

7 USC Ch. 114: AGRICULTURAL SECURITY**From Title 7—AGRICULTURE****CHAPTER 114—AGRICULTURAL SECURITY**

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§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. Repealed.** Pub. L. 115–334, [title XII, §12201, Dec. 20, 2018](#), 132 Stat. 4944

Section, Pub. L. 110–234, [title XIV, §14111, May 22, 2008](#), 122 Stat. 1454; Pub. L. 110–246, [§4\(a\), title XIV, §14111, June 18, 2008](#), 122 Stat. 1664, [2216](#), related to Office of Homeland Security. See section 6922 of this title.

§8912. Agricultural biosecurity communication center**(a) Establishment**

The Secretary shall establish a communication center within the Department to—

(1) collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity; and

(2) coordinate activities described in paragraph (1) among agencies and offices within the Department.

(b) Relation to existing DHS communication systems

(1) Consistency and coordination

The communication center established under subsection (a) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with the Department of Homeland Security and other communication systems of appropriate Federal departments and agencies.

(2) Avoiding redundancies

Paragraph (1) shall not be construed to impede, conflict with, or duplicate the communications activities performed by the Secretary of Homeland Security under any provision of law.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

(1) such sums as are necessary for each of fiscal years 2008 through 2013; and

(2) \$2,000,000 for each of fiscal years 2014 through 2023.

(Pub. L. 110–234, [title XIV, §14112, May 22, 2008](#), 122 Stat. 1455; Pub. L. 110–246, [§4\(a\), title XIV, §14112, June 18, 2008](#), 122 Stat. 1664, [2217](#); Pub. L. 113–79, [title VII, §7501, Feb. 7, 2014](#), 128 Stat. 900; Pub. L. 115–334, [title VII, §7401, Dec. 20, 2018](#), 132 Stat. 4817.)

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

2018—Subsec. (c)(2). Pub. L. 115–334 substituted "2023" for "2018".

2014—Subsec. (c). Pub. L. 113–79 amended subsec. (c) generally. Prior to amendment, text read as follows: "There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 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.

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

(a) Advanced training programs

(1) Grant assistance

The Secretary shall establish a competitive grant program to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this subsection—

(A) such sums as are necessary for each of fiscal years 2008 through 2013; and

(B) \$15,000,000 for each of fiscal years 2014 through 2023.

(b) Assessment of response capability

(1) Grant and loan assistance

The Secretary shall establish a competitive grant and low-interest loan assistance program to assist States in assessing agricultural disease response capability.

(2) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection—

(A) \$25,000,000 for each of fiscal years 2008 through 2013; and

(B) \$15,000,000 for each of fiscal years 2014 through 2023.

(Pub. L. 110–234, title XIV, §14113, May 22, 2008, 122 Stat. 1455; Pub. L. 110–246, §4(a), title XIV, §14113, June 18, 2008, 122 Stat. 1664, 2217; Pub. L. 113–79, title VII, §7502, Feb. 7, 2014, 128 Stat. 900; Pub. L. 115–334, title VII, §7402, Dec. 20, 2018, 132 Stat. 4817.)

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

2018—Subsec. (a)(2)(B). Pub. L. 115–334, §7402(1), substituted "2023" for "2018".

Subsec. (b)(2)(B). Pub. L. 115–334, §7402(2), substituted "2023" for "2018".

2014—Subsec. (a)(2). Pub. L. 113–79, §7502(1), struck out "such sums as may be necessary" after "Secretary", substituted "subsection—" for "subsection for each of fiscal years 2008 through 2012.", and added subpars. (A) and (B).

Subsec. (b)(2). Pub. L. 113–79, §7502(2), substituted "are authorized to be appropriated to carry out this subsection—" for "is authorized to be appropriated to carry out this subsection \$25,000,000 for each of fiscal years 2008 through 2012." and added subpars. (A) and (B).

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.

§8914. Agriculture and food defense

(a) Definitions

In this section:

(1) Animal

The term "animal" has the meaning given the term in section 8302 of this title.

(2) Disease or pest of concern

The term "disease or pest of concern" means a plant or animal disease or pest that—

(A) is—

- (i) a transboundary disease; or
- (ii) an established disease; and

(B) is likely to pose a significant risk to the food and agriculture critical infrastructure sector that warrants efforts at prevention, protection, mitigation, response, and recovery.

(3) Established disease

The term "established disease" means a plant or animal disease or pest that—

- (A)(i) if it becomes established, poses an imminent threat to agriculture in the United States; or
- (ii) has become established, as defined by the Secretary, within the United States; and
- (B) requires management.

(4) High-consequence plant transboundary disease

The term "high-consequence plant transboundary disease" means a transboundary disease that is—

- (A)(i) a plant disease; or
- (ii) a plant pest; and
- (B) of high consequence, as determined by the Secretary.

(5) Pest

The term "pest"—

- (A) with respect to a plant, has the meaning given the term "plant pest" in section 7702 of this title; and
- (B) with respect to an animal, has the meaning given the term in section 8302 of this title.

(6) Plant

The term "plant" has the meaning given the term in section 7702 of this title.

(7) Plant health management strategy

The term "plant health management strategy" means a strategy to timely control and eradicate a plant disease or plant pest outbreak, including through mitigation (such as chemical control), surveillance, the use of diagnostic products and procedures, and the use of existing resistant seed stock.

(8) Transboundary disease

(A) In general

The term "transboundary disease" means a plant or animal disease or pest that is within 1 or more countries outside of the United States.

(B) Inclusion

The term "transboundary disease" includes a plant or animal disease or pest described in subparagraph (A) that

- (i) has emerged within the United States; or
- (ii) has been introduced within the United States.

(9) Veterinary countermeasure

The term "veterinary countermeasure" has the meaning given such term in section 8302 of this title.

(b) Disease or Pest of Concern Response Planning

(1) In general

The Secretary shall—

(A) establish a list of diseases or pests of concern by—

- (i) developing a process to solicit and receive expert opinion and evidence relating to the diseases or pests of concern entered on the list; and
- (ii) reviewing all available evidence relating to the diseases or pests of concern entered on the list, including classified information; and

(B) periodically update the list established under subparagraph (A).

(2) Response plans

(A) Comprehensive strategic response plan or plans

The Secretary shall develop, in collaboration with appropriate Federal, State, regional, and local officials, a comprehensive strategic response plan or plans, as appropriate, for the diseases or pests of concern that are entered on the list established under paragraph (1).

(B) State or region response plan or plans

The Secretary shall provide information to a State or region to assist in producing a response plan or plans that shall include a concept of operations for a disease or pest of concern or a platform concept of operations for responses to similar diseases or pests of concern that are determined to be a priority to the State or region that shall, as appropriate—

- (i) describe the appropriate interactions among, and roles of—
 - (I) Federal, State, Tribal, and units of local government; and
 - (II) plant or animal industry partners;
- (ii) include a decision matrix or dynamic decision modeling tools that, as appropriate, include—
 - (I) information and timing requirements necessary for the use of veterinary countermeasures;
 - (II) plant health management strategies;
 - (III) deployment of other key materials and resources; and
 - (IV) parameters for transitioning from outbreak response to disease management;
- (iii) identify key response performance metrics to establish—
 - (I) benchmarking to provide assessments of capabilities, capacity, and readiness to achieve response goals and objectives;
 - (II) progressive exercise evaluation; and
 - (III) continuing improvement of a response plan, including by providing for—
 - (aa) ongoing exercises;
 - (bb) improvement planning and the implementation of corrective actions to enhance a response plan over time; and
 - (cc) strategic information to guide investment in any appropriate research to mitigate the risk of a disease or pest of concern; and
- (iv) be updated periodically, including in response to—
 - (I) an exercise evaluation; or
 - (II) new risk information becoming available regarding a disease or pest of concern.

(3) Coordination of plans

Pursuant to section 6922(d)(6) of this title, as added by section 12202, the Secretary shall, as appropriate, assist in coordinating with other appropriate Federal, State, regional, or local officials in the exercising of the plans developed under paragraph (2).

(c) National Plant Diagnostic Network**(1) In general**

The Secretary shall establish in the Department of Agriculture a National Plant Diagnostic Network to monitor and surveil through diagnostics threats to plant health from diseases or pests of concern in the United States.

(2) Requirements

The National Plant Diagnostic Network established under paragraph (1) shall—

(A) provide for increased awareness, surveillance, early identification, rapid communication, warning, and diagnosis of a threat to plant health from a disease or pest of concern to protect natural and agricultural plant resources;

(B) coordinate and collaborate with agencies of the Department of Agriculture and State agencies and authorities involved in plant health;

(C) establish diagnostic laboratory standards;

(D) establish regional hubs throughout the United States that provide expertise, leadership, and support to diagnostic labs relating to the agricultural crops and plants in the covered regions of those hubs; and

(E) establish a national repository for records of endemic or emergent diseases and pests of concern.

(3) Head of network**(A) In general**

The Director of the National Institute of Food and Agriculture shall serve as the head of the National Plant Diagnostic Network.

(B) Duties

The head of the National Plant Diagnostic Network shall—

(i) coordinate and collaborate with land-grant colleges and universities (as defined in section 3103 of this title) in carrying out the requirements under paragraph (2), including through cooperative agreements described in paragraph (4);

(ii) partner with the Administrator of the Animal and Plant Health Inspection Service for assistance with plant health regulation and inspection; and

(iii) coordinate with other Federal agencies, as appropriate, in carrying out activities relating to the National Plant Diagnostic Network, including the sharing of biosurveillance information.

(4) Collaboration with land-grant colleges and universities

The Secretary shall seek to establish cooperative agreements with land-grant colleges and universities (as defined in section 3103 of this title) that have the appropriate level of skill, experience, and competence with plant diseases or pests of concern.

(5) Authorization of appropriations

In addition to the amount authorized to carry out this subtitle under section 12205,¹ there is authorized to be appropriated to carry out this subsection \$15,000,000 for each of fiscal years 2019 through 2023.

(d) National Plant Disease Recovery System**(1) Recovery System**

The Secretary shall establish in the Department of Agriculture a National Plant Disease Recovery System to engage in strategic long-range planning to recover from high-consequence plant transboundary diseases.

(2) Requirements

The National Plant Disease Recovery System established under paragraph (1) shall—

(A) coordinate with disease or pest of concern concept of operations response plans;

(B) make long-range plans for the initiation of future research projects relating to high-consequence plant transboundary diseases;

(C) establish research plans for long-term recovery;

(D) plan for the identification and use of specific genotypes, cultivars, breeding lines, and other disease-resistant materials necessary for crop stabilization or improvement; and

(E) establish a watch list of high-consequence plant transboundary diseases for the purpose of making long-range plans under subparagraph (B).

(Pub. L. 115–334, title XII, §12203, Dec. 20, 2018, 132 Stat. 4946.)

REFERENCES IN TEXT

Section 12202, referred to in subsec. (b)(3), means section 12202 of Pub. L. 115–334, [title XII, Dec. 20, 2018](#), 132 Stat. 4944, which enacted section 6922 of this title.

The amount authorized to carry out this subtitle under section 12205, referred to in subsec. (c)(5), means the amount authorized to carry out subtitle B (§§12201–12205) of title XII of Pub. L. 115–334, [Dec. 20, 2018](#), 132 Stat. 4944, which enacted sections 6922 and 8914 of this title, amended section 8401 of this title, and repealed section 8911 of this title, under section 12205 of such Act, which was not classified to the Code.

CODIFICATION

Section was enacted as part of the Agriculture Improvement Act of 2018, and not as part of the Department of Agriculture Reorganization Act of 1994 which in part comprises this chapter.

DEFINITION OF "SECRETARY"

"Secretary" means the Secretary of Agriculture, see section 2 of Pub. L. 115–334, set out as a note under section 9001 of this title.

¹ See References in Text note below.

SUBCHAPTER II—OTHER PROVISIONS

§8921. Research and development of agricultural countermeasures

(a) Grant program

(1) Competitive grant program

The Secretary shall establish a competitive grant program to encourage basic and applied research and the development of qualified agricultural countermeasures.

(2) Waiver in emergencies

The Secretary may waive the requirement under paragraph (1) that a grant be provided on a competitive basis if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) waiving the requirement would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

(1) \$50,000,000 for each of fiscal years 2008 through 2013; and

(2) \$15,000,000 for each of fiscal years 2014 through 2023.

(Pub. L. 110–234, [title XIV, §14121, May 22, 2008](#), 122 Stat. 1455; Pub. L. 110–246, [§4\(a\), title XIV, §14121, June 18, 2008](#), 122 Stat. 1664, [2217](#); Pub. L. 113–79, [title VII, §7503, Feb. 7, 2014](#), 128 Stat. 900; Pub. L. 115–334, [title VII, §7403, Dec. 20, 2018](#), 132 Stat. 4817.)

REFERENCES IN TEXT

The Plant Protection Act, referred to in subsec. (a)(2)(A), is title IV of Pub. L. 106–224, [June 20, 2000](#), 114 Stat. 438, which is classified principally to chapter 104 (§7701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of this title and Tables.

The Animal Health Protection Act, referred to in subsec. (a)(2)(A), is subtitle E (§§10401–10418) of title X of Pub. L. 107–171, [May 13, 2002](#), 116 Stat. 494, which is classified principally to chapter 109 (§8301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8301 of this title and 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.

AMENDMENTS

2018—Subsec. (b)(2). Pub. L. 115–334 substituted "2023" for "2018".

2014—Subsec. (b). Pub. L. 113–79 substituted "are authorized to be appropriated to carry out this section—" for "is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2008 through 2012." and added pars. (1) and (2).

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.

§8922. Agricultural biosecurity grant program

(a) Competitive grant program

The Secretary shall establish a competitive grant program to promote the development of teaching programs in agriculture, veterinary medicine, and disciplines closely allied to the food and agriculture system to increase the number of trained individuals with an expertise in agricultural biosecurity.

(b) Eligibility

The Secretary may award a grant under this section only to an entity that is—

- (1) an accredited school of veterinary medicine; or
- (2) a department of an institution of higher education with a primary focus on—
 - (A) comparative medicine;
 - (B) veterinary science; or
 - (C) agricultural biosecurity.

(c) Preference

The Secretary shall give preference in awarding grants based on the ability of an applicant—

- (1) to increase the number of veterinarians or individuals with advanced degrees in food and agriculture disciplines who are trained in agricultural biosecurity practice areas;
- (2) to increase research capacity in areas of agricultural biosecurity; or
- (3) to fill critical agricultural biosecurity shortage situations outside of the Federal Government.

(d) Use of funds

(1) In general

Amounts received under this section shall be used by a grantee to pay—

- (A) costs associated with the acquisition of equipment and other capital costs relating to the expansion of food, agriculture, and veterinary medicine teaching programs in agricultural biosecurity;
- (B) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization; or
- (C) other capacity and infrastructure program costs that the Secretary considers appropriate.

(2) Limitation

Funds received under this section may not be used for the construction, renovation, or rehabilitation of a building or facility.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

- (1) such sums as are necessary for each of fiscal years 2008 through 2013, to remain available until expended; and
- (2) \$5,000,000 for each of fiscal years 2014 through 2023, to remain available until expended.

(Pub. L. 110–234, [title XIV, §14122, May 22, 2008](#), 122 Stat. 1456; Pub. L. 110–246, [§4\(a\), title XIV, §14122, June 18, 2008](#), 122 Stat. 1664, [2218](#); Pub. L. 113–79, [title VII, §7504, Feb. 7, 2014](#), 128 Stat. 901; Pub. L. 115–334, [title VII, §7404, Dec. 20, 2018](#), 132 Stat. 4817.)

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

2018—Subsec. (e)(2). Pub. L. 115–334 substituted "2023" for "2018".

2014—Subsec. (e). Pub. L. 113–79 struck out "sums as are necessary" after "appropriated", substituted "section—" for "section for each of fiscal years 2008 through 2012, to remain available until expended.", and added pars. (1) and (2).

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.