

**§ 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 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.

**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.