

(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)¹ 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;

¹ See References in Text note below.

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

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§ 8301. Findings

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

- (A) animal health;
- (B) the health and welfare of the people of the United States;
- (C) the economic interests of the livestock and related industries of the United States;
- (D) the environment of the United States; and
- (E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this chapter;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this chapter are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

- (i) to prevent and eliminate burdens on interstate commerce and foreign commerce;
- (ii) to regulate effectively interstate commerce and foreign commerce; and
- (iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

(Pub. L. 107–171, title X, §10402, May 13, 2002, 116 Stat. 494.)

REFERENCES IN TEXT

This chapter, referred to in pars. (2) and (5)(A), was in the original “this subtitle”, meaning subtitle E (§§10401–10418) of title X of Pub. L. 107–171, May 13, 2002, 116 Stat. 494, which is classified principally to this chapter. For complete classification of subtitle E to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 107–171, title X, §10401, May 13, 2002, 116 Stat. 494, provided that: “This subtitle [subtitle E (§§10401–10418) of title X of Pub. L. 107–171, enacting this chapter, amending sections 7714 and 7733 of this title, section 1540 of Title 16, Conservation, and sections 136a and 618 of Title 21, Food and Drugs, and repealing sections 429, 2260, 2260a of this title, section 1306 of Title 19, Customs Duties, sections 102 to 105, 111, 112, 113, 114 to 114d–1, 114e to 114h, 115 to 131, 134 to 135b, 612 to 614 of Title 21, sections 3901 and 3902 of Title 46, Shipping, and provisions set out as a note under section 129a of Title 21] may be cited as the ‘Animal Health Protection Act’.”

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry in-

spection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 8302. Definitions

In this chapter:

(1) Animal

The term “animal” means any member of the animal kingdom (except a human).

(2) Article

The term “article” means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) Disease

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

(4) Enter

The term “enter” means to move into the commerce of the United States.

(5) Export

The term “export” means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) Facility

The term “facility” means any structure.

(7) Import

The term “import” means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

(9) Interstate commerce

The term “interstate commerce” means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) Livestock

The term “livestock” means all farm-raised animals.

(11) Means of conveyance

The term “means of conveyance” means any personal property used for or intended for use for the movement of any other personal property.

(12) Move

The term “move” means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;