

110TH CONGRESS  
1ST SESSION

# S. 949

To amend the Plant Protection Act to authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment the efforts of the States 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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 21, 2007

Mrs. BOXER (for herself, Mr. LEVIN, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Plant Protection Act to authorize the Secretary of Agriculture to enter into cooperative agreements with States to augment the efforts of the States 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 Plant Pest De-  
3 tection and Surveillance Improvement Act”.

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

7       Subtitle B of the Plant Protection Act (7 U.S.C.  
8 7731 et seq.) is amended by adding at the end the fol-  
9 lowing:

10 **“SEC. 427. SUPPORT FOR COMMODITY INSPECTION EF-**  
11 **FORTS TO PREVENT INTRODUCTION OR**  
12 **SPREAD OF PLANT PESTS.**

13       “(a) DEFINITIONS.—In this section:

14               “(1) DEPARTMENT OF AGRICULTURE.—The  
15 term ‘department of agriculture’ means an agency of  
16 a State that has a legal responsibility to perform  
17 early plant pest detection and surveillance activities.

18               “(2) EARLY PLAN PEST DETECTION AND SUR-  
19 VEILLANCE.—The term ‘early plant pest detection  
20 and surveillance’ means the full range of activities  
21 undertaken to detect newly introduced plant pests,  
22 whether the plant pests are new to the United States  
23 or new to certain areas of the United States, be-  
24 fore—

25               “(A) the plant pests become established; or

1                   “(B) pest infestations become too large or  
2                   costly to eradicate or control.

3                   “(b) COOPERATIVE AGREEMENTS AUTHORIZED.—

4                   “(1) IN GENERAL.—The Secretary shall enter  
5                   into a cooperative agreement with each department  
6                   of agriculture that agrees to conduct early plant pest  
7                   detection surveillance activities in accordance with  
8                   guidelines established under the Cooperative Agricultural Pest Survey.  
9                   tural Pest Survey.

10                  “(2) ACTIVITIES.—The pest detection surveil-  
11                  lance activities of the department of agriculture of a  
12                  State may include inspection and surveillance of do-  
13                  mestic plant shipments between that State and other  
14                  States.

15                  “(c) APPLICATION.—

16                  “(1) IN GENERAL.—A department of agri-  
17                  culture seeking to enter into a cooperative agree-  
18                  ment under this section shall submit an application  
19                  to the Secretary containing such information as the  
20                  Secretary may require.

21                  “(2) NOTIFICATION.—The Secretary shall no-  
22                  tify applicants of—

23                         “(A) the requirements to be imposed on a  
24                         department of agriculture for auditing of, and

1 reporting on, the use of any funds provided by  
 2 the Secretary under the cooperative agreement;

3 “(B) the criteria to be used to ensure that  
 4 early plant pest detection and surveillance ac-  
 5 tivities supported under the cooperative agree-  
 6 ment are based on knowledge, experience, and  
 7 capabilities;

8 “(C) the means of identifying pathways of  
 9 pest introductions; and

10 “(D) the methods to be used to determine  
 11 the level of support for proposed early plant  
 12 pest detection and surveillance activities by pri-  
 13 vate and public interests adversely affected by  
 14 plant pests.

15 “(d) CONSULTATION.—In carrying out this section,  
 16 the Secretary shall consult with the National Plant Board  
 17 and the National Association of State Departments of Ag-  
 18 riculture.

19 “(e) BASE FUNDS UNDER AGREEMENTS.—

20 “(1) IN GENERAL.—Subject to the availability  
 21 of appropriated funds to carry out this section, each  
 22 State department of agriculture with which the Sec-  
 23 retary enters into a cooperative agreement under  
 24 this section shall receive a base level of funding of

1       \$250,000 for each of fiscal years 2008 through  
2       2012.

3           “(2) INSUFFICIENT FUNDS.—If the funds avail-  
4       able for a fiscal year are insufficient to provide the  
5       full amount required under paragraph (1), the Sec-  
6       retary shall reduce the amount provided to each  
7       State as necessary so that each State receives an  
8       equal amount of the available funds.

9           “(f) DISTRIBUTION OF REMAINING FUNDS.—After  
10      the application of subsection (e), the Secretary shall dis-  
11      tribute any remaining funds appropriated to carry out this  
12      section to departments of agriculture of States that are  
13      recognized as high-risk sentinel States for 1 or more plant  
14      pests, based on—

15           “(1) the number of international airports and  
16      maritime facilities in the State;

17           “(2) the volume of international passenger and  
18      cargo entry into the State;

19           “(3) the geographic location of the State, tak-  
20      ing into consideration whether the location of the  
21      State would be conducive to agricultural pest and  
22      disease establishment due to both the climate and  
23      crop diversity of the State;

24           “(4) whether the State has received an emer-  
25      gency declaration, as authorized by section 442, due

1 to an agricultural pest or disease of Federal concern;  
2 and

3 “(5) such other factors as the Secretary deter-  
4 mines appropriate.

5 “(g) USE OF FUNDS.—

6 “(1) PEST DETECTION AND SURVEILLANCE AC-  
7 TIVITIES.—A department of agriculture that receives  
8 funds under this section shall use the funds to carry  
9 out early plant pest detection and surveillance activi-  
10 ties to prevent the introduction of a pest or facilitate  
11 the eradication of a pest.

12 “(2) SUBAGREEMENTS.—Nothing in this sec-  
13 tion prevents the department of agriculture of a  
14 State from using funds received under subsection (e)  
15 or (f) to enter into subagreements with political sub-  
16 divisions in the State that have legal responsibilities  
17 relating to agricultural pest and disease surveillance.

18 “(3) IMPLEMENTATION.—In carrying out this  
19 section, a department of agriculture of a State shall  
20 use funds provided under subsection (e) or (f) in a  
21 manner that—

22 “(A) maximizes the use of the funds to  
23 carry out activities described in paragraph (1);  
24 and

1                   “(B) minimizes the use of the funds for  
2                   administrative or overhead costs.

3                   “(4) MAINTENANCE OF FUNDING.—Funds pro-  
4                   vided under subsection (e) or (f) shall supplement  
5                   (and not supplant) other funding available to a de-  
6                   partment of agriculture to perform early plant pest  
7                   detection and surveillance activities.

8                   “(h) REPORTING REQUIREMENT.—Not later than  
9                   180 days after the date of completion of an early plant  
10                  pest detection and surveillance activity conducted by a de-  
11                  partment of agriculture using funds provided under this  
12                  section, the department of agriculture shall submit to the  
13                  Secretary a report that describes the purposes and results  
14                  of the activities.

15                  “(i) NO EFFECT ON PILT PAYMENTS.—The receipt  
16                  of funds by the department of agriculture of a State under  
17                  this section shall have no effect on the amount of any pay-  
18                  ment received by the State under chapter 69 of title 31,  
19                  United States Code.

20                  “(j) AUTHORIZATION OF APPROPRIATIONS.—

21                         “(1) IN GENERAL.—There are authorized to be  
22                         appropriated to the Secretary to carry out this sec-  
23                         tion such sums as are necessary for each of fiscal  
24                         years 2008 through 2012.

1           “(2) LIMITATION ON ADMINISTRATIVE COSTS.—  
2       Not more than 5 percent of the funds appropriated  
3       for a fiscal year under paragraph (1) may be used  
4       by the Secretary for administrative costs of carrying  
5       out this section.”.

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