

109TH CONGRESS
1ST SESSION

H. R. 4049

To authorize the Secretary of Agriculture to enter into cooperative agreements with State and local governments 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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. POMBO (for himself, Mr. COSTA, Mr. CARDOZA, Mr. CASE, Mr. NUNES, Mr. BACA, Mr. HERGER, Mr. FARR, Mr. RADANOVICH, Mr. BOYD, and Ms. ZOE LOFGREN of California) 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 State and local governments 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.

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 “Early Pest Detection
5 and Surveillance Improvement Act”.

1 **SEC. 2. SUPPORT FOR COMMODITY INSPECTION EFFORTS**
2 **TO PREVENT INTRODUCTION OR SPREAD OF**
3 **PESTS.**

4 (a) DEFINITIONS.—In this section:

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

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

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

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

23 (5) STATE.—The term “State” means—

24 (A) each of the several States;

25 (B) the District of Columbia;

26 (C) the Commonwealth of Puerto Rico;

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

9 (b) COOPERATIVE AGREEMENTS AUTHORIZED.—
10 Subject to the availability of appropriated funds to carry
11 out this section, the Secretary of Agriculture may enter
12 into a cooperative agreement with a department of agri-
13 culture for the purpose of assisting early pest detection
14 and surveillance efforts by the department of agriculture
15 through an array of methods, including survey, pest trap-
16 ping, sampling or surveillance of domestic shipments,
17 specimen collection, and modeling and mapping of pest
18 populations.

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

- 24 (1) The requirements to be imposed on a de-
25 partment of agriculture for auditing of, and report-

1 ing on, the use of any funds provided by the Sec-
2 retary under the cooperative agreement.

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

7 (3) The means of identifying pathways of pest
8 introductions.

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

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

17 (e) SPECIAL CONSIDERATIONS.—In determining
18 whether to enter into a cooperative agreement with a de-
19 partment of agriculture under this section, and the
20 amount of any funds to be provided under the agreement,
21 the Secretary shall consider the following factors:

22 (1) The potential economic risk to the people,
23 plants, livestock, property, economy, and environ-
24 ment of the State due to the introduction of a pest.

1 (2) The likelihood that the early pest detection
2 and surveillance activity to be supported will prevent
3 the introduction of a pest or facilitate the eradi-
4 cation of a pest.

5 (3) The extent to which the funds provided
6 under the agreement will be used to leverage non-
7 Federal funds.

8 (4) The extent to which departments of agri-
9 culture in the State are conducting early pest detec-
10 tion and surveillance activities to prevent the intro-
11 duction of pests or facilitate the eradication of a
12 pest.

13 (5) The extent to which the early pest detection
14 and surveillance activity would provide a comprehen-
15 sive approach that would compliment Federal exclu-
16 sion activities.

17 (6) Such other factors as the Secretary deter-
18 mines to be appropriate.

19 (f) USE OF FUNDS.—A department of agriculture
20 that receives funds under this section shall use the funds
21 to carry out early pest detection and surveillance activities
22 to prevent the introduction of a pest or facilitate the eradi-
23 cation of a pest. These funds are intended to augment the
24 funds otherwise available to a department of agriculture

1 to perform early pest detection and surveillance activities,
2 and not to replace such funds.

3 (g) COST-SHARING REQUIREMENTS.—

4 (1) FEDERAL COST SHARE.—Except as pro-
5 vided in paragraph (3), the Federal share of the cost
6 of carrying out an authorized early pest detection
7 and surveillance activity under this section shall not
8 exceed 50 percent.

9 (2) FORM OF NON-FEDERAL COST SHARE.—The
10 non-Federal share of the cost of carrying out an au-
11 thorized early pest detection and surveillance activity
12 may be provided in cash or in kind.

13 (3) EXCEPTION.—Paragraph (1) shall not
14 apply to a early pest detection and surveillance activ-
15 ity in any case which—

16 (A) the Secretary establishes criteria that
17 would apply in any situation in which, with re-
18 spect to an early pest detection and surveillance
19 activity, a Federal share of greater than 50 per-
20 cent is necessary to meet the needs of an under-
21 served area or to address a critical need that
22 cannot be addressed by other means; and

23 (B) the activity meets those criteria, as de-
24 termined by the Secretary.

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) RELATIONSHIP TO OTHER PROGRAMS.—Funds
9 made available under this section are intended to supple-
10 ment, and not replace, assistance made available to de-
11 partments of agriculture under other laws to support early
12 pest detection and surveillance activities.

13 (j) NO EFFECT ON PILT PAYMENTS.—The receipt
14 of a funds by any department of agriculture of a State
15 under this section shall have no effect on the amount of
16 any payment received by the State under chapter 69 of
17 title 31, United States Code.

18 (k) AUTHORIZATION OF APPROPRIATIONS.— There
19 are authorized to be appropriated to the Secretary such
20 sums as may be necessary for each of the fiscal years 2006
21 through 2010 to carry out this section. Not more than
22 five percent of the funds made available for a fiscal year
23 may be used by the Secretary for administrative costs.

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