

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.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

SUBCHAPTER XIII—BIOSECURITY

§ 3351. Special authorization for biosecurity planning and response

(a) Authorization of appropriations

In addition to amounts for agricultural research, extension, and education under this chapter, there are authorized to be appropriated for agricultural research, education, and extension activities for biosecurity planning and response—

- (1) such sums as are necessary for each of fiscal years 2002 through 2013;
- (2) \$20,000,000 for each of fiscal years 2014 through 2018; and
- (3) \$30,000,000 for each of fiscal years 2019 through 2023.

(b) Use of funds

Using any authority available to the Secretary, the Secretary shall use funds made available under this section to carry out agricultural research, education, and extension activities (including through competitive grants and cooperative agreements) for the following:

- (1) To reduce the vulnerability of the United States food and agricultural system to chemical or biological attack.
- (2) To continue partnerships with institutions of higher education and other institutions to help form stable, long-term programs to enhance the biosecurity of the United States, including the coordination of the development, implementation, and enhancement of diverse capabilities for addressing threats to the Nation's agricultural economy and food supply with special emphasis on planning, training, outreach, and research activities related to vulnerability analyses, incident response, and detection and prevention technologies.
- (3) To award competitive grants and cooperative agreements to universities and qualified research institutions for research on counterbioterrorism.
- (4) To counter or otherwise respond to chemical or biological attack.
- (5) To coordinate the tactical science activities of the Research, Education, and Economics mission area of the Department that protect the integrity, reliability, sustainability, and profitability of the food and agricultural system of the United States against biosecurity threats from pests, diseases, contaminants, and disasters.

(Pub. L. 95-113, title XIV, §1484, as added Pub. L. 107-171, title VII, §7221(a), May 13, 2002, 116 Stat. 452; amended Pub. L. 110-234, title VII, §7142, May 22, 2008, 122 Stat. 1232; Pub. L. 110-246, §4(a),

title VII, §7142, June 18, 2008, 122 Stat. 1664, 1993; Pub. L. 113-79, title VII, §7126, Feb. 7, 2014, 128 Stat. 877; Pub. L. 115-334, title VII, §7135, Dec. 20, 2018, 132 Stat. 4802.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, and was translated as reading “this title”, meaning title XIV of Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 981, as amended, known as the National Agricultural Research, Extension, and Teaching Policy Act of 1977, which is classified principally to this chapter, to reflect the probable intent of Congress. For complete classification of title XIV to the Code, see References in Text note set out under section 3102 of this title and Tables.

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

2018—Subsec. (a)(3). Pub. L. 115-334, §7135(1), added par. (3).

Subsec. (b). Pub. L. 115-334, §7135(2)(A), inserted “and cooperative agreements” after “competitive grants” in introductory provisions.

Subsec. (b)(3). Pub. L. 115-334, §7135(2)(B), substituted “award competitive grants and cooperative agreements” for “make competitive grants”.

Subsec. (b)(5). Pub. L. 115-334, §7135(2)(C), added par. (5).

2014—Subsec. (a). Pub. L. 113-79 substituted “response—” for “response such sums as are necessary for each of fiscal years 2002 through 2012.” and added pars. (1) and (2).

2008—Subsec. (a). Pub. L. 110-246, §7142, substituted “2012” for “2007”.

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§ 3352. Agriculture research facility expansion and security upgrades

(a) In general

To enhance the security of agriculture in the United States against threats posed by bioterrorism, the Secretary shall make expansion or security upgrade grants on a competitive basis to colleges and universities (as defined in section 3103(4) of this title).

(b) Limitation on grants

Grants to a recipient under this section shall not exceed \$10,000,000 in any fiscal year.

(c) Requirements for grants

The Secretary shall make a grant under this section only if the grant applicant provides satisfactory assurances to the Secretary that—

- (1) sufficient funds are available to pay the non-Federal share of the cost of the proposed expansion or security upgrades; and
- (2) the proposed expansion or security upgrades meet such reasonable qualifications as may be established by the Secretary with respect to biosafety and biosecurity requirements necessary to protect facility staff, members of the public, and the food supply.

(d) Additional requirements for grants for facility expansion

The Secretary shall make a grant under this section for the expansion, renovation, remodeling, or alteration (collectively referred to in this section as “expansion”) of a facility only if the grant applicant provides such assurances as the Secretary determines to be satisfactory to ensure the following:

(1) For not less than 20 years after the grant is awarded, the facility shall be used for the purposes of the research for which the facility was expanded, as described in the grant application.

(2) Sufficient funds will be available, as of the date of completion of the expansion, for the effective use of the facility for the purposes of the research for which the facility was expanded.

(3) The proposed expansion—

(A) will increase the capability of the applicant to conduct research for which the facility was expanded; or

(B) is necessary to improve the quality of the research of the applicant.

(e) Amount of grant

The amount of a grant awarded under this section shall be determined by the Secretary.

(f) Federal share

The Federal share of the cost of any expansion or security upgrade carried out using funds from a grant provided under this section shall not exceed 50 percent.

(g) Authorization of appropriations

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

(Pub. L. 95-113, title XIV, § 1485, as added Pub. L. 107-171, title VII, § 7221(a), May 13, 2002, 116 Stat. 453.)

§ 3353. Agricultural biosecurity**(a) Security at colleges and universities****(1) Grants**

The Secretary of Agriculture (referred to in this section as the “Secretary”) may award grants to covered entities to review security standards and practices at their facilities in order to protect against bioterrorist attacks.

(2) Covered entities

Covered entities under this subsection are colleges or universities that—

(A) are colleges or universities as defined in section 3103 of this title; and

(B) have programs in food and agricultural sciences, as defined in such section.

(3) Limitation

Each individual covered entity may be awarded one grant under paragraph (1), the amount of which shall not exceed \$50,000.

(4) Contract authority

Colleges and universities receiving grants under paragraph (1) may use such grants to enter into contracts with independent private organizations with established and dem-

onstrated security expertise to conduct the security reviews specified in such paragraph.

(b) Guidelines for agricultural biosecurity**(1) In general**

The Secretary may award grants to associations of food producers or consortia of such associations for the development and implementation of educational programs to improve biosecurity on farms in order to ensure the security of farm facilities against potential bioterrorist attacks.

(2) Limitation

Each individual association eligible under paragraph (1) may be awarded one grant under such paragraph, the amount of which shall not exceed \$100,000. Each consortium eligible under paragraph (1) may be awarded one grant under such paragraph, the amount of which shall not exceed \$100,000 per association participating in the consortium.

(3) Contract authority

Associations of food producers receiving grants under paragraph (1) may use such grants to enter into contracts with independent private organizations with established and demonstrated expertise in biosecurity to assist in the development and implementation of educational programs to improve biosecurity specified in such paragraph.

(c) Authorization of appropriations

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

(Pub. L. 107-188, title III, § 334, June 12, 2002, 116 Stat. 679.)

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

§ 3354. Agricultural bioterrorism research and development**(a) In general**

The Secretary of Agriculture (referred to in this section as the “Secretary”) may utilize existing research authorities and research programs to protect the food supply of the United States by conducting and supporting research activities to—

(1) enhance the capability of the Secretary to respond in a timely manner to emerging or existing bioterrorist threats to the food and agricultural system of the United States;

(2) develop new and continue partnerships with institutions of higher education and other institutions to help form stable, long-term programs to enhance the biosecurity and food safety of the United States, including the coordination of the development, implementation, and enhancement of diverse capabilities for addressing threats to the nation’s agricultural economy and food supply, with special emphasis on planning, training, outreach, and research activities related to vulnerability