

ceipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) Waiver of privilege or protection

The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

(Pub. L. 110-234, title I, §1619, May 22, 2008, 122 Stat. 1022; Pub. L. 110-246, §4(a), title I, §1619, June 18, 2008, 122 Stat. 1664, 1750.)

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 L. 110-234 was repealed by section 4(a) of Pub.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.

§ 8792. Geographically disadvantaged farmers and ranchers

(a) Definitions

In this section:

(1) Agricultural commodity

The term “agricultural commodity” has the meaning given the term in section 5602 of this title.

(2) Geographically disadvantaged farmer or rancher

The term “geographically disadvantaged farmer or rancher” has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

(b) Authorization

Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) Transportation

(1) In general

Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) Proof of eligibility

To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) Amount

(A) In general

Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or

rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5 for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 3103 of this title), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) Limitation

The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed \$15,000,000 for a fiscal year.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009 and each succeeding fiscal year.

(Pub. L. 110-234, title I, §1621, May 22, 2008, 122 Stat. 1024; Pub. L. 110-246, §4(a), title I, §1621, June 18, 2008, 122 Stat. 1664, 1752; Pub. L. 113-79, title I, §1606, Feb. 7, 2014, 128 Stat. 708.)

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. (d). Pub. L. 113-79 substituted “fiscal year 2009 and each succeeding fiscal year” for “each of fiscal years 2009 through 2012”.

§ 8793. Implementation

The Secretary shall make available to the Farm Service Agency to carry out this chapter \$50,000,000.

(Pub. L. 110-234, title I, §1622, May 22, 2008, 122 Stat. 1025; Pub. L. 110-246, §4(a), title I, §1622, June 18, 2008, 122 Stat. 1664, 1753.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

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.

CHAPTER 114—AGRICULTURAL SECURITY

Sec.

8901. Definitions.

SUBCHAPTER I—AGRICULTURAL SECURITY

8911. Office of Homeland Security.

8912. Agricultural biosecurity communication center.

8913. Assistance to build local capacity in agricultural biosecurity planning, preparedness, and response.

SUBCHAPTER II—OTHER PROVISIONS

8921. Research and development of agricultural countermeasures.

8922. Agricultural biosecurity grant program.

§ 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.