

§ 8901. Definitions

In this chapter:

(1) Agent

The term “agent” means a nuclear, biological, chemical, or radiological substance that causes agricultural disease or the adulteration of products regulated by the Secretary of Agriculture under any provision of law.

(2) Agricultural biosecurity

The term “agricultural biosecurity” means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health as it relates to the adulteration of products regulated by the Secretary of Agriculture under any provision of law that is caused by exposure to an agent; or

(C) the environment as it relates to agriculture facilities, farmland, and air and water within the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) Agricultural countermeasure

The term “agricultural countermeasure”—

(A) means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States; and

(B) does not include a product, practice, or technology used solely in response to a human medical incident or public health emergency not related to agriculture.

(4) Agricultural disease

The term “agricultural disease” has the meaning given the term by the Secretary.

(5) Agricultural disease emergency

The term “agricultural disease emergency” means an incident of agricultural disease that requires prompt action to prevent significant damage to people, plants, or animals.

(6) Agroterrorist act

The term “agroterrorist act” means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed or appears to be committed with the intent to—

(i) intimidate or coerce a civilian population; or

(ii) disrupt the agricultural industry in order to influence the policy of a government by intimidation or coercion.

(7) Animal

The term “animal” has the meaning given the term in section 8302 of this title.

(8) Department

The term “Department” means the Department of Agriculture.

(9) Development

The term “development” means—

(A) research leading to the identification of products or technologies intended for use

as agricultural countermeasures to protect animal health;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of in vitro and in vivo studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to an applicable agency; or

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of a license or other form of Federal Government approval.

(10) Plant

The term “plant” has the meaning given the term in section 7702 of this title.

(11) Qualified agricultural countermeasure

The term “qualified agricultural countermeasure” means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat.

(Pub. L. 110-234, title XIV, §14102, May 22, 2008, 122 Stat. 1453; Pub. L. 110-246, §4(a), title XIV, §14102, June 18, 2008, 122 Stat. 1664, 2215.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this chapter and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the 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.

SHORT TITLE

Pub. L. 110-234, title XIV, §14101, May 22, 2008, 122 Stat. 1453, and Pub. L. 110-246, §4(a), title XIV, §14101, June 18, 2008, 122 Stat. 1664, 2215, provided that: “This subtitle [subtitle B (§§14101-14122) of title XIV of Pub. L. 110-246, enacting this chapter] may be cited as the ‘Agricultural Security Improvement Act of 2008’.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

SUBCHAPTER I—AGRICULTURAL SECURITY**§ 8911. Office of Homeland Security****(a) Establishment**

There is established within the Department the Office of Homeland Security (in this section referred to as the “Office”).

(b) Director

The Office shall be headed by a Director of Homeland Security, who shall be appointed by the Secretary.