

§ 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.

(c) Responsibilities

The Director of Homeland Security shall—

(1) coordinate all homeland security activities of the Department, including integration and coordination of interagency emergency response plans for—

(A) agricultural disease emergencies;

(B) agroterrorist acts; and

(C) other threats to agricultural biosecurity;

(2) act as the primary liaison on behalf of the Department with other Federal departments and agencies on the coordination of efforts and interagency activities pertaining to agricultural biosecurity; and

(3) advise the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.

(Pub. L. 110–234, title XIV, §14111, May 22, 2008, 122 Stat. 1454; Pub. L. 110–246, §4(a), title XIV, §14111, June 18, 2008, 122 Stat. 1664, 2216.)

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.

DEFINITION OF “SECRETARY”

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

§ 8912. Agricultural biosecurity communication center**(a) Establishment**

The Secretary shall establish a communication center within the Department to—

(1) collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity; and

(2) coordinate activities described in paragraph (1) among agencies and offices within the Department.

(b) Relation to existing DHS communication systems**(1) Consistency and coordination**

The communication center established under subsection (a) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with the Department of Homeland Security and other communication systems of appropriate Federal departments and agencies.

(2) Avoiding redundancies

Paragraph (1) shall not be construed to impede, conflict with, or duplicate the communications activities performed by the Secretary of Homeland Security under any provision of law.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

(2) \$2,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 110–234, title XIV, §14112, May 22, 2008, 122 Stat. 1455; Pub. L. 110–246, §4(a), title XIV,

§14112, June 18, 2008, 122 Stat. 1664, 2217; Pub. L. 113–79, title VII, §7501, Feb. 7, 2014, 128 Stat. 900.)

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.

AMENDMENTS

2014—Subsec. (c). Pub. L. 113–79 amended subsec. (c) generally. Prior to amendment, text read as follows: “There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.”

DEFINITION OF “SECRETARY”

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

§ 8913. Assistance to build local capacity in agricultural biosecurity planning, preparedness, and response**(a) Advanced training programs****(1) Grant assistance**

The Secretary shall establish a competitive grant program to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) such sums as are necessary for each of fiscal years 2008 through 2013; and

(B) \$15,000,000 for each of fiscal years 2014 through 2018.

(b) Assessment of response capability**(1) Grant and loan assistance**

The Secretary shall establish a competitive grant and low-interest loan assistance program to assist States in assessing agricultural disease response capability.

(2) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection—

(A) \$25,000,000 for each of fiscal years 2008 through 2013; and

(B) \$15,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 110–234, title XIV, §14113, May 22, 2008, 122 Stat. 1455; Pub. L. 110–246, §4(a), title XIV, §14113, June 18, 2008, 122 Stat. 1664, 2217; Pub. L. 113–79, title VII, §7502, Feb. 7, 2014, 128 Stat. 900.)

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.

AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113–79, §7502(1), struck out “such sums as may be necessary” after “Secretary”, substituted “subsection—” for “subsection for each of fiscal years 2008 through 2012.”, and added subpars. (A) and (B).

Subsec. (b)(2). Pub. L. 113–79, §7502(2), substituted “are authorized to be appropriated to carry out this subsection—” for “is authorized to be appropriated to carry out this subsection \$25,000,000 for each of fiscal