

subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

- (A) research, extension, and educational programs on technology development; and
- (B) integrated research, extension, and educational programs on technology implementation.

**(d) Plan for research activities to be funded**

**(1) In general**

Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry, the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and bioproducts research priorities of the Department of Agriculture and other appropriate Federal agencies at the State and regional levels.

**(2) Funding**

Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

**(3) Use of plan**

The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

**(e) Grant Information Analysis Center**

The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

**(f) Annual reports**

Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

- (1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(C)(i); and
- (2) a description of progress made in facilitating the priorities described in subsection (d)(1).

**(g) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$75,000,000 for each of fiscal years 2008 through 2018, of which not more than \$4,000,000 for each fiscal year shall be made available to carry out subsection (e).

(Pub. L. 110-234, title VII, § 7526, May 22, 2008, 122 Stat. 1274; Pub. L. 110-246, § 4(a), title VII, § 7526, June 18, 2008, 122 Stat. 1664, 2035; Pub. L. 113-79, title VII, §§ 7128(b)(5), 7516, Feb. 7, 2014, 128 Stat. 879, 903.)

REFERENCES IN TEXT

Section 7511(a)(4), referred to in subsec. (c)(1)(D)(iv)(II) and (III), means section 7511(a)(4) of Pub. L. 110-246.

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.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of title IX of the Farm Security and Rural Investment Act of 2002 which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 8109 of this title prior to the general amendment of this chapter by Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a)(4)(B). Pub. L. 113-79, § 7516(a)(1), substituted “other appropriate Federal agencies (as determined by the Secretary)” for “the Department of Energy”.

Subsec. (b)(1)(A). Pub. L. 113-79, § 7516(a)(2)(A), struck out “at South Dakota State University” after “center”.

Subsec. (b)(1)(B). Pub. L. 113-79, § 7516(a)(2)(B), struck out “at the University of Tennessee at Knoxville” after “center” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 113-79, § 7516(a)(2)(C), struck out “at Oklahoma State University” after “center”.

Subsec. (b)(1)(D). Pub. L. 113-79, § 7516(a)(2)(D), struck out “at Oregon State University” after “center” in introductory provisions.

Subsec. (b)(1)(E). Pub. L. 113-79, § 7516(a)(2)(E), struck out “at Cornell University” after “center”.

Subsec. (b)(1)(F). Pub. L. 113-79, § 7516(a)(2)(F), struck out “at the University of Hawaii” after “subcenter”.

Subsec. (c)(1)(B). Pub. L. 113-79, § 7516(a)(3)(A), substituted “integrated, multistate research, extension, and education programs on technology development and technology implementation” for “multistate—

“(i) research, extension, and education programs on technology development; and

“(ii) integrated research, extension, and education programs on technology implementation”.

Subsec. (c)(1)(C), (D). Pub. L. 113-79, § 7516(a)(3)(B), (C), redesignated subpar. (D) as (C) and struck out former subpar. (C) which related to funding allocation.

Subsec. (c)(1)(D)(iv)(IV). Pub. L. 113-79, § 7128(b)(5), added subcl. (IV).

Subsec. (d)(1). Pub. L. 113-79, § 7516(a)(4)(A), struck out “in accordance with paragraph (2)” after “industry” and substituted “bioproducts” for “gasification” and “other appropriate Federal agencies” for “the Department of Energy”.

Subsec. (d)(2) to (4). Pub. L. 113-79, § 7516(a)(4)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2). Prior to amendment, text read as follows: “With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.”

Subsec. (f)(1). Pub. L. 113-79, § 7516(b), substituted “subsection (c)(1)(C)(i)” for “subsection (c)(1)(D)(i)”.

Subsec. (g). Pub. L. 113-79, § 7516(a)(5), substituted “2018” for “2012”.

EFFECTIVE DATE

Enactment of this section 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.

DEFINITION OF “SECRETARY”

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

CHAPTER 108—TREE ASSISTANCE PROGRAM

Sec.	
8201.	Definitions.
8202.	Eligibility.
8203.	Assistance.
8204.	Limitations on assistance.
8205.	Authorization of appropriations.

**§ 8201. Definitions**

In this chapter:

**(1) Eligible orchardist**

The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

**(2) Natural disaster**

The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, and other occurrence, as determined by the Secretary.

**(3) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(4) Tree**

The term “tree” includes a tree, bush, and vine.

(Pub. L. 107–171, title X, §10201, May 13, 2002, 116 Stat. 490.)

**§ 8202. Eligibility****(a) Loss**

Subject to subsection (b), the Secretary shall provide assistance under section 8203 of this title to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

**(b) Limitation**

An eligible orchardist shall qualify for assistance under subsection (a) only if the tree mortality of the eligible orchardist, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(Pub. L. 107–171, title X, §10202, May 13, 2002, 116 Stat. 490.)

**§ 8203. Assistance**

Subject to section 8204 of this title, the assistance provided by the Secretary to eligible orchardists for losses described in section 8202 of this title shall consist of—

(1) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(2) at the option of the Secretary, sufficient seedlings to reestablish a stand.

(Pub. L. 107–171, title X, §10203, May 13, 2002, 116 Stat. 491.)

**§ 8204. Limitations on assistance****(a) Amount**

The total amount of payments that a person shall be entitled to receive under this chapter may not exceed \$75,000, or an equivalent value in tree seedlings.

**(b) Acres**

The total quantity of acres planted to trees or tree seedlings for which a person shall be entitled to receive payments under this chapter may not exceed 500 acres.

**(c) Regulations**

The Secretary shall promulgate regulations—

(1) defining the term “person” for the purposes of this chapter, which shall conform, to the maximum extent practicable, to the regulations defining the term “person” promulgated under section 1308 of this title (before the amendment made by section 1603(a)<sup>1</sup> of the Food, Conservation, and Energy Act of 2008); and

(2) promulgating such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

(Pub. L. 107–171, title X, §10204, May 13, 2002, 116 Stat. 491; Pub. L. 110–234, title I, §1603(g)(4), May 22, 2008, 122 Stat. 1011; Pub. L. 110–246, §4(a), title I, §1603(g)(4), June 18, 2008, 122 Stat. 1664, 1740; Pub. L. 113–79, title I, §1609(b)(1), Feb. 7, 2014, 128 Stat. 709.)

## REFERENCES IN TEXT

Section 1308 of this title (before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008), referred to in subsec. (c)(1), means section 1308 of this title before the amendment by section 1603(a) of Pub. L. 110–246, which amended the definition of “covered commodity” in section 1308(a)(1). Section 1603(b) of Pub. L. 110–246 amended section 1308 by, among other things, adding subsec. (a)(4) which defined “person” and striking out subsec. (e) which related to issuance of regulations defining “person”. The amendments by section 1603 of Pub. L. 110–246 to section 1308 were effective May 22, 2008.

## CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

## AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113–79 amended language inserted by Pub. L. 110–246, §1603(g)(4). See 2008 Amendment note below.

2008—Subsec. (c)(1). Pub. L. 110–246, §1603(g)(4), as amended by Pub. L. 113–79, §1609(b)(1), inserted “(before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008)” after “section 1308 of this title”.

## EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–79 effective as if included in Pub. L. 110–246, see section 1609(b)(2) of Pub. L. 113–79, set out as a note under section 1471g of this title.

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section 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 an Effective Date note under section 8701 of this title.

**§ 8205. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(Pub. L. 107–171, title X, §10205, May 13, 2002, 116 Stat. 491.)

**CHAPTER 109—ANIMAL HEALTH PROTECTION**

Sec.  
8301. Findings.

<sup>1</sup> See References in Text note below.