USDA United States Department of Agriculture

Agricultural Marketing Service, Plant Variety Protection Office

CHARTER

1. Committee's Official Designation

   Plant Variety Protection Board

2. Authority

   Section 7 of the Plant Variety Protection Act of 1970 (the Act) (7 U.S.C. 2327) requires the renewal of a Plant Variety Protection Board (the Board). The Departmental Regulation 1042-53 renews the Board to provide advice to the Secretary of Agriculture concerning the adoption of rules and regulations to facilitate the proper administration of the Act and make advisory decisions on all appeals from the examiner or Commissioner. The Board is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.

3. Objectives and Scope of Activities

   The Plant Variety Protection Board advises the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the Plant Variety Protection Act and make advisory decisions on all appeals from the examiner or Commissioner. The Board also advises the Secretary on any matters under the Regulations and Rules of Practice and on all questions under Section 44 of the Act, "Public Interest in Wide Usage" (7 U.S.C. 2404).

4. Description of Duties

   The duties of the Board are solely advisory. The Board advises the Secretary of Agriculture concerning adoption of rules and regulations to facilitate the proper administration of the Act and makes advisory decisions on all appeals from the examiner or Commissioner. The Board also advises the Secretary of Agriculture on all matters under the Regulations and Rules of Practice and on all questions under Section 44 of the Act, "Public Interest in Wide Usage"(7 U.S.C. 2404).

5. Agency or Official to Whom the Committee Reports

   The Board will report to the Secretary of Agriculture through the Under Secretary for Marketing and Regulatory Programs.

6. Support

Support for the Committee is provided by AMS, Plant Variety Protection Office. The costs of the Board are funded through user fees.

7. Estimated Annual Operating Costs and Staff Years

Members shall serve without pay, but with reimbursement of travel expenses and per diem for attendance at Board meetings. Annual operating costs are estimated at $18,000, with 0.2 staff years.

8. Designated Federal Officer

A permanent Federal employee is to be appointed in accordance with agency procedures and will serve as the Designated Federal Official (DFO). The DFO will approve the advisory committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the advisory committee reports.

9. Estimated Number and Frequency of Meetings

The Board meets as often as the Secretary of Agriculture deems necessary, typically one to two times per year

10. Duration

Continuing

11. Termination

The charter will be renewed in accordance with 5 U.S.C. Appendix 2, Section 14, and reviewed at least annually.

12. Membership and Designation

12a. This Committee will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.

12b. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership will include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.

12c. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

12d. Membership of the Board shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of government or the public. The Secretary or the designee of the Secretary shall act as chairperson of the Board without voting rights except in the case of ties.

12e. Ethics Statement

To maintain the highest levels of honesty, integrity and ethical conduct, no Committee or subcommittee member shall participate in any "specific party matters" (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO any specific party matter in which the member's immediate family, relatives, business partners or employer would be directly seeking to financially benefit from the Committee's recommendations.

All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee's advice and recommendations. Members who are appointed as "Representatives" are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.

Members appointed as "Special Government Employees" (SGEs) are considered intermittent Federal employees and are subject to Federal ethics laws. SGE's are appointed due to their personal knowledge, academic scholarship, background or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) and, upon request, USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.

13. Subcommittees

The USDA and the Agricultural Marketing Service has the authority to create subcommittees. Subcommittees must report back to the parent committee, and must not provide advice or work products directly to the Agency.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at:

http://www.ams.usda.gov/PVPO

15. Filing Date

Click here to enter text. To be entered by the CMO, based on the date the charter is submitted to Congress. This date is estimated to be 45 days after the Agency initially approves the charter. The documentation of approval of the charter is done on the decision memo.