

110TH CONGRESS
1ST SESSION

H. R. 667

To authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2007

Mr. COSTA (for himself, Mr. PUTNAM, Mr. FARR, Mr. CARDOZA, Mr. ENGLISH of Pennsylvania, Mr. ROHRABACHER, Mr. HONDA, Mr. HERGER, Mr. BACA, Mr. FILNER, Mr. RADANOVICH, Mr. THOMPSON of California, Mr. CALVERT, Mrs. MCMORRIS RODGERS, Mr. GALLEGLY, Ms. ZOE LOFGREN of California, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. NUNES, Mrs. CAPPS, Mr. CRENSHAW, Mr. CARTER, Mr. GARY G. MILLER of California, Mrs. DAVIS of California, Ms. MATSUI, Ms. WOOLSEY, Mr. SALAZAR, Mr. BOYD of Florida, Mr. BUTTERFIELD, Mr. BONNER, and Ms. HIRONO) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment their efforts to conduct early detection and surveillance to prevent the establishment or spread of plant pests that endanger agriculture, the environment, and the economy of the United States, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Early Pest Detection
3 and Surveillance Improvement Act”.

4 **SEC. 2. SUPPORT FOR COMMODITY INSPECTION EFFORTS**
5 **TO PREVENT INTRODUCTION OR SPREAD OF**
6 **PESTS.**

7 (a) DEFINITIONS.—In this section:

8 (1) DEPARTMENT OF AGRICULTURE.—The
9 term “department of agriculture” means an agency
10 of a State that has a legal responsibility to perform
11 early pest detection and surveillance activities.

12 (2) EARLY PEST DETECTION AND SURVEIL-
13 LANCE.—The term “early pest detection and surveil-
14 lance” means the full range of activities undertaken
15 to find newly introduced pests, whether new to the
16 United States or new to certain areas of the United
17 States, before the pests become established, or be-
18 fore pest infestations become too large and costly to
19 eradicate or control.

20 (3) PEST.—The term “pest” has the meaning
21 given the term “plant pest” in section 403(14) of
22 the Plant Protection Act (7 U.S.C. 7702(14)).

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of Agriculture.

25 (5) STATE.—The term “State” means—

26 (A) each of the several States;

- 1 (B) the District of Columbia;
- 2 (C) the Commonwealth of Puerto Rico;
- 3 (D) Guam;
- 4 (E) American Samoa;
- 5 (F) the Commonwealth of the Northern
- 6 Mariana Islands;
- 7 (G) the Federated States of Micronesia;
- 8 (H) the Republic of the Marshall Islands;
- 9 (I) the Republic of Palau; and
- 10 (J) the United States Virgin Islands.

11 (b) COOPERATIVE AGREEMENTS AUTHORIZED.—The
12 Secretary of Agriculture shall enter into a cooperative
13 agreement with each department of agriculture that
14 agrees to conduct early pest detection surveillance activi-
15 ties in accordance with guidelines established under the
16 Cooperative Agricultural Pest Survey. The pest detection
17 surveillance activities of the department of agriculture of
18 a State may include inspection and surveillance of domes-
19 tic plant shipments between that State and other States.

20 (c) APPLICATION.—A department of agriculture seek-
21 ing to enter into a cooperative agreement under this sec-
22 tion shall submit an application to the Secretary con-
23 taining such information as the Secretary may require.
24 The Secretary shall notify applicants of the following:

1 (1) The requirements to be imposed on a de-
2 partment of agriculture for auditing of, and report-
3 ing on, the use of any funds provided by the Sec-
4 retary under the cooperative agreement.

5 (2) The criteria to be used to ensure that early
6 pest detection and surveillance activities supported
7 under the cooperative agreement are based on
8 knowledge, experience, and capabilities.

9 (3) The means of identifying pathways of pest
10 introductions.

11 (4) The methods to be used to determine the
12 level of support for proposed early pest detection
13 and surveillance activities by private and public in-
14 terests adversely affected by pests.

15 (d) CONSULTATION.—The Secretary will consult with
16 the National Plant Board and the National Association
17 of State Departments of Agriculture in carrying out this
18 section.

19 (e) BASE FUNDS UNDER AGREEMENTS.—Subject to
20 the availability of appropriated funds to carry out this sec-
21 tion, each State department of agriculture with which the
22 Secretary enters into a cooperative agreement under this
23 section shall receive a base level of funding of \$250,000
24 for each of fiscal years 2008 through 2012. If the funds
25 available for a fiscal year are insufficient to provide the

1 full amount specified in this subsection, the Secretary
2 shall reduce the amount provided to each State as nec-
3 essary so that each State receives an equal amount of the
4 available funds.

5 (f) ADDITIONAL FUNDS; SPECIAL CONSIDER-
6 ATIONS.—After the application of subsection (e), the Sec-
7 retary shall distribute the remainder of the funds appro-
8 priated to carry out this section, if any, to departments
9 of agriculture of States that are recognized as high-risk
10 sentinel States for one or more pest, based on the fol-
11 lowing factors:

12 (1) The number of international airports and
13 maritime facilities in the State.

14 (2) The volume of international passenger and
15 cargo entry into the State.

16 (3) The geographic location of the State, such
17 that its location would be conducive to agricultural
18 pest and disease establishment due to both the
19 State's climate and its crop diversity.

20 (4) The State has received an emergency dec-
21 laration, as authorized by section 442 of the Plant
22 Protection Act (7 U.S.C. 7772), due to an agricul-
23 tural pest or disease of Federal concern.

24 (5) Such other factors as the Secretary deter-
25 mines to be appropriate.

1 (g) USE OF FUNDS.—

2 (1) PEST DETECTION AND SURVEILLANCE AC-
3 TIVITIES.—A department of agriculture that receives
4 funds under this section shall use the funds to carry
5 out early pest detection and surveillance activities to
6 prevent the introduction of a pest or facilitate the
7 eradication of a pest.

8 (2) SUBAGREEMENTS.—Nothing in this section
9 is intended to prevent the department of agriculture
10 of a State from using funds received under sub-
11 section (e) or (f) to enter into subagreements with
12 political subdivisions in the State that have legal re-
13 sponsibilities relating to agricultural pest and dis-
14 ease surveillance.

15 (3) TREATMENT OF FUNDS.—Funds provided
16 under subsection (e) or (f) are intended for imple-
17 mentation purposes, and it is expected that adminis-
18 trative or overhead costs will be limited in a manner
19 to achieve this purpose.

20 (4) RELATIONSHIP TO OTHER FUNDS AND PRO-
21 GRAMS.—Funds provided under subsection (e) or (f)
22 are intended to augment the funds otherwise avail-
23 able to a department of agriculture to perform early
24 pest detection and surveillance activities, and not to
25 replace such funds.

1 (h) REPORTING REQUIREMENT.—Not later than 180
2 days after the date of completion of an early pest detection
3 and surveillance activity conducted by a department of ag-
4 riculture using funds provided under this section, the de-
5 partment of agriculture shall submit to the Secretary a
6 report that describes the purposes and results of the ac-
7 tivities.

8 (i) NO EFFECT ON PILT PAYMENTS.—The receipt
9 of funds by the department of agriculture of a State under
10 this section shall have no effect on the amount of any pay-
11 ment received by the State under chapter 69 of title 31,
12 United States Code.

13 (j) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary such
15 sums as may be necessary for each of the fiscal years 2008
16 through 2012 to carry out this section. Not more than
17 five percent of the funds appropriated pursuant to this
18 authorization of appropriations for a fiscal year may be
19 used by the Secretary for administrative costs.

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