

107TH CONGRESS
2D SESSION

S. 2767

To enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2002

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

A BILL

To enhance agricultural biosecurity in the United States through increased prevention, preparation, and response planning.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Agriculture Security Preparedness Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—PREVENTION

- Sec. 101. Inclusion of agroterrorism in terrorist acts involving weapons of mass destruction.
- Sec. 102. Legal framework for agroterrorism.
- Sec. 103. Study on feasibility of establishing a national agroterrorism and ecoterrorism incident clearinghouse.
- Sec. 104. International agricultural disease surveillance.
- Sec. 105. Agricultural inspections.
- Sec. 106. On-farm and on-ranch biosecurity.

TITLE II—PREPAREDNESS AND MITIGATION

- Sec. 201. Interagency coordination.
- Sec. 202. Planning.
- Sec. 203. Exercises and training.
- Sec. 204. Communication with the public.
- Sec. 205. Vaccine development and disease research.
- Sec. 206. Diagnostic and laboratory capacity.

TITLE III—RESPONSE AND RECOVERY

- Sec. 301. Implementation of Federal, State, and local response plans.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ADMINISTRATOR.**—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) **AGRICULTURAL DISEASE EMERGENCY.**—
7 The term “agricultural disease emergency” means a
8 plant or animal disease outbreak that requires
9 prompt action in order to prevent injury or damage
10 to people, plants, livestock, property, the economy,
11 or the environment, as determined by the Secretary
12 pursuant to section 415 of the Plant Protection Act
13 (7 U.S.C. 7715) or section 10407(b) of the Animal
14 Health Protection Act (7 U.S.C. 8306(b)).

15 (3) **AGRICULTURE.**—The term “agriculture” in-
16 cludes the science and practice of activity relating to

1 food, feed, and fiber production, processing, mar-
2 keting, distribution, use, and trade, and also in-
3 cludes family and consumer sciences, nutrition, food
4 science and engineering, agricultural economics and
5 other social sciences, forestry, wildlife, fisheries,
6 aquaculture, floraculture, veterinary medicine, and
7 other environmental and natural resource sciences.

8 (4) AGROTERRORISM.—The term
9 “agroterrorism” means the commission of an
10 agroterrorist act.

11 (5) AGROTERRORIST ACT.—The term
12 “agroterrorist act” means a criminal act to cause or
13 attempt to cause damage to or destruction or con-
14 tamination of a crop, livestock, farm or ranch equip-
15 ment, material, or other property, or a person en-
16 gaged in agricultural activity, committed with the in-
17 tent to intimidate or coerce a civilian population or
18 to influence the policy of a government by intima-
19 tion or coercion.

20 (6) BIOSECURITY.—The term “biosecurity”
21 means protection from the risks posed by biological,
22 chemical, or radiological agents to plant and animal
23 health, the agricultural economy, the environment,
24 and human health, including the exclusion, eradi-

1 cation, and control of biological agents that cause
2 agricultural diseases.

3 (7) DEPARTMENT.—The term “Department”
4 means the Department of Agriculture.

5 (8) ECOTERRORISM.—The term “ecoterrorism”
6 means the use of force or violence against a person
7 or property to intimidate or coerce all or part of a
8 government or the civilian population, in furtherance
9 of a social goal in the name of an environmental
10 cause.

11 (9) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture.

13 (10) ZOOBOTIC AGENT.—The term “zoonotic
14 agent” means any bacterium, virus, parasite, or
15 other biological entity that is naturally transmissible
16 from animals to humans.

17 **TITLE I—PREVENTION**

18 **SEC. 101. INCLUSION OF AGROTERRORISM IN TERRORIST** 19 **ACTS INVOLVING WEAPONS OF MASS DE-** 20 **STRUCTION.**

21 It is the sense of Congress that, to formulate and en-
22 courage international consensus regarding intentional acts
23 against agriculture and to facilitate disarmament negotia-
24 tions and international sanctions against weapons of mass
25 destruction, the United Nations Security Council should

1 include agroterrorism in the definition of a terrorist act
2 involving a weapon of mass destruction.

3 **SEC. 102. LEGAL FRAMEWORK FOR AGROTERRORISM.**

4 Section 2332a(a) of title 18, United States Code, is
5 amended—

6 (1) in paragraph (2), by striking “or” at the
7 end;

8 (2) in paragraph (3), by striking the comma at
9 the end and inserting “; or”; and

10 (3) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) against private property, including prop-
13 erty used for agricultural or livestock operations.”.

14 **SEC. 103. STUDY ON FEASIBILITY OF ESTABLISHING A NA-**
15 **TIONAL AGROTERRORISM AND**
16 **ECOTERRORISM INCIDENT CLEARINGHOUSE.**

17 Not later than 240 days after the date of enactment
18 of this Act, the Attorney General, in conjunction with the
19 Secretary, shall submit to Congress a report on the feasi-
20 bility and estimated cost of establishing and maintaining
21 a national agroterrorism incident clearinghouse to gather
22 information for use in coordinating and assisting inves-
23 tigations on incidents of—

24 (1) agroterrorism committed against or directed
25 at—

1 (A) any animal or plant enterprise; or

2 (B) any person, because of any actual or
3 perceived connection of the person with, or sup-
4 port by the person of, agriculture; and

5 (2) ecoterrorism.

6 **SEC. 104. INTERNATIONAL AGRICULTURAL DISEASE SUR-**
7 **VEILLANCE.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Secretary, in consultation with the Sec-
10 retary of State and the Administrator of the United States
11 Agency for International Development, shall submit to the
12 appropriate committees of Congress a report on measures
13 taken by the Secretary to—

14 (1) streamline the process of notification by the
15 Secretary to Federal agencies in the event of out-
16 breaks of agricultural diseases in foreign countries;
17 and

18 (2) cooperate with representatives of foreign
19 countries, international organizations, and industry
20 to devise and implement methods of sharing infor-
21 mation on international plant and animal disease
22 outbreaks and unusual agricultural activities.

23 **SEC. 105. AGRICULTURAL INSPECTIONS.**

24 The Secretary shall—

1 (1) cooperate with appropriate Federal intel-
2 ligence officials to improve the ability of the Depart-
3 ment to identify agricultural products, livestock, and
4 other goods imported from suspect locations recog-
5 nized by the intelligence community as having—

6 (A) experienced agricultural terrorist ac-
7 tivities or unusual agricultural disease out-
8 breaks; or

9 (B) harbored agroterrorists;

10 (2) use the information collected under para-
11 graph (1) to establish inspection priorities;

12 (3) not later than 240 days after the date of
13 enactment of this Act, develop a plan to increase the
14 laboratory capacity of the Department and the effec-
15 tiveness of the Department in detecting the presence
16 of pathogens and disease in agricultural products;
17 and

18 (4) not later than 1 year after the date of en-
19 actment of this Act, submit to the appropriate com-
20 mittees of Congress a report that provides a descrip-
21 tion, and an estimate of the costs, of the plan devel-
22 oped under paragraph (3).

23 **SEC. 106. ON-FARM AND ON-RANCH BIOSECURITY.**

24 (a) **BIOSECURITY GUIDELINES.**—

1 (1) IN GENERAL.—Not later than 240 days
2 after the date of enactment of this Act, in consulta-
3 tion with associations of agricultural producers and
4 taking into consideration the research conducted
5 under subtitle N of the National Agricultural Re-
6 search, Extension, and Teaching Policy Act of 1977
7 (7 U.S.C. 3351 et seq.), the Secretary shall—

8 (A) develop guidelines—

9 (i) to improve monitoring of vehicles
10 and materials entering or departing farm
11 or ranch operations; and

12 (ii) to control human traffic onto farm
13 or ranch operations; and

14 (B) disseminate the guidelines to agricul-
15 tural producers through agricultural edu-
16 cational seminars and biosecurity training ses-
17 sions.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 (A) IN GENERAL.—There are authorized to
20 be appropriated to carry out this subsection—

21 (i) \$5,000,000 for fiscal year 2003;

22 and

23 (ii) such sums as are necessary for
24 each fiscal year thereafter.

1 (B) EDUCATION PROGRAM.—Of the
2 amounts made available under subparagraph
3 (A), the Secretary may use such sums as are
4 necessary to establish in each State an edu-
5 cation program to distribute the biosecurity
6 guidelines developed under paragraph (1).

7 (b) BIOSECURITY GRANT PILOT PROGRAM.—

8 (1) IN GENERAL.—Not later than 240 days
9 after the date of enactment of this Act, the Sec-
10 retary shall develop a pilot program to provide in-
11 centives, in the form of grants or low-interest loans,
12 in an amount not to exceed \$10,000, for agricultural
13 producers to restructure farm and ranch operations
14 (based on the biosecurity guidelines developed under
15 subsection (a)(1)) to—

16 (A) control access to farms or ranch prop-
17 erty by persons intending to commit an
18 agroterrorist act;

19 (B) prevent the introduction and spread of
20 agricultural diseases; and

21 (C) take other measures to ensure biosecu-
22 rity.

23 (2) REPORT.—Not later than 3 years after the
24 date of enactment of this Act, the Secretary shall

1 submit to the appropriate committees of Congress a
2 report that—

3 (A) describes the implementation of the
4 program; and

5 (B) makes recommendations on expansion
6 of the program.

7 (3) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to carry out
9 this subsection—

10 (A) \$5,000,000 for fiscal year 2003; and

11 (B) such sums as are necessary for each of
12 fiscal years 2004 through 2007.

13 **TITLE II—PREPAREDNESS AND**
14 **MITIGATION**

15 **SEC. 201. INTERAGENCY COORDINATION.**

16 (a) AGRICULTURAL DISEASE EMERGENCY MANAGE-
17 MENT LIAISON.—The Director of the Federal Emergency
18 Management Agency shall establish a senior level position
19 to serve, as a primary responsibility, as a liaison for agri-
20 cultural disease emergency management between—

21 (1) the Federal Emergency Management Agen-
22 cy;

23 (2) the Department;

24 (3) the emergency management community; and

25 (4) the affected industries.

1 (b) TRANSPORTATION.—The Secretary of Transpor-
2 tation, in consultation with the Secretary of Agriculture
3 and the Director of the Federal Emergency Management
4 Agency, shall—

5 (1) publish in the Federal Register proposed
6 guidelines for restrictions on interstate transpor-
7 tation of an agricultural commodity or product in re-
8 sponse to an agricultural disease emergency created
9 by a foreign or emerging disease affecting the agri-
10 cultural commodity or product;

11 (2) provide for a comment period for the pro-
12 posed guidelines of not less than 90 days;

13 (3) establish the final guidelines, taking into
14 consideration any comments received under para-
15 graph (2); and

16 (4) provide the guidelines to officers and em-
17 ployees of—

18 (A) the Department;

19 (B) the Department of Transportation;

20 and

21 (C) the Federal Emergency Management
22 Agency.

23 (c) ANIMAL HEALTH CARE LIAISON.—The Secretary
24 of Health and Human Services shall establish within the
25 Department of Health and Human Services a senior level

1 position to serve, as a primary responsibility, as a liaison
2 between the Department of Health and Human Services,
3 the Department of Agriculture, the animal health commu-
4 nity, the emergency management community, and indus-
5 try.

6 (d) REGIONAL, STATE, AND COUNTY PREPARA-
7 TION.—The Administrator, in consultation with the Sec-
8 retary, shall cooperate with regional, State, and local dis-
9 aster preparedness officials to include consideration of po-
10 tential environmental impacts of response activities when
11 planning responses to agricultural disease emergencies.

12 **SEC. 202. PLANNING.**

13 (a) FEDERAL RESPONSE PLAN.—Not later than 180
14 days after the date of enactment of this Act, the Director
15 of the Federal Emergency Management Agency, in con-
16 sultation with the Secretary, shall examine, and revise as
17 necessary, the Emergency Support Functions of the Fed-
18 eral Response Plan, to include the economic, environ-
19 mental, and medical impacts of naturally-occurring agri-
20 cultural disease outbreaks and agroterrorist acts in emer-
21 gency response planning activities.

22 (b) LOCAL RESPONSE PLANNING.—The Secretary
23 shall cooperate with State agriculture officials, State and
24 local emergency managers, representatives from State
25 land grant colleges, research universities, agricultural pro-

1 ducers, and agricultural trade associations to establish
2 local response plans for foreign or emerging agricultural
3 disease emergencies.

4 (c) ANIMAL CARE.—

5 (1) IN GENERAL.—The Director of the Federal
6 Emergency Management Agency, in consultation
7 with the Secretary, shall establish a program to pro-
8 vide grants to small communities to facilitate the
9 participation of State and local animal health care
10 officials in community 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 2003.

14 (d) MODELING AND STATISTICAL ANALYSES.—

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

19 (A) to determine the best use of epi-
20 demologists, computer modelers, and statisti-
21 cians as members of the emergency response
22 task forces that handle foreign or emerging ag-
23 ricultural disease emergencies; and

24 (B) to identify the types of data that are
25 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 Act, the Secretary
5 shall submit a report that describes the results of
6 the study to—

7 (A) the Director of the Federal Emergency
8 Management Agency; and

9 (B) the heads of other appropriate govern-
10 mental agencies involved in agricultural disease
11 emergency response planning.

12 (e) GEOGRAPHIC INFORMATION SYSTEM GRANTS.—

13 (1) IN GENERAL.—The Secretary shall establish
14 a program to provide grants to States to develop ca-
15 pabilities to use geographic information systems and
16 statistical models for epidemiological assessments in
17 the event of agricultural disease emergencies.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this subsection—

21 (A) \$2,500,000 for fiscal year 2003; and

22 (B) such sums as are necessary for each
23 fiscal year thereafter.

1 **SEC. 203. EXERCISES AND TRAINING.**

2 (a) BEST PRACTICES.—The Director of the Federal
3 Emergency Management Agency, in consultation with the
4 Secretary, shall—

5 (1) establish a task force, consisting of agricul-
6 tural producers and State and local emergency re-
7 sponse officials, to identify best practices for State
8 regional agricultural disaster exercise programs; and

9 (2) distribute to States and localities a report
10 that describes the best practices.

11 (b) EXERCISES.—On the basis of the identified best
12 practices, the Secretary shall design and distribute pack-
13 ages of exercises for training, in the form of printed mate-
14 rials and electronic media, for distribution to State and
15 local emergency managers and State agriculture officials.

16 **SEC. 204. COMMUNICATION WITH THE PUBLIC.**

17 (a) EDUCATION.—The Secretary, in consultation
18 with agricultural producers and trade associations, shall
19 develop a national education campaign—

20 (1) to demonstrate the contribution of agri-
21 culture to the well-being of people and economic
22 prosperity of the United States;

23 (2) to improve the public image of agriculture
24 in the United States;

25 (3) to increase public awareness about the po-
26 tential for negative economic and social effects that

1 could result from foreign or emerging agricultural
2 diseases; and

3 (4) to increase public awareness of the benefits
4 of animal and plant health research for preventing
5 and responding to agroterrorism.

6 (b) OUTREACH.—The Secretary, in consultation with
7 the Director of the Federal Emergency Management
8 Agency and the Secretary of Health and Human Services,
9 shall establish, as part of agroterrorism preparedness ef-
10 forts, a program to encourage regional emergency man-
11 agement planners to—

12 (1) develop cooperative relationships with agri-
13 cultural producers, trade associations, and local
14 groups that promote plant and animal health issues
15 to explain to the public the nature of potential
16 agroterrorist threats and the reasons why certain re-
17 sponse measures need to be taken; and

18 (2) prepare information in the form of bro-
19 chures, pamphlets, literature packets, CD ROMs, or
20 other similar forms, for distribution to the public in
21 the event of a foreign or emerging agricultural dis-
22 ease emergency.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as are nec-

1 essary for fiscal year 2004 and each fiscal year thereafter
2 to carry out this section.

3 **SEC. 205. VACCINE DEVELOPMENT AND DISEASE RE-**
4 **SEARCH.**

5 (a) IN GENERAL.—In carrying out the foreign or
6 emerging diseases and pests program of the Department,
7 the Secretary shall establish a program to provide grants
8 to colleges and universities to identify and develop—

9 (1) rapid diagnostic tests to identify plant and
10 animal diseases;

11 (2) improved vaccines for animal diseases;

12 (3) new diagnostic techniques to be used in dis-
13 tinguishing between animals that test positive for ex-
14 posure to an infectious foreign or emerging animal
15 disease as a result of vaccination and those that test
16 positive as a result of having contracted the disease;
17 and

18 (4) techniques to disinfect areas where out-
19 breaks of plant or animal diseases occur.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this
22 section—

23 (1) \$20,000,000 for fiscal year 2003; and

24 (2) such sums as are necessary for each fiscal
25 year thereafter.

1 **SEC. 206. DIAGNOSTIC AND LABORATORY CAPACITY.**

2 (a) **RESEARCH ON DISEASE DIAGNOSTIC KITS.—**

3 (1) **IN GENERAL.—**The Secretary, in consulta-
4 tion with the Secretary of State, the Administrator
5 of the United States Agency for International Devel-
6 opment, and representatives of foreign countries,
7 shall seek collaborative agricultural research oppor-
8 tunities in foreign countries in which foreign or
9 emerging agricultural diseases are endemic, to test
10 the performance of disease diagnostic kits and dis-
11 infection techniques that, because of low or no
12 known incidence of those agricultural diseases in the
13 United States, have not been adequately tested.

14 (2) **AUTHORIZATION OF APPROPRIATIONS.—**

15 There are authorized to be appropriated to expand
16 overseas research collaboration activities of the De-
17 partment, including research on foreign and emerg-
18 ing plant and animal diseases—

19 (A) \$25,000,000 for fiscal year 2003; and

20 (B) such sums as are necessary for each
21 fiscal year thereafter.

22 (b) **ANIMAL DISEASE DIAGNOSTIC LABORATORIES.—**

23 The Secretary of Health and Human Services shall include
24 animal disease diagnostic laboratories in the Laboratory
25 Response Network of the Centers for Disease Control and
26 Prevention.

1 (c) CLINICAL SAMPLE SCREENING.—Not later than
2 180 days after the date of enactment of this Act, the Sec-
3 retary and the Secretary of Health and Human Services
4 shall jointly—

5 (1) conduct a study to identify means of ex-
6 panding laboratory capabilities to screen and handle
7 large quantities of veterinary and human clinical
8 samples for foreign or emerging zoonotic agents in
9 the event of an agricultural emergency; and

10 (2) submit to the appropriate committees of
11 Congress a report on the results of the study.

12 (d) STUDY ON FEASIBILITY OF ESTABLISHING A NA-
13 TIONAL PLANT DISEASE LABORATORY.—Not later than
14 270 days after the date of enactment of this Act, the Sec-
15 retary shall submit to the appropriate committees of Con-
16 gress a report on the feasibility of establishing a national
17 plant disease laboratory, based on the model of the Cen-
18 ters for Disease Control and Prevention, with the primary
19 task of—

20 (1) integrating and coordinating a nationwide
21 system of independent plant disease diagnostic lab-
22 oratories, including existing plant clinics maintained
23 by land grant colleges and universities; and

1 (2) increasing the capacity, technical infrastruc-
2 ture, and information sharing capabilities of labora-
3 tories described in paragraph (1).

4 **TITLE III—RESPONSE AND** 5 **RECOVERY**

6 **SEC. 301. IMPLEMENTATION OF FEDERAL, STATE, AND** 7 **LOCAL RESPONSE PLANS.**

8 (a) GRANT PROGRAM.—

9 (1) IN GENERAL.—Not later than 240 days
10 after the date of enactment of this Act, the Sec-
11 retary, in consultation with the Director of the Fed-
12 eral Emergency Management Agency, shall establish
13 a grant program to facilitate the establishment of
14 regional agricultural emergency response networks.

15 (2) DUTIES.—The regional networks estab-
16 lished under paragraph (1) shall serve as the basis
17 for coordination by Federal, State, and local officials
18 and industry representatives in the event of a for-
19 eign or emerging agricultural disease emergency.

20 (3) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated to carry out
22 this subsection—

23 (A) \$50,000,000 for fiscal year 2003; and

24 (B) such sums as are necessary for each

25 fiscal year thereafter.

1 (b) REVIEW OF LEGAL AUTHORITY.—

2 (1) IN GENERAL.—The Attorney General, in
3 consultation with the Secretary, shall conduct a re-
4 view of State and local laws relating to
5 agroterrorism and biosecurity to determine—

6 (A) the extent to which those laws facili-
7 tate or impede the implementation of current or
8 proposed response plans with respect to agricul-
9 tural emergencies;

10 (B) whether an injunction issued by a
11 State court could—

12 (i) delay the implementation of a Fed-
13 eral response plan; or

14 (ii) affect the extent to which an in-
15 fectious plant or animal disease spreads;
16 and

17 (C) the types and extent of legal evidence
18 that may be required by State courts before a
19 response plan may be implemented.

20 (2) REPORT.—Not later than 1 year after the
21 date of enactment of this Act, the Attorney General
22 shall submit to the appropriate committees of Con-
23 gress a report that describes the results of the re-

- 1 view conducted under paragraph (1) (including any
- 2 recommendations of the Attorney General).

○