

of the program, and such recommendations respecting such activities and policies as the Director considers to be appropriate;

(2) a description of the necessity for, and progress achieved toward providing, additional programs and activities designed to include the range of genetic resources described in section 5841(d)(5) of this title in the activities of the program; and

(3) an assessment of events and activities occurring internationally as they relate to the activities and policies of the program.

(e) Initial reports

Not later than one year after November 28, 1990, the Director shall transmit to the Secretary and to the Congress a report—

(1) describing the projected needs over a 10-year period in each of the areas of genetic resources described in section 5841(d)(5) of this title, including the identification of existing components of a comprehensive program, policies and activities needed to coordinate those components, and additional elements not in existence which are required for the development of a comprehensive genetic resources program as described in such section;

(2) assessing the international efforts and activities related to the program, and their effect upon and coordination with the program; and

(3) evaluating the potential effect of various national laws, including national quarantine requirements, as well as treaties, agreements, and the activities of international organizations on the development of a comprehensive international system for the collection and maintenance of genetic resources of importance to agriculture.

(f) Plan publication

On completion of the development of the plan described in section 5841(d)(6) of this title, the Secretary shall make the plan available to the public.

(Pub. L. 101-624, title XVI, §1633, Nov. 28, 1990, 104 Stat. 3744; Pub. L. 102-237, title IV, §404(a)(2), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 115-334, title VII, §7205(b), Dec. 20, 2018, 132 Stat. 4803.)

Editorial Notes

AMENDMENTS

2018—Subsec. (f). Pub. L. 115-334 added subsec. (f).
1991—Subsec. (a). Pub. L. 102-237 substituted “Resources Program” for “Resources program”.

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (d) of this section relating to biennial reports to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 49 of House Document No. 103-7.

§ 5843. Advisory council

(a) Establishment and membership

(1) In general

The Secretary shall establish an advisory council for the program for the purpose of ad-

vising, assisting, consulting with, and making recommendations to, the Secretary and Director concerning matters related to the activities, policies and operations of the program.

(2) Membership

The advisory council shall consist of ex officio members and not more than 13 members appointed by the Secretary.

(3) Recommendations

(A) In general

In making recommendations under paragraph (1), the advisory council shall include recommendations on—

(i) the state of public cultivar development, including—

(I) an analysis of existing cultivar research investments;

(II) the research gaps relating to the development of cultivars across a diverse range of crops; and

(III) an assessment of the state of commercialization of federally funded cultivars;

(ii) the training and resources needed to meet future breeding challenges;

(iii) the appropriate levels of Federal funding for cultivar development for underserved crops and geographic areas; and

(iv) the development of the plan described in section 5841(d)(6) of this title.

(b) Ex officio members

The ex officio members of the advisory council shall consist of the following persons (or their designees):

(1) The Director.

(2) The Assistant Secretary of Agriculture for Science and Education.

(3) The Director of the National Agricultural Library.

(4) The Director of the National Institutes of Health.

(5) The Director of the National Science Foundation.

(6) The Secretary of Energy.

(7) The Director of the Office of Science and Technology Policy.

(8) Such additional officers and employees of the United States as the Secretary determines are necessary for the advisory council to effectively carry out its functions.

(c) Appointment of other members

The members of the advisory council who are not ex officio members shall be appointed by the Secretary as follows:

(1) 6 of the members shall be appointed from among the leading representatives of the scientific disciplines relevant to the activities of the program, including agricultural sciences, economics and policy, environmental sciences, natural resource sciences, health sciences, and nutritional sciences.

(2) 3 of the members shall be appointed from the general public and shall include leaders in fields of public policy, community development, trade, international development, law, or management.

(3) 4 of the members shall be appointed from among individuals with expertise in public cultivar and animal breed development.

(4) 4 of the members shall be appointed from among individuals representing—

(A) 1862 Institutions (as defined in section 7601 of this title);

(B) 1890 Institutions (as defined in section 7601 of this title);

(C) Hispanic-serving institutions (as defined in section 3103 of this title); or

(D) 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)).

(d) Compensation

Members of the advisory council shall serve without compensation, if not otherwise officers or employees of the United States, except that they shall, while away from their homes or regular places of business in the performance of services for the advisory council, be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5.

(e) Term of office of appointees; vacancies

(1) Term

The term of office of a member appointed under subsection (c) is four years, except that any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(2) Initial appointment

The Secretary shall make appointments to the advisory council so as to ensure that the terms of the members appointed under subsection (c) do not all expire in the same year. A member may serve after the expiration of the member's term until a successor takes office.

(3) Reappointment

A member who is appointed for a term of four years may not be reappointed to the advisory council before two years after the date of expiration of such term of office.

(4) Vacancies

If a vacancy occurs in the advisory council among the members appointed under subsection (c), the Secretary shall make an appointment to fill such vacancy within 90 days after the date such vacancy occurs.

(f) Chair

The Secretary shall select as the chair of the advisory council one of the members appointed under subsection (c). The term of office of the chair shall be two years.

(g) Meetings

The advisory council shall meet at the call of the chair or on the request of the Director, but at least two times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director.

(h) Staff

The Director shall make available to the advisory council such staff, information, and other

assistance as it may require to carry out its functions.

(i) Orientation and training

The Director shall provide such orientation and training for new members of the advisory council as may be appropriate for their effective participation in the functions of the advisory council.

(j) Comments and recommendations

The advisory council may prepare, for inclusion in a report submitted under section 5842 of this title—

(1) comments respecting the activities of the advisory council during the period covered by the report;

(2) comments on the progress of the program in meeting its objectives; and

(3) recommendations respecting the future directions, program, and policy emphasis of the program.

(k) Reports

The advisory council may prepare such reports as the advisory council determines to be appropriate.

(l) Application of chapter 10 of title 5

Section 1013(a) of title 5 relating to the termination of an advisory committee shall not apply to the advisory council established under this section.

(Pub. L. 101-624, title XVI, §1634, Nov. 28, 1990, 104 Stat. 3745; Pub. L. 102-237, title IV, §407(5), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 115-334, title VII, §7206(a), Dec. 20, 2018, 132 Stat. 4803; Pub. L. 117-286, §4(a)(38), Dec. 27, 2022, 136 Stat. 4309.)

Editorial Notes

AMENDMENTS

2022—Subsec. (l). Pub. L. 117-286 substituted “chapter 10 of title 5” for “Advisory Committee Act” in heading and “Section 1013(a) of title 5” for “Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.)” in text.

2018—Subsec. (a)(1). Pub. L. 115-334, §7206(a)(1)(A), designated first sentence as par. (1) and inserted heading.

Subsec. (a)(2). Pub. L. 115-334, §7206(a)(1)(B), (C), designated second sentence as par. (2), inserted heading, and substituted “13” for “nine”.

Subsec. (a)(3). Pub. L. 115-334, §7206(a)(1)(D), added par. (3).

Subsec. (c)(1). Pub. L. 115-334, §7206(a)(2)(A), substituted “6” for “Two-thirds” and inserted “economics and policy,” after “agricultural sciences,”.

Subsec. (c)(2). Pub. L. 115-334, §7206(a)(2)(B), substituted “3” for “One-third” and inserted “community development,” after “public policy,”.

Subsec. (c)(3), (4). Pub. L. 115-334, §7206(a)(2)(C), added pars. (3) and (4).

1991—Subsec. (l). Pub. L. 102-237 substituted “council established” for “committee established”.

§ 5844. Definitions and authorization of appropriations

(a) Definitions

For purposes of this subchapter:

(1) The term “program” means the National Genetic Resources Program.

(2) The term “Secretary” means the Secretary of Agriculture.