

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.

§ 3319k. Agriculture Advanced Research and Development Authority pilot

(a) Definitions

In this section:

(1) Advanced research and development

The term “advanced research and development” means research and development activities used to address research challenges in agriculture and food through—

(A) targeted acceleration of novel, early stage innovative agricultural research with promising technology applications and products; or

(B) development of qualified products and projects, agricultural technologies, or innovative research tools, which may include—

(i) prototype testing, preclinical development, or field experimental use;

(ii) assessing and assisting with product approval, clearance, or need for a license under an applicable law, as determined by the Director; or

(iii) manufacturing and commercialization of a product.

(2) Agricultural technology

The term “agricultural technology” means machinery and other equipment engineered for an applicable and novel use in agriculture, natural resources, and food relating to the research and development of qualified products and projects.

(3) Director

The term “Director” means the Director of the Agriculture Advanced Research and Development Authority established under subsection (b)(1).

(4) Other transaction

The term “other transaction” means a transaction other than a procurement contract, grant, or cooperative agreement, including a transaction described in subsection (b)(6)(A).

(5) Person

The term “person” means—

(A) an individual;

(B) a partnership;

(C) a corporation;

(D) an association;

(E) an entity;

(F) a public or private corporation;

(G) a Federal, State, or local government agency or department; and

(H) an institution of higher education, including a land-grant college or university and a non-land-grant college of agriculture.

(6) Qualified product or project

The term “qualified product or project” means—

(A) engineering, mechanization, or technology improvements that will address challenges relating to growing, harvesting, handling, processing, storing, packing, and distribution of agricultural products;

(B) plant disease or plant pest recovery countermeasures to intentional or unintentional biological threats (including naturally occurring threats), including—

(i) replacement or resistant plant cultivars or varieties;

(ii) other enhanced management strategies, including novel chemical, biological, or cultural approaches; or

(iii) diagnostic or surveillance technology; and

(C) veterinary countermeasures to intentional or unintentional biological threats (including naturally occurring threats), including—

(i) animal vaccine or therapeutic products (including anti-infective products); or

(ii) diagnostic or surveillance technology.

(7) Research tool

The term “research tool” means a device, technology, procedure, biological material, reagent, computer system, computer software, or analytical technique that is developed to assist in the discovery, development, or manufacture of a qualified product or project.

(b) Agriculture Advanced Research and Development Authority

(1) Establishment

There is established within the Department of Agriculture a pilot program that shall be known as the Agriculture Advanced Research and Development Authority (referred to in this section as the “AGARDA”) to carry out advanced research and development.

(2) Goals

The goals of the AGARDA are—

(A) to develop and deploy advanced solutions to prevent, prepare, and protect against unintentional and intentional threats to agriculture and food in the United States;

(B) to overcome barriers in the development of agricultural technologies, research tools, and qualified products and projects that enhance export competitiveness, environmental sustainability, and resilience to extreme weather;

(C) to ensure that the United States maintains and enhances its position as a leader in developing and deploying agricultural technologies, research tools, and qualified projects and products that increase economic opportunities and security for farmers, ranchers, and rural communities; and

(D) to undertake advanced research and development in areas in which industry by itself is not likely to do so because of the technological or financial uncertainty.

(3) Leadership

(A) In general

The AGARDA shall be a component of the Office of the Chief Scientist.

(B) Director

(i) In general

The AGARDA shall be headed by a Director, who shall be appointed by the Chief Scientist.

(ii) Qualifications

The Director shall be an individual who, by reason of professional background and experience, is exceptionally qualified to advise the Chief Scientist on, and manage advanced research and development programs and other matters pertaining to—

- (I) qualified products and projects;
- (II) agricultural technologies;
- (III) research tools; and
- (IV) challenges relating to the matters described in subclauses (I) through (III).

(iii) Relationship within the Department of Agriculture

The Director shall report to the Chief Scientist.

(4) Duties

To achieve the goals described in paragraph (2), the Secretary, acting through the Director, shall accelerate advanced research and development by—

(A) identifying and promoting advances in basic sciences;

(B) translating scientific discoveries and inventions into technological innovations;

(C) collaborating with other agencies, relevant industries, academia, international agencies, the Foundation for Food and Agriculture Research, and other relevant persons to carry out the goals described in paragraph (2), including convening, at a minimum, annual meetings or working groups to demonstrate the operation and effectiveness of advanced research and development of qualified products and projects, agricultural technologies, and research tools;

(D) conducting ongoing searches for, and support calls for, potential advanced research and development of agricultural technologies, qualified products and projects, and research tools;

(E) awarding grants and entering into contracts, cooperative agreements, or other transactions under paragraph (6) for advanced research and development of agricultural technology, qualified products and projects, and research tools;

(F) establishing issue-based multidisciplinary teams to reduce the time and cost of solving specific problems that—

(i) are composed of representatives from Federal and State agencies, professional groups, academia, and industry;

(ii) seek novel and effective solutions; and

(iii) encourage data sharing and translation of research to field use; and

(G) serving as a resource for interested persons regarding requirements under relevant laws that impact the development, commercialization, and technology transfer of qualified products and projects, agricultural technologies, and research tools.

(5) Priority

In awarding grants and entering into contracts, cooperative agreements, or other transactions under paragraph (4)(E), the Secretary shall give priority to projects that ac-

celerate the advanced research and development of qualified products and projects that—

(A) address critical research and development needs for technology for specialty crops; or

(B) prevent, protect, and prepare against intentional and unintentional threats to agriculture and food.

(6) Other transaction authorities**(A) In general**

In carrying out the pilot program under this section, the Secretary shall have the authority to enter into other transactions in the same manner and subject to the same terms and conditions as transactions that the Secretary of Defense may enter into under section 4021 of title 10.

(B) Scope

The authority of the Secretary to enter into contracts, cooperative agreements, and other transactions under this subsection shall be in addition to the authorities under this chapter and title I of the Department of Agriculture and Related Agencies Appropriation Act, 1964 (7 U.S.C. 3318a), to use contracts, cooperative agreements, and grants in carrying out the pilot program under this section.

(C) Guidelines

The Secretary shall establish guidelines regarding the use of the authority under subparagraph (A).

(D) Technology transfer

In entering into other transactions, the Secretary may negotiate terms for technology transfer in the same manner as a Federal laboratory under paragraphs (1) through (4) of section 3710a(b) of title 15.

(7) Availability of data**(A) In general**

The Secretary shall require that, as a condition of being awarded a contract or grant or entering into a cooperative agreement or other transaction under paragraph (4)(E), a person shall make available to the Secretary on an ongoing basis, and submit to the Secretary on request of the Secretary, all data relating to or resulting from the activities carried out by the person pursuant to this section.

(B) Exemption from disclosure**(i) In general**

This subparagraph shall be considered a statute described in section 552(b)(3)(B) of title 5.

(ii) Exemption

The following information shall be exempt from disclosure under section 552 of title 5 and withheld from the public:

(I) Specific technical data or scientific information that is created or obtained under this section that reveals significant and not otherwise publicly known vulnerabilities of existing agriculture and food defenses against biological,

chemical, nuclear, or radiological threats.

(II) Trade secrets or commercial or financial information that is privileged or confidential (within the meaning of section 552(b)(4) of title 5) and obtained in the conduct of research or as a result of activities under this section from a non-Federal party participating in a contract, grant, cooperative agreement, or other transaction under this section.

(iii) Limitation

Information that results from research and development activities conducted under this section and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative agreement or other transaction shall be withheld from disclosure under subchapter II of chapter 5 of title 5 for 5 years.

(8) Milestone-based payments allowed

In awarding contracts and grants and entering into cooperative agreements or other transactions under paragraph (4)(E), the Secretary may—

- (A) use milestone-based awards and payments; and
- (B) terminate a project for not meeting technical milestones.

(9) Use of existing personnel authorities

In carrying out this subsection, the Secretary may appoint highly qualified individuals to scientific or professional positions on the same terms and conditions as provided in subsections (b)(3), (b)(4), (c), (d), (e), and (f) of section 7657 of this title.

(10) Report and evaluation

(A) Report

The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report examining the actions undertaken and results generated by the AGARDA.

(B) Evaluation

After the date on which the AGARDA has been in operation for 3 years, the Comptroller General of the United States shall conduct an evaluation—

- (i) to be completed and submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than 1 year after the date on which the Comptroller General began conducting the evaluation;
- (ii) describing the extent to which the AGARDA is achieving the goals described in paragraph (2); and
- (iii) including a recommendation on whether the AGARDA should be continued, terminated, or expanded.

(c) Strategic plan

(1) In general

Not later than 360 days after December 20, 2018, the Secretary shall develop and make publicly available a strategic plan describing the strategic vision that the AGARDA shall use—

(A) to make determinations for future investments during the period of effectiveness of this section; and

(B) to achieve the goals described in subsection (b)(2).

(2) Dissemination

The Secretary shall disseminate the information contained in the strategic plan under paragraph (1) to persons who may have the capacity to substantially contribute to the activities described in that strategic plan.

(3) Coordination; consultation

The Secretary shall—

(A) update and coordinate the strategic coordination plan under section 6922(d)(7) of this title with the strategic plan developed under paragraph (1) for activities relating to agriculture and food defense countermeasure development and procurement; and

(B) in developing the strategic plan under paragraph (1), consult with—

- (i) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123(a) of this title;
- (ii) the specialty crops committee established under section 3123a(a)(1) of this title;
- (iii) relevant agriculture research agencies of the Federal Government;
- (iv) the National Academies of Sciences, Engineering, and Medicine;
- (v) the National Veterinary Stockpile Intra-Government Advisory Committee for Strategic Steering; and
- (vi) other appropriate parties, as determined by the Secretary.

(d) Funds

(1) Establishment

There is established in the Treasury the Agriculture Advanced Research and Development Fund, which shall be administered by the Secretary, acting through the Director—

(A) for the purpose of carrying out this section; and

(B) in the same manner and subject to the same terms and conditions as are applicable to the Secretary of Defense under section 4021 of title 10.

(2) Deposits into fund

(A) In general

The Secretary, acting through the Director, may accept and deposit into the Fund monies received pursuant to cost recovery, contribution, or royalty payments under a contract, grant, cooperative agreement, or other transaction under this section.

(B) Availability of amounts in fund

Amounts deposited into the fund shall remain available until expended, without fur-

ther appropriation, and may be used to carry out the purposes of this section.

(C) Clarification

Nothing in this paragraph authorizes the use of the funds of the Commodity Credit Corporation to carry out this section.

(3) Funding

In addition to funds otherwise deposited in the Fund under paragraph (1) or (2), there is authorized to be appropriated to the Fund \$50,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.

(e) Termination of effectiveness

(1) In general

Except as provided under paragraph (2), the authority provided by this section terminates on the date that is 5 years after December 20, 2018.

(2) Exceptions

Paragraph (1) shall not apply with respect to—

- (A) subsection (b)(7)(B); and
- (B) grants awarded or contracts, cooperative agreements, or other transactions entered into before the end of the 5-year period referred to in such clause.¹

(Pub. L. 95–113, title XIV, §1473H, as added Pub. L. 115–334, title VII, §7132, Dec. 20, 2018, 132 Stat. 4796; Pub. L. 117–81, div. A, title XVII, §1702(I)(1), Dec. 27, 2021, 135 Stat. 2160.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(6)(B), was in the original “this Act”, and was translated as reading “this title”, meaning title XIV of Pub. L. 95–113, Sept. 29, 1977, 91 Stat. 981, known as the National Agricultural Research, Extension, and Teaching Policy Act of 1977, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title XIV to the Code, see References in Text note set out under section 3102 of this title and Tables.

AMENDMENTS

2021—Subsec. (b)(6)(A), (d)(1)(B). Pub. L. 117–81 which directed amendment of section 1473H of the National Agriculture Advanced Research, Extension, and Teaching Policy Act of 1977 by substituting “section 4021” for “section 2371” in subsections. (b)(6)(A) and (d)(1)(B) was executed to this section, to reflect the probable intent of Congress.

SUBCHAPTER XI—AQUACULTURE

§ 3321. Statement of purpose

It is the purpose of this subchapter to promote research and extension activities of the institutions hereinafter referred to in section 3322(b) of this title, and to coordinate their efforts as an integral part in the implementation of the National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.) by encouraging landowners, individuals, and commercial institutions to develop aquaculture production and facilities and sound aquacultural practices that will, through re-

search and technology transfer programs, provide for the increased production and marketing of aquacultural food products.

(Pub. L. 95–113, title XIV, §1474, as added Pub. L. 97–98, title XIV, §1440(a), Dec. 22, 1981, 95 Stat. 1316.)

Editorial Notes

REFERENCES IN TEXT

The National Aquaculture Act of 1980, referred to in text, is Pub. L. 96–362, Sept. 26, 1980, 94 Stat. 1198, which is classified generally to chapter 48 (§2801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 2801 of Title 16 and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as a note under section 4301 of this title.

§ 3322. Assistance programs

(a) Research and extension program

The Secretary may develop and implement a cooperative research and extension program to encourage the development, management, and production of important aquatic food species within the several States and territories of the United States and to enhance further the safety of food products derived from the aquaculture industry, in accordance with the national aquaculture development plan, and revisions thereto, developed under the National Aquaculture Act of 1980 [16 U.S.C. 2801 et seq.].

(b) Grants

(1) In general

Subject to paragraph (3), the Secretary may make competitive grants to entities eligible for grants under paragraph (2) for research and extension to facilitate or expand promising advances in the production and marketing of aquacultural food species and products and to enhance the safety and wholesomeness of those species and products, including the development of reliable supplies of seed stock and therapeutic compounds.

(2) Eligible entities

The Secretary may make a competitive grant under paragraph (1) to—

- (A) a land-grant or seagrant college or university;
- (B) a State agricultural experiment station;
- (C) a college, university, or Federal laboratory having a demonstrable capacity to conduct aquacultural research, as determined by the Secretary; or
- (D) a nonprofit private research institution.

(3) Matching state grants

(A) In general

Except as provided in subparagraph (B), the Secretary shall not make a grant under paragraph (1) unless the State in which the grant recipient is located makes a grant to

¹ So in original. Probably should be “such paragraph.”.