

ceipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) Waiver of privilege or protection

The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

(Pub. L. 110-234, title I, §1619, May 22, 2008, 122 Stat. 1022; Pub. L. 110-246, §4(a), title I, §1619, June 18, 2008, 122 Stat. 1664, 1750.)

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 L. 110-234 was repealed by section 4(a) of Pub.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.

§ 8792. Geographically disadvantaged farmers and ranchers

(a) Definitions

In this section:

(1) Agricultural commodity

The term “agricultural commodity” has the meaning given the term in section 5602 of this title.

(2) Geographically disadvantaged farmer or rancher

The term “geographically disadvantaged farmer or rancher” has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

(b) Authorization

Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) Transportation

(1) In general

Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) Proof of eligibility

To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) Amount

(A) In general

Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or

rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5 for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 3103 of this title), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) Limitation

The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed \$15,000,000 for a fiscal year.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009 and each succeeding fiscal year.

(Pub. L. 110-234, title I, §1621, May 22, 2008, 122 Stat. 1024; Pub. L. 110-246, §4(a), title I, §1621, June 18, 2008, 122 Stat. 1664, 1752; Pub. L. 113-79, title I, §1606, Feb. 7, 2014, 128 Stat. 708.)

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

2014—Subsec. (d). Pub. L. 113-79 substituted “fiscal year 2009 and each succeeding fiscal year” for “each of fiscal years 2009 through 2012”.

§ 8793. Implementation

The Secretary shall make available to the Farm Service Agency to carry out this chapter \$50,000,000.

(Pub. L. 110-234, title I, §1622, May 22, 2008, 122 Stat. 1025; Pub. L. 110-246, §4(a), title I, §1622, June 18, 2008, 122 Stat. 1664, 1753.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, which is classified principally to this chapter. For complete classification of title I to the Code, see 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.

CHAPTER 114—AGRICULTURAL SECURITY

Sec.

8901. Definitions.

SUBCHAPTER I—AGRICULTURAL SECURITY

8911. Office of Homeland Security.

8912. Agricultural biosecurity communication center.

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

SUBCHAPTER II—OTHER PROVISIONS

8921. Research and development of agricultural countermeasures.

8922. Agricultural biosecurity grant program.

§ 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 chapter 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.

(c) Responsibilities

The Director of Homeland Security shall—

(1) coordinate all homeland security activities of the Department, including integration and coordination of interagency emergency response plans for—

- (A) agricultural disease emergencies;
- (B) agroterrorist acts; and
- (C) other threats to agricultural biosecurity;

(2) act as the primary liaison on behalf of the Department with other Federal departments and agencies on the coordination of efforts and interagency activities pertaining to agricultural biosecurity; and

(3) advise the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.

(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.)

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.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 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 2018.

(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.)

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

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.”

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 2018.

(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 2018.

(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.)

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

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).

DEFINITION OF “SECRETARY”

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

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 2018.

(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.)

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

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).

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 2018, 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.)

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

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).

DEFINITION OF “SECRETARY”

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

CHAPTER 115—AGRICULTURAL COMMODITY POLICY AND PROGRAMS

- Sec. 9001. Definition of Secretary of Agriculture.
- SUBCHAPTER I—COMMODITY POLICY**
- 9011. Definitions.
- 9012. Base acres.
- 9013. Payment yields.
- 9014. Payment acres.
- 9015. Producer election.
- 9016. Price loss coverage.
- 9017. Agriculture risk coverage.
- 9018. Producer agreements.
- 9019. Transition assistance for producers of upland cotton.

SUBCHAPTER II—MARKETING LOANS

- 9031. Availability of nonrecourse marketing assistance loans for loan commodities.
- 9032. Loan rates for nonrecourse marketing assistance loans.
- 9033. Term of loans.
- 9034. Repayment of loans.
- 9035. Loan deficiency payments.
- 9036. Payments in lieu of loan deficiency payments for grazed acreage.
- 9037. Special marketing loan provisions for upland cotton.
- 9038. Special competitive provisions for extra long staple cotton.
- 9039. Availability of recourse loans for high moisture feed grains and seed cotton.
- 9040. Adjustments of loans.

SUBCHAPTER III—DAIRY

PART A—MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS

- 9051. Definitions.
- 9052. Calculation of average feed cost and actual dairy production margins.
- 9053. Establishment of margin protection program for dairy producers.
- 9054. Participation of dairy operations in margin protection program.
- 9055. Production history of participating dairy operations.
- 9056. Margin protection payments.
- 9057. Premiums for margin protection program.
- 9058. Effect of failure to pay administrative fees or premiums.
- 9059. Duration.
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PART B—DAIRY PRODUCT DONATION PROGRAM

- 9071. Dairy product donation program.

SUBCHAPTER IV—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE PROGRAMS

- 9081. Supplemental agricultural disaster assistance.

SUBCHAPTER V—ADMINISTRATION

- 9091. Administration generally.
- 9092. Suspension of permanent price support authority.

- Sec. 9093. Prevention of deceased individuals receiving payments under farm commodity programs.
- 9094. Assignment of payments.
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§ 9001. Definition of Secretary of Agriculture

In this Act, the term “Secretary” means the Secretary of Agriculture.

(Pub. L. 113-79, § 2, Feb. 7, 2014, 128 Stat. 658.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649, known as the Agricultural Act of 2014. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

CODIFICATION

This section was not enacted as part of title I of Pub. L. 113-79 which comprises this chapter.

SHORT TITLE

Pub. L. 113-79, §1(a), Feb. 7, 2014, 128 Stat. 649, provided that: “This Act [see Tables for classification] may be cited as the ‘Agricultural Act of 2014’.”

SUBCHAPTER I—COMMODITY POLICY

§ 9011. Definitions

In this subchapter and subchapter II:

(1) Actual crop revenue

The term “actual crop revenue”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 9017(b) of this title.

(2) Agriculture risk coverage

The term “agriculture risk coverage” means coverage provided under section 9017 of this title.

(3) Agriculture risk coverage guarantee

The term “agriculture risk coverage guarantee”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 9017(c) of this title.

(4) Base acres

(A) In general

The term “base acres”, with respect to a covered commodity on a farm, means the number of acres in effect under sections 8702 and 8751 of this title, as adjusted pursuant to sections 8711, 8718, and 8752 of this title, as in effect on September 30, 2013, subject to any reallocation, adjustment, or reduction under section 9012 of this title.

(B) Inclusion of generic base acres

The term “base acres” includes any generic base acres planted to a covered commodity as determined in section 9014(b) of this title.

(5) County coverage

The term “county coverage” means agriculture risk coverage selected under section 9015(b)(1) of this title to be obtained at the county level.

(6) Covered commodity

The term “covered commodity” means wheat, oats, and barley (including wheat, oats,