to further modernize the regulatory framework for agricultural biotechnology products so as to facilitate innovation, ensure coordination across regulatory agencies, and safely enable billions of people across America and the world to reap the benefits of such products. The directives below are intended to implement those recommendations.

SEC. 2. Definition. For the purposes of this order, the term “product of agricultural biotechnology” refers to a plant or animal, or a product of such a plant or animal, developed through genetic engineering or through the targeted in vivo or in vitro manipulation of genetic information, with the exception of plants or animals, or the products thereof, developed for non-agricultural purposes, such as to produce pharmaceutical or industrial compounds.

SEC. 3. Policy. It is the policy of the Federal Government to protect public health and the environment by adopting regulatory approaches for the products of agricultural biotechnology that are proportionate responses to the risks such products pose, and that avoid arbitrary or unjustifiable distinctions across like products developed through different technologies. Any regulatory regime for products of agricultural biotechnology should ensure public confidence in the oversight of such products and also promote future innovation and competitiveness. To support these goals, the Federal Government shall:

(a) base regulatory decisions on scientific and technical evidence, and take into account, as appropriate and consistent with applicable law, economic factors;

(b) review regulatory applications for products of agricultural biotechnology in a timely and efficient manner;

(c) ensure the transparency, predictability, and consistency of the regulation of products of agricultural biotechnology, to the extent permitted by law;

(d) as appropriate and consistent with applicable law, develop regulations and guidance through processes that provide fair notice to the public and allow for its participation;

(e) make regulatory determinations based on risks associated with the product and its intended end use; and

(f) promote trade in products of agricultural biotechnology by urging trading partners to adopt science- and risk-based regulatory approaches.

SEC. 4. Regulatory Streamlining. The Secretary of Agriculture (Secretary), the Administrator of the Environmental Protection Agency (Administrator), and the Commissioner of Food and Drugs (Commissioner), to the extent consistent with law and the principles set forth in section 3 of this order, shall:

(a) within 180 days of the date of this order [June 11, 2019], identify relevant regulations and guidance documents within their respective jurisdictions that can be streamlined to ensure that products of agricultural biotechnology are regulated in accordance with the policy set forth in section 3 of this order and take the steps appropriate and necessary to accomplish such streamlining; and

(b) use existing statutory authority, as appropriate, to exempt low-risk products of agricultural biotechnology from undue regulation.

SEC. 5. Unified Biotechnology Web-based Platform. To ensure that innovators can easily navigate the regulatory system for products of agricultural biotechnology, the Department of Agriculture, the Environmental Protection Agency, and the Food and Drug Administration (collectively, the “agencies”) shall, within 180 days of the date of this order, work together to design a plan to establish a web-based platform that contains and provides links to relevant United States Government regulatory information. This web-based platform shall allow developers of products of agricultural biotechnology to submit inquiries about a particular product and promptly receive from the agencies a single, coordinated response that provides, to the extent practicable, information and, when appropriate, informal guidance regarding the process that the developers must follow for Federal regulatory review. The web-based platform shall be funded by the Department of Agriculture, with the other agencies providing support, to the extent consistent with applicable law and within existing appropriations, through appropriate interagency agreements, including agreements under the Economy Act [act June 30, 1932, ch. 314, part II, 47 Stat. 399, see 31 U.S.C. 1535].

SEC. 6. *Review of Current Authorities, Regulations, and Guidance.* (a) Each of the agencies shall, as appropriate, conduct a review of its regulations and guidance that may apply to genome-edited-specialty-crop-plant products designed to have significant health, agricultural, or environmental benefits, in particular those that are likely to benefit rural communities significantly. Based on the findings of its review, each of the agencies shall take steps to update its regulations and guidance, as necessary and appropriate, to remove undue barriers that impede small, private United States developers, the United States Government, and academic institutions from bringing innovative and safe genome-edited-specialty-crop-plant products to the marketplace.

(b) Every 90 days after the date of this order, for a period of 2 years, each of the agencies shall provide an update regarding its progress in implementing section 6 of this order to the Director of the Office of Management and Budget, the Director of the Office of Science and Technology Policy, the Assistant to the President for Economic Policy, and the Assistant to the President for Domestic Policy.

SEC. 7. *Domestic Engagement Strategy.* (a) Within 180 days of the date of this order, the Secretary, in coordination with the Administrator, the Commissioner, and any other Administration officials that the Secretary deems appropriate, shall develop an action plan to facilitate engagement with consumers in order to build public confidence in, and acceptance of, the use of safe biotechnology in agriculture and the food system.

(b) In developing the plan described in subsection (a) of this section, the following shall be considered: supporting research and education on effective science communication; developing educational materials that integrate agricultural biotechnology into science education; creating consumer-facing web content; and developing other outreach materials that clearly communicate the demonstrated benefits of agricultural biotechnology, the safety record of the regulatory system, and how biotechnology can address agricultural challenges. The strategy shall take into account the ongoing work of the Agricultural Biotechnology Education and Outreach Initiative, which calls on the Food and Drug Administration to work with the Department of Agriculture to conduct public education and outreach on agricultural biotechnology and food and animal-feed ingredients derived from such technology. The Secretary shall coordinate with State leaders in the fields of public health and agriculture as part of this strategy.

SEC. 8. *International Outreach.* Within 120 days of the date of this order, the Secretary and the Secretary of State (collectively, the “Secretaries”), in consultation with the United States Trade Representative, the Administrator, the Commissioner, and any other Administration officials that the Secretaries deem appropriate, shall develop an international communications and outreach strategy to facilitate engagement abroad with policymakers, consumers, industry, and other stakeholders. The goal of the strategy shall be to increase international acceptance of products of agricultural biotechnology in order to open and maintain markets for United States agricultural exports abroad.

SEC. 9. *International Trade Strategy.* Within 120 days of the date of this order, the United States Trade Representative, in consultation with the Secretaries and the Trade Policy Staff Committee, shall develop an international strategy to remove unjustified trade barriers and expand markets for products of agricultural biotechnology.

SEC. 10. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 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.