

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) Funding**

**(A) In general**

**(i) Establishment funding**

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).

**(ii) Enhanced funding**

On the date on which the strategic plan described in subsection (f)(3)(B)(iv) is submitted, of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Foundation to carry out this section \$185,000,000, to remain available until expended.

**(B) Conditions on expenditure**

**(i) In general**

The Foundation may use the funds made available under subparagraph (A) to carry out the purposes, duties, and powers of the Foundation only to the extent that the Foundation secures an equal amount of matching funds from a non-Federal source, including an agricultural commodity promotion, research, and information program.

**(ii) Effect**

Nothing in this section requires the Foundation to require a matching contribution from an individual grantee as a condition of receiving a grant under this section.

**(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; Pub. L. 115–334, title VII, §7603, Dec. 20, 2018, 132 Stat. 4826.)

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.

AMENDMENTS

2018—Subsec. (d)(1)(B)(ii). Pub. L. 115–334, §7603(1)(A)(i), substituted “conflicts, specifically at the Department of Agriculture; and” for “conflicts;”.

Subsec. (d)(1)(B)(iii). Pub. L. 115–334, §7603(1)(A)(ii), added cl. (iii).

Subsec. (d)(1)(D). Pub. L. 115–334, §7603(1)(B), inserted “and agriculture stakeholders” after “community”.

Subsec. (e)(2)(C)(ii)(I). Pub. L. 115–334, §7603(2)(A), inserted “agriculture or” before “agricultural research”.

Subsec. (e)(4)(A)(iv), (v). Pub. L. 115–334, §7603(2)(B), added cl. (iv) and redesignated former cl. (iv) as (v).

Subsec. (f)(2)(A)(iii). Pub. L. 115–334, §7603(3)(A), struck out “any” before “funds;”.

Subsec. (f)(3)(B)(i)(I). Pub. L. 115–334, §7603(3)(B)(i)(I), inserted “and post online” before “a report” in introductory provisions.

Subsec. (f)(3)(B)(i)(I)(aa). Pub. L. 115–334, §7603(3)(B)(i)(II), substituted “accomplishments and how those activities align to the challenges identified in the strategic plan under clause (iv);” for “accomplishments; and”.

Subsec. (f)(3)(B)(i)(I)(cc). Pub. L. 115–334, §7603(3)(B)(i)(III), (IV), added item (cc).

Subsec. (f)(3)(B)(iii), (iv). Pub. L. 115–334, §7603(3)(B)(ii), added cls. (iii) and (iv).

Subsec. (g)(1). Pub. L. 115–334, §7603(4)(A), substituted “Funding” for “Mandatory funding” in heading.

Subsec. (g)(1)(A). Pub. L. 115–334, §7603(4)(B), designated existing provisions as cl. (i), inserted heading, and added cl. (ii).

Subsec. (g)(1)(B). Pub. L. 115–334, §7603(4)(C), designated existing provisions as cl. (i), inserted heading, substituted “purposes, duties, and powers” for “purposes” and “matching funds from a non-Federal source, including an agricultural commodity promotion, research, and information program” for “non-Federal matching funds for each expenditure”, and added cl. (ii).

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

**(a) 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**

The term “State” has the meaning given such term in section 1639o of this title.

**(4) 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.

**(b) Industrial hemp research**

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.

**(c) Study and report**

**(1) In general**

The Secretary shall conduct a study of agricultural pilot programs—

(A) to determine the economic viability of the domestic production and sale of industrial hemp; and

(B) that shall include a review of—

(i) each agricultural pilot program; and  
(ii) any other agricultural or academic research relating to industrial hemp.

**(2) Report**

Not later than 12 months after December 20, 2018, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (1).

(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; Pub. L. 115–334, title VII, §7605(a), Dec. 20, 2018, 132 Stat. 4828.)

REPEAL OF SECTION

*For repeal of section by section 7605(b) of Pub. L. 115–334, see Effective Date of Repeal note below.*

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (b), 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

2018—Subsec. (a). Pub. L. 115–334, §7605(a)(1), redesignated subsec. (b) as (a). Former subsec. (a) redesignated (b).

Subsec. (a)(3), (4). Pub. L. 115–334, §7605(a)(2), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b). Pub. L. 115–334, §7605(a)(1), (3), redesignated subsec. (a) as (b) and substituted “Industrial hemp research” for “In general” in heading. Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 115–334, §7605(a)(4), added subsec. (c).

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 REPEAL

Pub. L. 115–334, title VII, §7605(b), Dec. 20, 2018, 132 Stat. 4829, as amended by Pub. L. 116–159, div. A, §122, Oct. 1, 2020, 134 Stat. 714; Pub. L. 116–260, div. A, title VII, §782, Dec. 27, 2020, 134 Stat. 1230, provided that: “Effective on January 1, 2022, section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is repealed.”

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.

**§ 5941. Purchase of cultures for soil and fertilizer investigations**

The Secretary of Agriculture may purchase from applicable appropriations cultures in the open market for use in connection with soil and fertilizer investigations.

(Sept. 21, 1944, ch. 412, title I, §104, 58 Stat. 735.)

CODIFICATION

Section was formerly classified to section 432 of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Department of Agriculture Organic Act of 1944, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

**§ 5942. Wheat and feed grains research; regional and national research programs; utilization of services of Federal, State and private agencies; authorization of appropriations**

In order to reduce fertilizer and herbicide usage in excess of production needs, to develop wheat and feed grain varieties more susceptible to complete fertilizer utilization, and to improve the resistance of wheat and feed grain plants to disease and to enhance their conservation and environmental qualities, the Secretary of Agriculture is authorized and directed to carry out regional and national research programs.