

108TH CONGRESS
1ST SESSION

S. 427

To amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2003

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Homeland Security Act of 2002 to assist States and communities in preparing for and responding to threats to the agriculture of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agriculture Security
5 Assistance Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) some agricultural diseases pose a direct
9 threat to human health;

1 (2) economic sabotage, in the form of
2 agroterrorism, is also a concern;

3 (3) the United States has an \$80,000,000,000
4 livestock industry;

5 (4) an outbreak of an agricultural disease,
6 whether naturally occurring or intentionally intro-
7 duced, could—

8 (A) have a profound impact on the infra-
9 structure, economy, and export markets of the
10 United States; and

11 (B) erode consumer confidence in the Fed-
12 eral Government and the safety of the food sup-
13 ply of the United States;

14 (5) as with human health and bioterrorism pre-
15 paredness, enhancing current monitoring and re-
16 sponse mechanisms to deal with a deliberate act of
17 agricultural terrorism would strengthen the ability of
18 the United States to diagnose and respond quickly
19 to any animal health crisis;

20 (6)(A) activities to ensure the biosecurity of
21 farms are an important tool in preventing—

22 (i) the intentional or accidental introduc-
23 tion of an agricultural disease; and

24 (ii) the spread of an introduced agricul-
25 tural disease into an outbreak; and

1 (B) most surveys of producers indicate discour-
2 aging and dangerous trends in basic elements of
3 farm security activities;

4 (7)(A) a national response plan, developed by
5 the Department of Agriculture and the Federal
6 Emergency Management Agency, would determine
7 how interdependent agricultural health and emer-
8 gency management response functions will be coordi-
9 nated to ensure an orderly, immediate, and unified
10 response to all aspects of an outbreak of an agricul-
11 tural disease;

12 (B) the Department of Agriculture, in coopera-
13 tion with State and industry partners, would imple-
14 ment the plan as needed; and

15 (C) State and local partners would need assist-
16 ance to implement their shares of the plan;

17 (8) States and communities also require assist-
18 ance to prepare and plan for agricultural disasters;

19 (9)(A) rapid detection of an agricultural disease
20 is imperative in containing the spread of the agricul-
21 tural disease; and

22 (B) potential delays and difficulty in detection
23 may complicate decisions regarding appropriate con-
24 trol measures; and

1 “(2) AGRICULTURAL DISEASE EMERGENCY.—

2 The term ‘agricultural disease emergency’ means an
3 outbreak of a plant or animal disease, or a pest in-
4 festation, that requires prompt action in order to
5 prevent injury or damage to people, plants, livestock,
6 property, the economy, or the environment, as deter-
7 mined by the Secretary of Agriculture under—

8 “(A) section 415 of the Plant Protection
9 Act (7 U.S.C. 7715); or

10 “(B) section 10407(b) of the Animal
11 Health Protection Act (7 U.S.C. 8306(b)).

12 “(3) AGRICULTURE.—The term ‘agriculture’ in-
13 cludes—

14 “(A) the science and practice of activities
15 relating to food, feed, and fiber production,
16 processing, marketing, distribution, use, and
17 trade;

18 “(B) family and consumer science, nutri-
19 tion, food science and engineering, agricultural
20 economics, and other social sciences; and

21 “(C) forestry, wildlife science, fishery
22 science, aquaculture, floraculture, veterinary
23 medicine, and other environmental and natural
24 resource sciences.

1 “(4) AGROTERRORISM.—The term
2 ‘agroterrorism’ means the commission of an
3 agroterrorist act.

4 “(5) AGROTERRORIST ACT.—The term
5 ‘agroterrorist act’ means a criminal act consisting of
6 causing or attempting to cause damage or harm to,
7 or destruction or contamination of, a crop, livestock,
8 farm or ranch equipment, a material, any other
9 property associated with agriculture, or a person en-
10 gaged in agricultural activity, that is committed with
11 the intent—

12 “(A) to intimidate or coerce a civilian pop-
13 ulation; or

14 “(B) to influence the policy of a govern-
15 ment by intimidation or coercion.

16 “(6) BIOSECURITY.—

17 “(A) IN GENERAL.—The term ‘biosecurity’
18 means protection from the risks posed by bio-
19 logical, chemical, or radiological agents to—

20 “(i) plant or animal health;

21 “(ii) the agricultural economy;

22 “(iii) the environment; and

23 “(iv) human health.

24 “(B) INCLUSIONS.—The term ‘biosecurity’
25 includes the exclusion, eradication, and control

1 of biological agents that cause agricultural dis-
2 eases.

3 **“SEC. 899B. RESPONSE PLANS.**

4 “(a) IN GENERAL.—

5 “(1) STATE PLANS.—The Secretary of Agri-
6 culture, in consultation with the Director of the Fed-
7 eral Emergency Management Agency, shall assist
8 States in developing and implementing State plans
9 for responding to outbreaks of agricultural diseases.

10 “(2) REQUIRED ELEMENTS.—Each State re-
11 sponse plan shall include—

12 “(A) identification of available authorities
13 and resources within the State that are needed
14 to respond to an outbreak of an agricultural
15 disease;

16 “(B) identification of—

17 “(i) potential risks and threats due to
18 agricultural activity in the State; and

19 “(ii) the vulnerabilities to those risks
20 and threats;

21 “(C) potential emergency management as-
22 sistance compacts and other mutual aid agree-
23 ments with neighboring States; and

1 “(D) identification of local and State legal
2 statutes or precedents that may affect the im-
3 plementation of a State response plan.

4 “(3) REGIONAL AND NATIONAL RESPONSE
5 PLANS.—The Secretary of Agriculture shall work
6 with States in developing regional and national re-
7 sponse plans to carry out this subsection.

8 “(4) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated to carry out
10 this subsection such sums as are necessary for fiscal
11 year 2004 and each fiscal year thereafter.

12 “(b) MODELING AND STATISTICAL ANALYSES.—

13 “(1) IN GENERAL.—In consultation with the
14 Steering Committee of the National Animal Health
15 Emergency Management System and other stake-
16 holders, the Secretary of Agriculture shall conduct a
17 study—

18 “(A) to determine the best use of epi-
19 demiologists, computer modelers, and statisti-
20 cians as members of emergency response task
21 forces that handle foreign or emerging agricul-
22 tural disease emergencies; and

23 “(B) to identify the types of data that are
24 not collected but that would be necessary for

1 proper modeling and analysis of agricultural
2 disease emergencies.

3 “(2) REPORT.—Not later than 180 days after
4 the date of enactment of this subtitle, the Secretary
5 of Agriculture shall submit a report that describes
6 the results of the study to—

7 “(A) the Secretary of Homeland Security;
8 and

9 “(B) the heads of other appropriate gov-
10 ernmental agencies involved in response plan-
11 ning for agricultural disease emergencies.

12 “(c) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

13 “(1) IN GENERAL.—The Secretary of Agri-
14 culture, in consultation with the Secretary of Home-
15 land Security and the Secretary of the Interior, shall
16 establish a program to provide grants to States to
17 develop capabilities to use geographic information
18 systems and statistical models for epidemiological
19 assessments in the event of agricultural disease
20 emergencies.

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated to carry out
23 this subsection—

24 “(A) \$2,500,000 for fiscal year 2004; and

1 “(B) such sums as are necessary for each
2 fiscal year thereafter.

3 “(d) GRANTS TO FACILITATE PARTICIPATION OF
4 STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

5 “(1) IN GENERAL.—The Secretary of Homeland
6 Security, in coordination with the Secretary of Agri-
7 culture, shall establish a program to provide grants
8 to communities to facilitate the participation of
9 State and local animal health care officials in com-
10 munity emergency planning efforts.

11 “(2) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to carry out
13 this subsection \$5,000,000 for fiscal year 2004.

14 **“SEC. 899C. BIOSECURITY AWARENESS AND PROGRAMS.**

15 “(a) IN GENERAL.—The Secretary of Agriculture
16 shall implement a public awareness campaign for farmers,
17 ranchers, and other agricultural producers that empha-
18 sizes—

19 “(1) the need for heightened biosecurity on
20 farms; and

21 “(2) the reporting of agricultural disease anom-
22 alies.

23 “(b) ON-FARM BIOSECURITY.—

24 “(1) IN GENERAL.—Not later than 240 days
25 after the date of enactment of this subtitle, in con-

1 sultation with associations of agricultural producers
2 and taking into consideration research conducted
3 under the National Agricultural Research, Extension,
4 sion, and Teaching Policy Act of 1977 (7 U.S.C.
5 3101 et seq.), the Secretary of Agriculture shall—

6 “(A) develop guidelines—

7 “(i) to improve monitoring of vehicles
8 and materials entering or leaving farm or
9 ranch operations; and

10 “(ii) to control human traffic entering
11 or leaving farm or ranch operations; and

12 “(B) disseminate the guidelines to agricul-
13 tural producers through agricultural education
14 seminars and biosecurity training sessions.

15 “(2) AUTHORIZATION OF APPROPRIATIONS.—

16 “(A) IN GENERAL.—There are authorized
17 to be appropriated to carry out this sub-
18 section—

19 “(i) \$5,000,000 for fiscal year 2004;
20 and

21 “(ii) such sums as are necessary for
22 each fiscal year thereafter.

23 “(B) EDUCATION PROGRAM.—Of the
24 amounts made available under subparagraph
25 (A), the Secretary of Agriculture may use such

1 sums as are necessary to establish in each State
2 an education program to distribute the biosecu-
3 rity guidelines developed under paragraph (1).

4 “(c) BIOSECURITY GRANT PILOT PROGRAM.—

5 “(1) IN GENERAL.—Not later than 240 days
6 after the date of enactment of this subtitle, the Sec-
7 retary of Agriculture shall develop a pilot program
8 to provide incentives, in the forms of grants or low-
9 interest loans, each in an amount not to exceed
10 \$10,000, for agricultural producers to restructure
11 farm and ranch operations (based on the biosecurity
12 guidelines developed under subsection (b)(1))—

13 “(A) to control access to farms or ranches
14 by persons intending to commit an agroterrorist
15 act;

16 “(B) to prevent the introduction and
17 spread of agricultural diseases; and

18 “(C) to take other measures to ensure bio-
19 security.

20 “(2) REPORT.—Not later than 3 years after the
21 date of enactment of this subtitle, the Secretary of
22 Agriculture shall submit to the appropriate commit-
23 tees of Congress a report that—

24 “(A) describes the implementation of the
25 pilot program; and

1 “(B) makes recommendations on expansion
2 of the pilot program.

3 “(3) AUTHORIZATION OF APPROPRIATIONS.—

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

6 “(A) \$5,000,000 for fiscal year 2004; and

7 “(B) such sums as are necessary for each
8 of fiscal years 2005 through 2007.”.

9 (b) CONFORMING AMENDMENT.—The table of con-
10 tents in section 1(b) of the Homeland Security Act of
11 2002 (Public Law 107–296; 116 Stat. 2135) is amended
12 by adding at the end of the items relating to title VIII
13 the following:

 “Subtitle J—Agriculture Security Assistance

 “Sec. 899A. Definitions.

 “Sec. 899B. Response plans.

 “Sec. 899C. Biosecurity awareness and programs.”.

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