

gram 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.)

**Editorial Notes**

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 L. 110-234 was repealed by section 4(a) of Pub.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

**Statutory Notes and Related Subsidiaries**

**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,<sup>1</sup> 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.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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.

<sup>1</sup> 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.)

**Editorial Notes**

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).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the