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1 **TITLE XI—MISCELLANEOUS**

2 **Subtitle A—Agricultural Security**

3 **SEC. 11011. DEFINITIONS.**

4 In this subtitle:

5 (1) AGENT.—The term “agent” means a nu-
6 clear, biological, or chemical substance that causes
7 an agricultural disease.

8 (2) AGRICULTURAL BIOSECURITY.—The term
9 “agricultural biosecurity” means protection from an
10 agent that poses a threat to—

11 (A) plant or animal health;

12 (B) public health, with respect to direct ex-
13 posure to an agricultural disease; or

14 (C) the environment, with respect to agri-
15 culture facilities, farmland, air, and water in
16 the immediate vicinity of an area associated
17 with an agricultural disease or outbreak.

18 (3) AGRICULTURAL COUNTERMEASURE.—

1 (A) IN GENERAL.—The term “agricultural
2 countermeasure” means a product, practice, or
3 technology that is intended to enhance or main-
4 tain the agricultural biosecurity of the United
5 States.

6 (B) EXCLUSIONS.—The term “agricultural
7 countermeasure” does not include any product,
8 practice, or technology used solely for human
9 medical incidents or public health emergencies
10 not related to agriculture.

11 (4) AGRICULTURAL DISEASE.—The term “agri-
12 cultural disease” has the meaning given the term by
13 the Secretary.

14 (5) AGRICULTURAL DISEASE EMERGENCY.—
15 The term “agricultural disease emergency” means
16 an incident of agricultural disease in which the Sec-
17 retary, the Secretary of Homeland Security, the Sec-
18 retary of Health and Human Services, the Adminis-
19 trator of the Environmental Protection Agency (or
20 the heads of other applicable Federal departments or
21 agencies), as appropriate, determines that prompt
22 action is needed to prevent significant damage to
23 people, plants, or animals.

24 (6) AGRICULTURE.—The term “agriculture”
25 means—

1 (A) the science and practice of activities
2 relating to food, feed, fiber, and energy produc-
3 tion, processing, marketing, distribution, use,
4 and trade;

5 (B) nutrition, food science and engineer-
6 ing, and agricultural economics;

7 (C) forestry, wildlife science, fishery
8 science, aquaculture, floriculture, veterinary
9 medicine, and other related natural resource
10 sciences; and

11 (D) research and development activities re-
12 lating to plant- and animal-based products.

13 (7) AGROTERRORIST ACT.—The term
14 “agroterrorist act” means an act that—

15 (A) causes or attempts to cause—

16 (i) damage to agriculture; or

17 (ii) injury to a person associated with
18 agriculture; and

19 (B) is committed—

20 (i) to intimidate or coerce; or

21 (ii) to disrupt the agricultural indus-
22 try.

23 (8) ANIMAL.—The term “animal” means any
24 member of the animal kingdom (except a human).

1 (9) DEPARTMENT.—The term “Department”
2 means the Department of Agriculture.

3 (10) DEVELOPMENT.—The term “development”
4 means—

5 (A) research leading to the identification of
6 products or technologies intended for use as ag-
7 ricultural countermeasures;

8 (B) the formulation, production, and sub-
9 sequent modification of those products or tech-
10 nologies;

11 (C) the conduct of preclinical and clinical
12 studies;

13 (D) the conduct of field, efficacy, and safe-
14 ty studies;

15 (E) the preparation of an application for
16 marketing approval for submission to applicable
17 agencies; and

18 (F) other actions taken by an applicable
19 agency in a case in which an agricultural coun-
20 termeasure is procured or used prior to
21 issuance of a license or other form of approval.

22 (11) DIRECTOR.—The term “Director” means
23 the Director for Homeland Security of the Depart-
24 ment appointed under section 11022(d)(2).

1 (12) HSPD-5.—The term “HSPD-5” means
2 the Homeland Security Presidential Directive 5,
3 dated February 28, 2003 (relating to a comprehen-
4 sive national incident management system).

5 (13) HSPD-7.—The term “HSPD-7” means
6 the Homeland Security Presidential Directive 7,
7 dated December 17, 2003 (relating to a national pol-
8 icy for Federal departments and agencies to identify
9 and prioritize critical infrastructure and key re-
10 sources and to protect the infrastructure and re-
11 sources from terrorist attacks).

12 (14) HSPD-8.—The term “HSPD-8” means
13 the Homeland Security Presidential Directive 8,
14 dated December 17, 2003 (relating to the establish-
15 ment of a national policy to strengthen the pre-
16 paredness of the United States to prevent and re-
17 spond to domestic terrorist attacks, major disasters,
18 and other emergencies).

19 (15) HSPD-9.—The term “HSPD-9” means
20 the Homeland Security Presidential Directive 9,
21 dated January 30, 2004 (relating to the establish-
22 ment of a national policy to defend the agriculture
23 and food system against terrorist attacks, major dis-
24 asters, and other emergencies).

1 (16) HSPD-10.—The term “HSPD-10”
2 means the Homeland Security Presidential Directive
3 10, dated April 28, 2004 (relating to the establish-
4 ment of a national policy relating to the biodefense
5 of the United States).

6 (17) OFFICE.—The term “Office” means the
7 Office of Homeland Security of the Department es-
8 tablished by section 11022(d)(1).

9 (18) OTHER APPLICABLE FEDERAL DEPART-
10 MENTS OR AGENCIES.—The term “other applicable
11 Federal departments or agencies” means Federal de-
12 partments or agencies that have a role, as deter-
13 mined by the Secretary of Homeland Security, in de-
14 termining the need for prompt action against an ag-
15 ricultural disease emergency, including—

16 (A) the Executive departments identified
17 in section 101 of title 5, United States Code;

18 (B) government corporations (as defined in
19 section 103 of title 5, United States Code); and

20 (C) independent establishments (as defined
21 in section 104(1) of title 5, United States
22 Code).

23 (19) PLANT.—

1 (A) IN GENERAL.—The term “plant”
2 means any plant (including any plant part) for
3 or capable of propagation.

4 (B) INCLUSIONS.—The term “plant” in-
5 cludes—

6 (i) a tree;

7 (ii) a tissue culture;

8 (iii) a plantlet culture;

9 (iv) pollen;

10 (v) a shrub;

11 (vi) a vine;

12 (vii) a cutting;

13 (viii) a graft;

14 (ix) a scion;

15 (x) a bud;

16 (xi) a bulb;

17 (xii) a root; and

18 (xiii) a seed.

19 (20) QUALIFIED AGRICULTURAL COUNTER-
20 MEASURE.—The term “qualified agricultural coun-
21 termeasure” means an agricultural countermeasure
22 that the Secretary, in consultation with the Sec-
23 retary of Homeland Security, determines to be a pri-
24 ority in order to address an agricultural biosecurity
25 threat from—

1 (A) an agent placed on the Select Agents
2 and Toxins list of the Department;

3 (B) an agent placed on the Plant Protec-
4 tion and Quarantine Select Agents and Toxins
5 list of the Department; or

6 (C) an applicable agent placed on the
7 Overlap Select Agents and Toxins list of the
8 Department and the Department of Health and
9 Human Services, in accordance with—

10 (i) part 331 of title 7, Code of Fed-
11 eral Regulations; and

12 (ii) part 121 of title 9, Code of Fed-
13 eral Regulations.

14 (21) ROUTINE AGRICULTURAL DISEASE
15 EVENT.—The term “routine agricultural disease
16 event” has the meaning given the term by the Sec-
17 retary.

18 **PART I—GENERAL AUTHORITY AND**

19 **INTERAGENCY COORDINATION**

20 **SEC. 11021. POLICY.**

21 (a) EFFECT OF PART.—Nothing in this part alters
22 or otherwise impedes—

23 (1) any authority of the Department or other
24 applicable Federal departments and agencies to per-
25 form the responsibilities provided to the Department

1 or other applicable Federal departments and agen-
2 cies pursuant to Federal law; or

3 (2) the ability of the Secretary to carry out this
4 part.

5 (b) COOPERATION.—The Secretary shall cooperate
6 with the Secretary of Homeland Security with respect to
7 the responsibilities of the Secretary of Homeland Security
8 and applicable presidential guidance, including HSPD–5,
9 HSPD–7, HSPD–8, HSPD–9, and HSPD–10.

10 **SEC. 11022. INTERAGENCY COORDINATION.**

11 (a) LEADERSHIP.—The Secretary of Homeland Secu-
12 rity shall serve as the principal Federal official to lead,
13 coordinate, and integrate, to the maximum extent prac-
14 ticable, efforts by Federal departments and agencies,
15 State, local, and tribal governments, and the private sector
16 to enhance the protection of critical infrastructure and key
17 resources of the agriculture and food system.

18 (b) SECTOR-SPECIFIC AGENCY.—

19 (1) IN GENERAL.—In accordance with guidance
20 provided by the Secretary of Homeland Security
21 under subsection (a)—

22 (A) the Secretary shall serve as the sector-
23 specific lead official on efforts described in sub-
24 section (a) relating to agriculture, agricultural
25 disease, meat, poultry, and egg food products,

1 and for efforts relating to authorities pursuant
2 to the Animal Health Protection Act (7 U.S.C.
3 8301 et seq.) and the Plant Protection Act (7
4 U.S.C. 7701 et seq.); and

5 (B) the Secretary shall work in coordina-
6 tion with the Secretary of Health and Human
7 Services during any incident relating to a
8 zoonotic disease in which the applicable agent
9 originated—

10 (i) as an agricultural disease; or

11 (ii) from a plant or animal population
12 directly related to agriculture.

13 (2) EFFECT OF SUBSECTION.—Nothing in this
14 subsection impedes any authority of the Secretary of
15 Homeland Security as the principal Federal official
16 for domestic incident management pursuant to
17 HSPD-5.

18 (c) COORDINATION OF RESPONSE.—

19 (1) ROUTINE AGRICULTURAL DISEASE
20 EVENTS.—To the maximum extent practicable, the
21 Secretary shall work in consultation with the Sec-
22 retary of Homeland Security in response to any rou-
23 tine domestic incident relating to a potential or ac-
24 tual agricultural disease.

1 (2) AGRICULTURAL BIOSECURITY THREATS.—If
2 a routine domestic incident of agricultural disease is
3 determined by the Secretary or the Secretary of
4 Homeland Security to pose a significant threat to
5 the agricultural biosecurity of the United States, the
6 Secretary of Homeland Security shall serve as the
7 principal Federal official to lead and coordinate the
8 appropriate Federal response to the incident.

9 (d) OFFICE OF HOMELAND SECURITY.—

10 (1) ESTABLISHMENT.—There is established in
11 the Department the Office of Homeland Security.

12 (2) DIRECTOR.—The Secretary shall appoint as
13 the head of the Office a Director for Homeland Se-
14 curity.

15 (3) RESPONSIBILITIES.—The Director shall be
16 responsible for—

17 (A) coordinating all homeland security ac-
18 tivities of the Department, including integration
19 and coordination, in consultation with the Of-
20 fice of Emergency Management and Homeland
21 Security of the Animal and Plant Health In-
22 spection Service and the Office of Food Defense
23 and Emergency Response of the Food Safety
24 and Inspection Service, of interagency emer-
25 gency response plans for—

- 1 (i) agricultural disease emergencies;
2 (ii) agroterrorist acts; or
3 (iii) other threats to agricultural bio-
4 security;

5 (B) acting as the primary liaison on behalf
6 of the Department with other Federal agencies
7 on coordination efforts and interagency activi-
8 ties pertaining to agricultural biosecurity;

9 (C) advising the Secretary on policies, reg-
10 ulations, processes, budget, and actions per-
11 taining to homeland security; and

12 (D) providing to State and local govern-
13 ment officials timely updates and actionable in-
14 formation about threats, incidents, potential
15 protective measures, and best practices relevant
16 to homeland security issues in agriculture.

17 (4) AGRICULTURAL BIOSECURITY COMMUNICA-
18 TION CENTER.—

19 (A) ESTABLISHMENT.—The Secretary
20 shall establish in the Department a central
21 communication center—

22 (i) to collect and disseminate informa-
23 tion regarding, and prepare for, agricul-
24 tural disease emergencies, agroterrorist

1 acts, and other threats to agricultural bio-
2 security; and

3 (ii) to coordinate the activities de-
4 scribed in clause (i) among agencies and
5 offices within the Department.

6 (B) RESPONSE.—Any response by the Sec-
7 retary to an agricultural threat to agricultural
8 biosecurity shall be carried out under the direc-
9 tion of the Secretary of Homeland Security, in
10 accordance with subsection (c).

11 (C) AUTHORITY OF THE SECRETARY.—In
12 establishing the central communication center
13 under subparagraph (A), the Secretary may use
14 the existing resources and infrastructure of the
15 Emergency Operations Center of the Animal
16 and Plant Health Inspection Service located in
17 Riverdale, Maryland.

18 (D) RELATION TO EXISTING DEPARTMENT
19 OF HOMELAND SECURITY COMMUNICATION SYS-
20 TEMS.—

21 (i) CONSISTENCY AND COORDINA-
22 TION.—The center established under sub-
23 paragraph (A) shall, to the maximum ex-
24 tent practicable, share and coordinate the
25 dissemination of timely information with—

1 (I) the National Operations Cen-
2 ter and the National Coordinating
3 Center of the Department of Home-
4 land Security; and

5 (II) other appropriate Federal
6 communication systems, as deter-
7 mined by the Secretary of Homeland
8 Security.

9 (ii) AVOIDING REDUNDANCIES.—
10 Nothing in this paragraph impedes, con-
11 flicts with, or duplicates any activity car-
12 ried out by—

13 (I) the National Biosurveillance
14 Integration Center of the Department
15 of Homeland Security;

16 (II) the National Response Co-
17 ordination Center of the Department
18 of Homeland Security;

19 (III) the National Infrastructure
20 Coordination Center of the Depart-
21 ment of Homeland Security; or

22 (IV) any other communication
23 system under the authority of the Sec-
24 retary of Homeland Security.

1 (E) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to the Secretary such sums as are nec-
4 essary to carry out this subsection for each of
5 fiscal years **【2008 through 2012】**.

6 **SEC. 11023. SUBMISSION OF INTEGRATED FOOD DEFENSE**
7 **BUDGET.**

8 (a) IN GENERAL.—Consistent with HSPD–9, the
9 Secretary, the Secretary of Homeland Security, and the
10 Secretary of Health and Human Services shall submit to
11 the Director of the Office of Management and Budget an
12 integrated budget plan for the defense of the food system
13 of the United States.

14 (b) INCLUSION OF BUDGET PLAN.—Subject to the
15 approval of the President, the Director of the Office of
16 Management and Budget shall include in the budget of
17 the United States Government submitted by the President
18 under section 1105 of title 31, United States Code, the
19 budget plan submitted by the Secretary, the Secretary of
20 Homeland Security, and the Secretary of Health and
21 Human Services under subsection (a).

1 **SEC. 11024. TRANSFER OF CERTAIN AGRICULTURAL IN-**
2 **SPECTION FUNCTIONS OF DEPARTMENT.**

3 (a) DEFINITION OF FUNCTION.—In this section, the
4 term “function” does not include any quarantine activity
5 carried out under the laws specified in subsection (c).

6 (b) TRANSFER OF AGRICULTURAL IMPORT AND
7 ENTRY INSPECTION FUNCTIONS.—There shall be trans-
8 ferred to the Secretary of Homeland Security the func-
9 tions of the Secretary relating to agricultural import and
10 entry inspection activities under the laws specified in sub-
11 section (c).

12 (c) COVERED ANIMAL AND PLANT PROTECTION
13 LAWS.—The laws referred to in subsection (a) are the fol-
14 lowing:

15 (1) The eighth paragraph under the heading
16 “BUREAU OF ANIMAL INDUSTRY” in the Act of
17 March 4, 1913 (commonly known as the “Virus-
18 Serum-Toxin Act”) (21 U.S.C. 151 et seq.).

19 (2) Section 1 of the Act of August 31, 1922
20 (commonly known as the “Honeybee Act”) (7 U.S.C.
21 281).

22 (3) Title III of the Federal Seed Act (7 U.S.C.
23 1581 et seq.).

24 (4) The Plant Protection Act (7 U.S.C. 7701 et
25 seq.).

1 (5) The Animal Health Protection Act (7
2 U.S.C. 8301 et seq.).

3 (6) The Lacey Act Amendments of 1981 (16
4 U.S.C. 3371 et seq.).

5 (7) Section 11 of the Endangered Species Act
6 of 1973 (16 U.S.C. 1540).

7 (d) COORDINATION OF REGULATIONS.—

8 (1) COMPLIANCE WITH DEPARTMENT REGULA-
9 TIONS.—The authority transferred pursuant to sub-
10 section (b) shall be exercised by the Secretary of
11 Homeland Security in accordance with the regula-
12 tions, policies, and procedures issued by the Sec-
13 retary regarding the administration of the laws spec-
14 ified in subsection (c).

15 (2) RULEMAKING COORDINATION.—The Sec-
16 retary shall coordinate with the Secretary of Home-
17 land Security in any case in which the Secretary
18 prescribes regulations, policies, or procedures for ad-
19 ministering the functions transferred under sub-
20 section (b) under a law specified in subsection (c).

21 (3) EFFECTIVE ADMINISTRATION.—The Sec-
22 retary of Homeland Security, in consultation with
23 the Secretary, may issue such directives and guide-
24 lines as are necessary to ensure the effective use of
25 personnel of the Department of Homeland Security

1 to carry out the functions transferred pursuant to
2 subsection (b).

3 (e) TRANSFER AGREEMENT.—

4 (1) AGREEMENT.—

5 (A) IN GENERAL.—Before the end of the
6 transition period (as defined in section 1501 of
7 the Homeland Security Act of 2002 (6 U.S.C.
8 541)), the Secretary and the Secretary of
9 Homeland Security shall enter into an agree-
10 ment to effectuate the transfer of functions re-
11 quired by subsection (b).

12 (B) REVISION.—The Secretary and the
13 Secretary of Homeland Security may jointly re-
14 vise the agreement as necessary after that tran-
15 sition period.

16 (2) REQUIRED TERMS.—The agreement re-
17 quired by this subsection shall specifically address
18 the following:

19 (A) The supervision by the Secretary of
20 the training of employees of the Secretary of
21 Homeland Security to carry out the functions
22 transferred pursuant to subsection (b).

23 (B) The transfer of funds to the Secretary
24 of Homeland Security under subsection (f).

1 (3) COOPERATION AND RECIPROCITY.—The
2 Secretary and the Secretary of Homeland Security
3 may include as part of the agreement the following:

4 (A) Authority for the Secretary of Home-
5 land Security to perform functions delegated to
6 the Animal and Plant Health Inspection Service
7 of the Department regarding the protection of
8 domestic livestock and plants, but not trans-
9 ferred to the Secretary of Homeland Security
10 pursuant to subsection (b).

11 (B) Authority for the Secretary to use em-
12 ployees of the Department of Homeland Secu-
13 rity to carry out authorities delegated to the
14 Animal and Plant Health Inspection Service re-
15 garding the protection of domestic livestock and
16 plants.

17 (f) PERIODIC TRANSFER OF FUNDS TO DEPART-
18 MENT OF HOMELAND SECURITY.—

19 (1) TRANSFER OF FUNDS.—Out of funds col-
20 lected by fees authorized under sections 2508 and
21 2509 of the Food, Agriculture, Conservation, and
22 Trade Act of 1990 (21 U.S.C. 136, 136a), the Sec-
23 retary shall transfer, from time to time in accord-
24 ance with the agreement under subsection (e), to the
25 Secretary of Homeland Security funds for activities

1 carried out by the Secretary of Homeland Security
2 for which the fees were collected.

3 (2) LIMITATION.—The proportion of fees col-
4 lected pursuant to those sections that are trans-
5 ferred to the Secretary of Homeland Security under
6 this subsection may not exceed the proportion of the
7 costs incurred by the Secretary of Homeland Secu-
8 rity to all costs incurred to carry out activities fund-
9 ed by the fees.

10 (g) TRANSFER OF DEPARTMENT EMPLOYEES.—Not
11 later than the completion of the transition period (as de-
12 fined in section 1501 of the Homeland Security Act of
13 2002 (6 U.S.C. 541)), the Secretary shall transfer to the
14 Secretary of Homeland Security not more than 3,200 full-
15 time equivalent positions of the Department.

16 (h) EFFECT OF TRANSFER.—

17 (1) EXISTING AUTHORITY.—Nothing in the
18 transfer of functions under subsection (b) preempts
19 any authority of the Department as described in sec-
20 tion 11022(b)(1).

21 (2) LIMITATION ON TRANSFER.—

22 (A) IMPORTS.—The Secretary shall retain
23 responsibility for all other activities of the Agri-
24 cultural Quarantine and Inspection Program re-

1 garding imports, including activities relating
2 to—

3 (i) preclearance of commodities;

4 (ii) trade protocol verification;

5 (iii) fumigation;

6 (iv) quarantine;

7 (v) diagnosis;

8 (vi) eradication;

9 (vii) indemnification; and

10 (viii) other sanitary and phytosanitary
11 measures carried out pursuant to the Ani-
12 mal Health Protection Act (7 U.S.C. 8301
13 et seq.) and the Plant Protection Act (7
14 U.S.C. 7701 et seq.).

15 (B) EXPORT, INTERSTATE, AND INTRA-
16 STATE ACTIVITIES.—The Department shall re-
17 tain responsibility for all functions regarding
18 export, interstate, and intrastate activities.

19 (C) TRAINING.—The Department shall re-
20 tain responsibility for all agricultural inspection
21 training.

22 (i) CONFORMING AMENDMENT.—Section 421 of the
23 Homeland Security Act of 2002 (6 U.S.C. 231) is amend-
24 ed by striking “Sec. 421” and all that follows through “(h)

1 PROTECTION OF INSPECTION ANIMALS.—Title V” and in-
2 serting the following:

3 **“SEC. 421. PROTECTION OF INSPECTION ANIMALS.**

4 “Title V”.

5 **PART II—AGRICULTURAL QUARANTINE**

6 **INSPECTION PROGRAM IMPROVEMENT**

7 **SEC. 11031. DEFINITIONS.**

8 In this part:

9 (1) PROGRAM.—The term “program” means
10 the agricultural quarantine inspection program.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of Agriculture, acting through the Ad-
13 ministrator of the Animal and Plant Health Inspec-
14 tion Service.

15 **SEC. 11032. JOINT TASK FORCE.**

16 (a) ESTABLISHMENT.—Not later than 30 days after
17 the date of enactment of this Act, the Secretary and the
18 Secretary of Homeland Security shall establish a Joint
19 Task Force to provide coordinated central planning for the
20 program.

21 (b) COMPOSITION.—The Joint Task Force shall be
22 composed of employees of the Animal and Plant Health
23 Inspection Service and Customs and Border Protection of
24 the Department of Homeland Security, appointed by the

1 Secretary and the Secretary of Homeland Security, respec-
2 tively.

3 (c) DUTIES.—The Joint Task Force shall—

4 (1) prepare, and not less than biannually revise
5 as necessary, a strategic plan for the program;

6 (2) establish performance measures that accu-
7 rately gauge the success of the program;

8 (3) establish annual operating goals and plans
9 for the program at national, regional, and port lev-
10 els;

11 (4) establish and regularly revise as necessary
12 a training program to ensure that all employees of
13 Customs and Border Protection involved in agricul-
14 tural inspection and quarantine activities have the
15 skills, knowledge, and abilities necessary to protect
16 the agricultural biosecurity of the United States;

17 (5) ensure effective and regular communications
18 with all stakeholders under the program;

19 (6) maintain effective and regular communica-
20 tion between the Animal and Plant Health Inspec-
21 tion Service and Customs and Border Protection in
22 carrying out the program;

23 (7) establish and carry out mechanisms to col-
24 lect data to inform program planning and decision-
25 making under the program;

1 (8) ensure access for employees of the Animal
2 and Plant Health Inspection Service who, as deter-
3 mined by the Secretary, in consultation with the
4 Secretary of Homeland Security—

5 (A) have met all applicable Customs and
6 Border Protection security-related require-
7 ments; and

8 (B) to adequately perform the duties of the
9 employees, require access to—

10 (i) each secure area of any terminal
11 for screening passengers or cargo; and

12 (ii) each database relating to cargo
13 manifests or any databases that may relate
14 to the program;

15 (9) ensure the ability of the program to operate
16 in case of emergencies; and

17 (10) establish a quality assurance program for
18 the program, with performance standards and reg-
19 ular reviews of each port of entry to determine com-
20 pliance with the quality standards.

21 **SEC. 11033. ADVISORY BOARD.**

22 (a) ESTABLISHMENT.—Not later than 180 days after
23 the date of enactment of this Act, the Secretary and the
24 Secretary of Homeland Security shall establish a board to
25 be known as the “Agricultural Quarantine Inspection Pro-

1 gram Advisory Board” (referred to in this section as the
2 “Advisory Board”).

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Advisory Board shall
5 consist of 11 members representing the Federal Gov-
6 ernment, State governments, and stakeholders, in-
7 cluding—

8 (A) 2 members representing the Depart-
9 ment, appointed by the Secretary, who shall
10 serve as cochairperson of the Advisory Board;

11 (B) 1 member representing the Depart-
12 ment of Homeland Security, appointed by the
13 Secretary of Homeland Security, who shall
14 serve as cochairperson of the Advisory Board;

15 (C) 1 member representing Customs and
16 Border Protection agriculture specialists, ap-
17 pointed by the Secretary of Homeland Security,
18 who shall serve as cochairperson of the Advisory
19 Board;

20 (D) 1 member representing the National
21 Plant Board, appointed by the Secretary based
22 on nominations submitted by the Board;

23 (E) 1 member representing the United
24 States Animal Health Association, appointed by

1 the Secretary based on 1 or more nominations
2 submitted by the Association;

3 (F) 1 member representing the National
4 Association of State Departments of Agri-
5 culture, appointed by the Secretary based on 1
6 or more nominations submitted by the Associa-
7 tion;

8 (G) 2 members representing stakeholders
9 of organizations, associations, societies, coun-
10 cils, federations, groups, and companies, ap-
11 pointed by the Secretary from 2 or more nomi-
12 nations submitted by the stakeholders; and

13 (H) 2 members representing stakeholders
14 of organizations, associations, societies, coun-
15 cils, federations, groups, and companies, ap-
16 pointed by the Secretary of Homeland Security
17 from 2 or more nominations submitted by the
18 stakeholders.

19 (2) TERMS OF SERVICE.—The term of a mem-
20 ber of the Advisory Board shall be 2 years, except
21 that, of the members initially appointed to the
22 Board, the term of $\frac{1}{2}$ of the members (as deter-
23 mined jointly by the Secretary and the Secretary of
24 Homeland Security) shall be 1 year.

25 (c) DUTIES.—The Advisory Board shall—

1 (1) advise the Secretary and the Secretary of
2 Homeland Security—

3 (A) on policies and other issues related to
4 the mission of the program; and

5 (B) on appropriate mechanisms to ensure
6 that interested stakeholders in the agriculture
7 industry, State and local governments, and the
8 general public have formal opportunities to pro-
9 vide comments on the program; and

10 (2) in the case of the cochairpersons of the Ad-
11 visory Board—

12 (A) coordinate the advice and concerns of
13 the members of the Advisory Board; and

14 (B) at least twice a year, submit the views
15 of the Advisory Board to the Secretary and the
16 Secretary of Homeland Security.

17 (d) MEETINGS.—The meetings of the Advisory Board
18 shall take place at least twice a year, with the option of
19 conducting the meetings in Washington, District of Co-
20 lumbia, and a Customs and Border Protection port on an
21 alternating basis.

22 **SEC. 11034. REPORTS TO CONGRESS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, and annually thereafter
25 through September 30, 2012, the Administrator of the

1 Animal and Plant Health Inspection Service and the Com-
2 missioner of Customs and Border Protection, shall jointly
3 submit to the committees described in subsection (b) a re-
4 port on—

5 (1) the resource needs for import and entry ag-
6 ricultural inspections, including the number of in-
7 spectors required;

8 (2) the adequacy of inspection and monitoring
9 procedures and facilities in the United States;

10 (3) new and emerging technologies and prac-
11 tices, including recommendations regarding the tech-
12 nologies and practices, to improve import and entry
13 agricultural inspections; and

14 (4) questions or concerns raised by the Joint
15 Task Force established under section 11032 and by
16 the Agricultural Quarantine Inspection Program Ad-
17 visory Board established under section 11033.

18 (b) COMMITTEES.—The Secretary and the Secretary
19 of Homeland Security shall jointly submit the report re-
20 quired under subsection (a) to—

21 (1) the Committee on Agriculture, Nutrition,
22 and Forestry of the Senate;

23 (2) the Committee on Agriculture of the House
24 of Representatives;

1 (3) the Committee on Homeland Security and
2 Governmental Affairs of the Senate; and

3 (4) the Committee on Homeland Security of the
4 House of Representatives.

5 (c) **SATISFACTION OF REQUIREMENT.**—The Admin-
6 istrator of the Animal and Plant Health Inspection Service
7 and the Commissioner of Customs and Border Protection
8 may satisfy the reporting requirement described in sub-
9 section (a) by submitting to the Committee on Agriculture
10 of the House of Representatives and the Committee on
11 Agriculture, Nutrition, and Forestry of the Senate a copy
12 of each relevant provision relating to appropriations or au-
13 thorization requests for the applicable fiscal year.

14 **SEC. 11035. PORT RISK COMMITTEES.**

15 (a) **IN GENERAL.**—Not later than 1 year after the
16 date of enactment of this Act, the Secretary and the Sec-
17 retary of Homeland Security shall jointly create Port Risk
18 Committees to service the agriculture mission for each
19 port of entry into the United States that the Secretary
20 of Homeland Security, in consultation with the Secretary,
21 determines to be appropriate.

22 (b) **MEMBERSHIP.**—Each Committee may include
23 representatives from—

24 (1) the Animal and Plant Health Inspection
25 Service, appointed by the Secretary;

1 (2) Customs and Border Protection, appointed
2 by the Secretary of Homeland Security;

3 (3) the Department of Health and Human
4 Services, appointed by the Secretary of Health and
5 Human Services;

6 (4) State and local governments, appointed
7 jointly by the Secretary, the Secretary of Homeland
8 Security, and the Secretary of Health and Human
9 Services; and

10 (5) other stakeholders, appointed jointly by the
11 Secretary, the Secretary of Homeland Security, and
12 the Secretary of Health and Human Services, who
13 shall—

14 (A) act as nonvoting members of the Com-
15 mittee; and

16 (B) only observe and provide information
17 and comments with respect to activities of the
18 Committee.

19 (c) DUTIES.—Each Committee shall examine issues
20 affecting the local port of entry of the Committee to deter-
21 mine actions necessary to mitigate risks of threats to the
22 agricultural biosecurity of the United States.

23 (d) REPORT.—The Committees shall report regularly
24 to regional-level officials of the Animal and Plant Health

1 Inspection Service and to field office officials of Customs
2 and Border Protection.

3 **SEC. 11036. EMERGENCY RESPONSE PLANNING AT PORTS**
4 **OF ENTRY.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Secretary and the Sec-
7 retary of Homeland Security shall develop a comprehen-
8 sive plan to identify and deploy trained and certified per-
9 sonnel in emergency response activities.

10 (b) PLAN.—The plan shall include a strategy for
11 rapid identification and deployment of resources and a
12 standard operating procedure to implement when signifi-
13 cant agricultural pests and diseases are detected at ports
14 of entry.

15 (c) CONTINUITY OF OPERATIONS PLANS.—The Sec-
16 retary and the Secretary of Homeland Security, acting
17 through Customs and Border Protection, shall coordinate
18 and share national continuity of operations plans and
19 plans for ports of entry.

20 **SEC. 11037. PLANT PEST IDENTIFICATION JOINT PLAN.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Secretary and the Sec-
23 retary of Homeland Security shall prepare a joint plan to
24 establish standards of service for—

25 (1) plant pest and disease identification;

1 (2) inspection techniques training; and

2 (3) discard authority.

3 (b) CONTENTS.—The plan shall—

4 (1) formalize plant pest and disease identifica-
5 tion and inspection training of Customs and Border
6 Protection agriculture specialists for all pathways,
7 including conveyances, passengers, cargo, mail, and
8 rail; and

9 (2) establish performance-related criteria for
10 the appropriate Department of Homeland Security
11 personnel to enable enhanced discard authority and
12 improve plant pest and disease interception.

13 **SEC. 11038. LIAISON OFFICER POSITIONS.**

14 (a) CUSTOMS AND BORDER PROTECTION.—

15 (1) IN GENERAL.—The Secretary shall establish
16 a program liaison officer position who is physically
17 located in the same building as the highest ranking
18 Customs and Border Protection official with primary
19 responsibility for the agricultural inspection func-
20 tions of Customs and Border Protection.

21 (2) EMPLOYEE.—The liaison officer shall be an
22 employee of the Animal and Plant Health Inspection
23 Service.

1 (3) SPACE AND STAFF.—Customs and Border
2 Protection shall provide appropriate space for the li-
3 aison officer and commensurate support staff.

4 (4) EXPENSES.—The Secretary shall bear all
5 costs for salary, benefits, and other expenses of the
6 liaison officer.

7 (b) ANIMAL AND PLANT HEALTH INSPECTION SERV-
8 ICE.—

9 (1) IN GENERAL.—The Secretary, acting
10 through Customs and Border Protection, shall estab-
11 lish a program liaison officer position who is phys-
12 ically located in the same building as the highest
13 ranking Animal and Plant Health Inspection Service
14 official with primary responsibility for the agricul-
15 tural inspection functions of the Service.

16 (2) EMPLOYEE.—The liaison officer shall be an
17 employee of Customs and Border Protection.

18 (3) SPACE AND STAFF.—The Animal and Plant
19 Health Inspection Service shall provide appropriate
20 space for the liaison officer and commensurate sup-
21 port staff.

22 (4) EXPENSES.—Customs and Border Protec-
23 tion shall bear all costs for salary, benefits, and
24 other expenses of the liaison officer.

1 (c) COMMUNICATIONS.—The liaison officers shall en-
2 sure daily communication between designated officials of
3 the Animal and Plant Health Inspection Service and Cus-
4 toms and Border Protection.

5 **PART III—MISCELLANEOUS**

6 **SEC. 11041. DESIGNATION AND EXPEDITED REVIEW AND**
7 **APPROVAL OF QUALIFIED AGRICULTURAL**
8 **COUNTERMEASURES.**

9 (a) DESIGNATION OF CERTAIN AGRICULTURAL
10 COUNTERMEASURES.—The Secretary and the Secretary of
11 Homeland Security, in coordination with the Secretary of
12 Health and Human Services, the Administrator of the En-
13 vironmental Protection Agency, and the heads of other ap-
14 plicable Federal departments or agencies, and in consulta-
15 tion with the Director of the Office of Science and Tech-
16 nology Policy in the Executive Office of the President,
17 shall designate a list of qualified agricultural counter-
18 measures to protect against the intentional introduction
19 or natural occurrence of agricultural disease emergencies.

20 (b) EXPEDITED REVIEW AND APPROVAL OF QUALI-
21 FIED COUNTERMEASURES.—A qualified agricultural coun-
22 termeasure designated under subsection (a) shall be—

- 23 (1) granted expedited review for approval; and
24 (2) if the qualified agricultural countermeasure
25 meets the requirements for approval under that ex-

1 pedited review process, promptly approved by the ap-
2 propriate Federal department or agency for use or
3 further testing.

4 (c) DELISTING OF AGRICULTURE COUNTER-
5 MEASURES.—The Secretary and the Secretary of Home-
6 land Security, in coordination with the Secretary of Health
7 and Human Services, the Administrator of the Environ-
8 mental Protection Agency, and the heads of other applica-
9 ble Federal departments or agencies, and in consultation
10 with the Director of the Office of Science and Technology
11 Policy in the Executive Office of the President, may delist
12 qualified agricultural countermeasures that are no longer
13 effective in maintaining or enhancing the agricultural bio-
14 security of the United States.

15 **SEC. 11042. AGRICULTURAL DISEASE EMERGENCY DETEC-**
16 **TION AND RESPONSE.**

17 (a) EMERGENCY DETERMINATION.—

18 (1) IN GENERAL.—The Secretary of Homeland
19 Security, in consultation with the Secretary and the
20 Secretary of Health and Human Services, shall—

21 (A) assess potential vulnerabilities to the
22 agricultural biosecurity of the United States;
23 and

1 (B) determine the incidence or outbreak of
2 which agricultural diseases would constitute an
3 emergency—

4 (i) to identify respective interagency
5 priorities; and

6 (ii) to assist the Department of
7 Homeland Security to establish biological
8 threat awareness capacities pursuant to
9 HSPD–9 and HSPD–10.

10 (2) NOTIFICATION BY OTHER FEDERAL ENTI-
11 TIES.—On a determination by the Secretary of
12 Homeland Security under paragraph (1)(B), each
13 Federal department and agency shall notify the Sec-
14 retary of Homeland Security, the Secretary, and the
15 Secretary of Health and Human Services of specific
16 emergency procedures to be deployed in the event of
17 an outbreak of an agricultural disease, including—

18 (A) any regulations promulgated to ad-
19 dress the outbreak; and

20 (B) a timetable for implementation of the
21 regulations.

22 (3) INFORMATION SHARING.—The Secretary of
23 Homeland Security may make notifications under
24 paragraph (2) available to the Secretary, in order
25 for the Secretary to meet the incident management

1 activities and goals set forth in the Food and Agri-
2 culture Incident Annex of the National Response
3 Plan.

4 (4) STATE AND LOCAL COORDINATION.—On re-
5 ceipt by the Secretary of Homeland Security of noti-
6 fication of special emergency procedures required by
7 other Federal departments or agencies, the Sec-
8 retary of Homeland Security, in consultation with
9 the Secretary and the Secretary of Health and
10 Human Services, shall—

11 (A) notify State, local, and tribal govern-
12 ments, as appropriate, of the emergency proce-
13 dures; and

14 (B) institute test exercises to determine
15 the effectiveness of the emergency procedures in
16 geographical areas of significance, as deter-
17 mined by the Secretary of Homeland Security,
18 in consultation with Secretary.

19 (b) DISEASE DETECTION.—The Secretary and the
20 Secretary of Homeland Security shall—

21 (1) develop and deploy an advanced surveillance
22 system to detect entry into the United States of ag-
23 ricultural biological threat agents that are likely to
24 cause an agricultural disease emergency;

1 (2) develop national and international stand-
2 ards and implementation guidelines to be used in
3 monitoring those agricultural biological threat
4 agents;

5 (3) enhance animal and plant health laboratory
6 networks in existence as of the date of enactment of
7 this Act to increase the diagnostic capability for de-
8 tecting those biological threat agents; and

9 (4) integrate the data and information obtained
10 through the activities carried out under paragraphs
11 (1) through (3) with the National Biosurveillance
12 Integration Center of the Department of Homeland
13 Security.

14 (c) **ONSITE RAPID DIAGNOSTIC TOOLS.**—

15 (1) **DEVELOPMENT.**—The Secretary, in con-
16 sultation with the Secretary of Homeland Security
17 and the Secretary of Health and Human Services,
18 shall develop onsite rapid diagnostic tools to enable
19 rapid diagnosis of incidents of agricultural diseases
20 that would constitute an agricultural disease emer-
21 gency at the site of the incident or outbreak.

22 (2) **VALIDATION TESTING OF TOOLS.**—In devel-
23 oping on-site rapid diagnostic tools under paragraph
24 (1), the Secretary, in consultation with the Secretary
25 of Homeland Security and the Secretary of Health

1 and Human Services, shall conduct validation test-
2 ing to ensure that each tool—

3 (A) identifies the agent for which the tool
4 was developed; and

5 (B) will function properly if administered
6 in the field by persons with varying levels of ex-
7 pertise in diagnostic testing, zoonotic disease
8 surveillance, or agricultural disease emer-
9 gencies.

10 (d) EMERGENCY RESPONSE.—

11 (1) IN GENERAL.—The Secretary shall work
12 with State agriculture departments to ensure a co-
13 ordinated response with State and local agencies re-
14 sponsible for early agricultural disease detection and
15 control.

16 (2) EVALUATION.—Not later than 180 days
17 after the date of enactment of this Act, the Sec-
18 retary shall prepare and submit to the appropriate
19 committees of Congress an evaluation of the current
20 staff, budgets, and capabilities of regional coordina-
21 tors of the Animal and Plant Health Inspection
22 Service to identify areas of potential vulnerability or
23 additional resource needs for emergency response ca-
24 pabilities in specific geographical areas.

25 (e) BEST PRACTICES.—

1 (1) AGRICULTURAL BIOSECURITY TASK
2 FORCE.—The Secretary shall establish in the De-
3 partment an agricultural biosecurity task force to
4 identify best practices for use in carrying out a
5 State or regional agricultural biosecurity program.

6 (2) INFORMATION AVAILABLE.—The Secretary,
7 in coordination with the Secretary of Homeland Se-
8 curity, shall make available information regarding
9 best practices for use in implementing a State or re-
10 gional agricultural biosecurity program, including
11 training exercises for emergency response providers
12 and animal and plant disease specialists.

13 (f) FOREIGN ANIMAL DISEASE AS PREREQUISITE
14 FOR VETERINARIAN ACCREDITATION.—The Secretary
15 shall require candidates for veterinarian accreditation
16 from the Department to receive training in foreign animal
17 disease detection and response.

18 **SEC. 11043. NATIONAL PLANT DISEASE RECOVERY SYSTEM**

19 **AND NATIONAL VETERINARY STOCKPILE.**

20 (a) NATIONAL PLANT DISEASE RECOVERY SYS-
21 TEM.—

22 (1) ESTABLISHMENT.—The Secretary, in co-
23 ordination with the Secretary of Homeland Security,
24 and in consultation with the Secretary of Health and
25 Human Services and the Administrator of the Envi-

1 ronmental Protection Agency, shall work with State
2 and local governments and the private sector to es-
3 tablish a national plant disease recovery system to
4 be used to respond to an outbreak of plant disease
5 that poses a significant threat to agricultural bio-
6 security.

7 (2) REQUIREMENTS.—The national plant dis-
8 ease recovery system shall include agricultural coun-
9 termeasures to be made available within a single
10 growing season for crops of particular economic sig-
11 nificance, as determined by the Secretary, in coordi-
12 nation with the Secretary of Homeland Security.

13 (b) NATIONAL VETERINARY STOCKPILE.—The Sec-
14 retary, in coordination with the Secretary of Homeland
15 Security, and in consultation with the Secretary of Health
16 and Human Services and the Administrator of the Envi-
17 ronmental Protection Agency, shall work with State and
18 local governments and the private sector to establish a na-
19 tional veterinary stockpile, which shall be used by the Sec-
20 retary, in coordination with the Secretary of Homeland
21 Security—

22 (1) to make agricultural countermeasures avail-
23 able to any State veterinarian not later than 24
24 hours after submission of an official request for as-
25 sistance by the State veterinarian, unless the Sec-

1 retary and the Secretary of Homeland Security can-
2 not accommodate such a request due to an emer-
3 gency; and

4 (2) to leverage, where appropriate, the mecha-
5 nisms and infrastructure of the Strategic National
6 Stockpile.

7 **SEC. 11044. RESEARCH AND DEVELOPMENT OF AGRICUL-**
8 **TURAL COUNTERMEASURES.**

9 (a) GRANT PROGRAM.—

10 (1) IN GENERAL.—The Secretary shall establish
11 a grant program to stimulate basic and applied re-
12 search and development activity for qualified agricul-
13 tural countermeasures.

14 (2) COMPETITIVE GRANTS.—In carrying out
15 this section, the Secretary shall develop a process
16 through which to award grants on a competitive
17 basis.

18 (3) WAIVER IN EMERGENCIES.—The Secretary
19 may waive the requirement in paragraph (2), if—

20 (A) the Secretary has declared a plant or
21 animal disease emergency under the Plant Pro-
22 tection Act (7 U.S.C. 7701 et seq.) or the Ani-
23 mal Health Protection Act (7 U.S.C. 8301 et
24 seq.); and

1 (B) the waiver would lead to the rapid de-
2 velopment of a qualified agricultural counter-
3 measure, as determined by the Secretary.

4 (b) USE OF FOREIGN DISEASE PERMISSIBLE.—The
5 Secretary shall permit the use of foreign animal and plant
6 disease agents, and accompanying data, in research and
7 development activities funded under this section if the Sec-
8 retary determines that the diseases or data are necessary
9 to demonstrate the safety and efficacy of an agricultural
10 countermeasure in development.

11 (c) COORDINATION ON ADVANCED DEVELOPMENT.—
12 The Secretary shall ensure that the Secretary of Home-
13 land Security is provided information, on a quarterly
14 basis, describing each grant provided by the Secretary for
15 the purpose of facilitating the acceleration and expansion
16 of the advanced development of agricultural counter-
17 measures.

18 (d) SCOPE.—Nothing in this section impedes the abil-
19 ity of the Secretary of Homeland Security to administer
20 grants for basic and applied research and advanced devel-
21 opment activities for qualified agricultural counter-
22 measures.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section

1 \$50,000,000 for each of fiscal years [2008 through
2 2012].

3 **SEC. 11045. VETERINARY WORKFORCE GRANT PROGRAM.**

4 (a) IN GENERAL.—The Secretary shall establish a
5 grant program to increase the number of veterinarians
6 trained in agricultural biosecurity.

7 (b) CONSIDERATIONS FOR FUNDING AWARDED.—
8 The Secretary shall establish procedures to ensure that
9 grants are competitively awarded under the program
10 based on—

11 (1) the ability of an applicant to increase the
12 number of veterinarians who are trained in agricul-
13 tural biosecurity practice areas determined by the
14 Secretary;

15 (2) the ability of an applicant to increase re-
16 search capacity in areas of agricultural biosecurity
17 determined by the Secretary to be a priority; or

18 (3) any other consideration the Secretary deter-
19 mines to be appropriate.

20 (c) USE OF FUNDS.—Amounts received under this
21 section may be used by a grantee to pay—

22 (1) costs associated with construction and the
23 acquisition of equipment, and other capital costs re-
24 lating to the expansion of schools of veterinary medi-
25 cine, departments of comparative medicine, depart-

1 ments of veterinary science, or entities offering resi-
2 dency training programs; or

3 (2) capital costs associated with the expansion
4 of academic programs that offer postgraduate train-
5 ing for veterinarians or concurrent training for vet-
6 erinary students in specific areas of specialization.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Secretary such
9 sums as are necessary to carry out this section for each
10 of fiscal years **【2008 through 2012】**.

11 **SEC. 11046. ASSISTANCE TO BUILD LOCAL CAPACITY IN AG-**
12 **RICULTURAL BIOSECURITY PLANNING, PRE-**
13 **PAREDNESS, AND RESPONSE.**

14 (a) ADVANCED TRAINING PROGRAMS.—

15 (1) GRANT ASSISTANCE.—The Secretary shall
16 provide grant assistance to support the development
17 and expansion of advanced training programs in ag-
18 ricultural biosecurity planning and response for food
19 science professionals and veterinarians.

20 (2) AUTHORIZATION OF APPROPRIATIONS.—
21 There are authorized to be appropriated to the Sec-
22 retary such sums as are necessary to carry out this
23 subsection for each of fiscal years **【2008 through**
24 **2012】**.

25 (b) ASSESSMENT OF RESPONSE CAPABILITY.—

1 (1) GRANT AND LOAN ASSISTANCE.—The Sec-
2 retary shall provide grant and low-interest loan as-
3 sistance to States for use in assessing agricultural
4 disease response capability.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to carry out
7 this subsection \$25,000,000 for each of fiscal years
8 **【2008 through 2012】**.

9 **SEC. 11047. BORDER INSPECTIONS OF AGRICULTURAL**
10 **PRODUCTS.**

11 (a) INSPECTION.—

12 (1) IN GENERAL.—The Secretary of Homeland
13 Security, in consultation with the Secretary and the
14 Secretary of Health and Human Services, shall co-
15 ordinate with Federal intelligence officials to identify
16 agricultural products that are imported from coun-
17 tries that have known capabilities to carry out an
18 agroterrorist act.

19 (2) PRIORITY.—

20 (A) IN GENERAL.—Agricultural products
21 imported from countries described in paragraph
22 (1) shall be given priority status in the inspec-
23 tion process.

24 (B) EFFECT OF THREATS.—If a credible
25 and specific threat of an intended agroterrorist

1 act is identified by Federal intelligence officials,
2 each border inspection of a product that could
3 be a pathway for the agroterrorist act shall be
4 intensified.

5 (b) COORDINATION IN BORDER INSPECTION.—In
6 conducting inspections of agricultural products at the bor-
7 der, the Secretary, the Secretary of Homeland Security,
8 and the Secretary of Health and Human Services shall
9 use a compatible communication system in order to better
10 coordinate the inspection process.

11 **SEC. 11048. LIVE VIRUS OF FOOT AND MOUTH DISEASE RE-**
12 **SEARCH.**

13 (a) IN GENERAL.—The Secretary shall issue a permit
14 required under section 12 of the Act of May 29, 1884 (21
15 U.S.C. 113a) to the Secretary of Homeland Security for
16 work on the live virus of foot and mouth disease at the
17 National Bio and Agro-Defense Laboratory (referred to
18 in this section as the “NBAF”).

19 (b) LIMITATION.—The permit shall be valid unless
20 the Secretary finds that the study of live foot and mouth
21 disease virus at the NBAF is not being carried out in ac-
22 cordance with the regulations issued by the Secretary pur-
23 suant to the Agricultural Bioterrorism Protection Act of
24 2002 (7 U.S.C. 8401 et seq.).

1 (c) AUTHORITY.—The suspension, revocation, or
2 other impairment of the permit issued under this sec-
3 tion—

4 (1) shall be made by the Secretary; and

5 (2) is a nondelegable function.

6 **Subtitle B—Other Programs**

7 **SEC. 11051. FORECLOSURE.**

8 (a) IN GENERAL.—Section 307 of the Consolidated
9 Farm and Rural Development Act (7 U.S.C. 1927) is
10 amended by adding at the end the following:

11 “(f) MORATORIUM.—

12 “(1) IN GENERAL.—Effective beginning on the
13 date of enactment of this subsection, there shall be
14 in effect a moratorium on all loan acceleration and
15 foreclosure proceedings instituted by the Department
16 for any case in which—

17 “(A) there is pending against the Depart-
18 ment a claim of discrimination by a farmer or
19 rancher related to a loan acceleration or fore-
20 closure; or

21 “(B) a farmer or rancher files a claim of
22 discrimination against the Department related
23 to a loan acceleration or foreclosure.

24 “(2) WAIVER OF INTEREST AND OFFSETS.—

25 During the period of the moratorium, the Secretary

1 shall waive the accrual of interest and offsets on all
2 loans made under this subtitle for which loan accel-
3 eration or foreclosure proceedings have been insti-
4 tuted as described in paragraph (1).

5 “(3) TERMINATION OF MORATORIUM.—The
6 moratorium shall terminate with respect to a claim
7 of discrimination by a farmer or rancher on the ear-
8 lier of—

9 “(A) the date the Secretary resolves the
10 claim; or

11 “(B) if the farmer or rancher appeals the
12 decision of the Secretary on the claim to a
13 court of competent jurisdiction, the date that
14 the court renders a final decision on the claim.

15 “(4) FAILURE TO PREVAIL.—If a farmer or
16 rancher does not prevail on a claim of discrimination
17 described in paragraph (1), the farmer or rancher
18 shall be liable for any interest and offsets that ac-
19 crued during the period that the loan was in abey-
20 ance.”.

21 (b) FORECLOSURE REPORT.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Inspector
24 General of the Department of Agriculture (referred
25 to in this subsection as the “Inspector General”)

1 shall determine whether decisions of the Department
2 to implement foreclosure proceedings with respect to
3 loans made under subtitle A of the Consolidated
4 Farm and Rural Development Act (7 U.S.C. 1922
5 et seq.) to socially disadvantaged farmers or ranch-
6 ers during the 5-year period preceding the date of
7 enactment of this Act were consistent and in con-
8 formity with the applicable laws (including regula-
9 tions) governing loan foreclosures.

10 (2) REPORT.—Not later than 1 year after the
11 date of enactment of this Act, the Inspector General
12 shall submit to the Committee on Agriculture of the
13 House of Representatives and the Committee on Ag-
14 riculture, Nutrition, and Forestry of the Senate a
15 report that describes the determination of the In-
16 spector General under paragraph (1).

17 **SEC. 11052. OUTREACH AND TECHNICAL ASSISTANCE FOR**
18 **SOCIALLY DISADVANTAGED FARMERS AND**
19 **RANCHERS.**

20 (a) IN GENERAL.—Section 2501 of the Food, Agri-
21 culture, Conservation, and Trade Act of 1990 (7 U.S.C.
22 2279)) is amended—

23 (1) in subsection (a)—

24 (A) by striking paragraph (2) and insert-
25 ing the following:

1 “(2) REQUIREMENTS.—The outreach and tech-
2 nical assistance program under paragraph (1) shall
3 be used exclusively—

4 “(A) to enhance coordination of the out-
5 reach, technical assistance, and education ef-
6 forts authorized under agriculture programs;
7 and

8 “(B) to assist the Secretary in—

9 “(i) reaching socially disadvantaged
10 farmers and ranchers and prospective so-
11 cially disadvantaged farmers and ranchers
12 in a culturally and linguistically appro-
13 priate manner; and

14 “(ii) improving the participation of
15 those farmers and ranchers in Department
16 programs, as determined under section
17 2501A.”;

18 (B) in paragraph (3)—

19 (i) in subparagraph (A), by striking
20 “entity to provide information” and insert-
21 ing “entity that has demonstrated an abil-
22 ity to carry out the requirements described
23 in paragraph (2) to provide outreach”; and

24 (ii) by adding at the end the fol-
25 lowing:

1 “(D) RENEWAL OF CONTRACTS.—The Sec-
2 retary may provide for renewal of a grant, con-
3 tract, or other agreement under this section
4 with an eligible entity that—

5 “(i) has previously received funding
6 under this section;

7 “(ii) has demonstrated an ability to
8 carry out the requirements described in
9 paragraph (2); and

10 “(iii) demonstrates to the satisfaction
11 of the Secretary that the entity will con-
12 tinue to fulfill the purposes of this section.

13 “(E) REVIEW OF PROPOSALS.—Notwith-
14 standing subparagraph (D), the Secretary shall
15 promulgate a regulation to establish criteria for
16 the review process for grants and cooperative
17 agreements (including multiyear grants), which
18 shall include a review eligible entities on an in-
19 dividual basis.

20 “(F) REPORT.—The Secretary shall sub-
21 mit to Congress, and make publically available,
22 an annual report that describes—

23 “(i) the accomplishments of the pro-
24 gram under this section; and

1 “(ii) any gaps or problems in service
2 delivery as reported by grantees.”; and

3 (C) in paragraph (4)—

4 (i) by striking subparagraph (A), and
5 inserting the following:

6 “(A) AUTHORIZATION OF APPROPRIA-
7 TIONS.—There is authorized to be appropriated
8 to carry out this subsection \$50,000,000 for
9 each of fiscal years 2008 through 2012.”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(C) LIMITATION ON USE OF FUNDS FOR
13 ADMINISTRATIVE EXPENSES.—Not more than 5
14 percent of the amounts made available under
15 this paragraph for a fiscal year may be used for
16 expenses related to administering the program
17 under this section.”; and

18 (2) in subsection (e)(5)(A)—

19 (A) in clause (i), by striking “has dem-
20 onstrated experience in” and inserting “has a
21 reputation for, and has demonstrated experi-
22 ence in,”; and

23 (B) in clause (ii)—

24 (i) by inserting “and on behalf of” be-
25 fore “socially”; and

1 (ii) by striking “2-year” and inserting
2 “3-year”.

3 (b) COORDINATION WITH OUTREACH.—

4 (1) IN GENERAL.—Not later than 18 months
5 after the date of enactment of this Act, the Sec-
6 retary shall develop a plan to join and relocate—

7 (A) the outreach and technical assistance
8 program established under section 2501 of the
9 Food, Agriculture, Conservation, and Trade Act
10 of 1990 (7 U.S.C. 2279); and

11 (B) the Office of Outreach of the Depart-
12 ment of Agriculture.

13 (2) CONSULTATION.—In preparing the plan
14 under paragraph (1), the Secretary shall, in con-
15 sultation with eligible entities under section 2501 of
16 the Food, Agriculture, Conservation, and Trade Act
17 of 1990 (7 U.S.C. 2279)—

18 (A) decide the most appropriate permanent
19 location for the programs described in para-
20 graph (1); and

21 (B) locate both programs together at that
22 location.

23 (3) REPORT.—After the relocation described in
24 this subsection is completed, the Secretary shall sub-

1 mit to Congress a report that includes information
2 describing the new location of the programs.

3 **SEC. 11053. ADDITIONAL CONTRACTING AUTHORITY.**

4 Section 2501(a)(3) of the Food, Agriculture, Con-
5 servation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3))
6 (as amended by section 11052(a)(1)(B)(ii)) is amended by
7 adding at the end the following:

8 “(G) ADDITIONAL CONTRACTING AUTHOR-
9 ITY.—

10 “(i) IN GENERAL.—The Secretary
11 shall provide to the Office of Outreach of
12 the Department of Agriculture, the Nat-
13 ural Resources Conservation Service, the
14 Farm Service Agency, the Risk Manage-
15 ment Agency, the Forest Service, the Food
16 Safety and Inspection Service, and such
17 other agencies and programs as the Sec-
18 retary determines to be necessary, the au-
19 thority to make grants and enter into con-
20 tracts and cooperative agreements with
21 community-based organizations that meet
22 the definition of an eligible entity under
23 subsection (e).

24 “(ii) MATCHING FUNDS.—The Sec-
25 retary is not required to require matching

1 funds for a grant made, or a contract or
2 cooperative agreement entered into, under
3 this subparagraph.

4 “(iii) INTERAGENCY FUNDING.—Not-
5 withstanding any other provision of law
6 (including regulations), any Federal agency
7 may participate in any grant made, or con-
8 tract or cooperative agreement entered
9 into, under this subsection by contributing
10 funds, if the head of the agency determines
11 that the objectives of the grant, contract,
12 or cooperative agreement will further the
13 authorized programs of the contributing
14 agency.”.

15 **SEC. 11054. IMPROVED PROGRAM DELIVERY BY THE DE-**
16 **PARTMENT OF AGRICULTURE ON INDIAN**
17 **RESERVATIONS.**

18 Section 2501(g)(1) of the Food, Agriculture, Con-
19 servation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1))
20 is amended by striking the second sentence.

21 **SEC. 11055. ACCURATE DOCUMENTATION IN THE CENSUS**
22 **OF AGRICULTURE AND CERTAIN STUDIES.**

23 Section 2501 of the Food, Agriculture, Conservation,
24 and Trade Act of 1990 (7 U.S.C. 2279) is amended by
25 adding at the end the following:

1 “(h) ACCURATE DOCUMENTATION.—The Secretary
2 shall ensure, to the maximum extent practicable, that the
3 Census of Agriculture and studies carried out by the Eco-
4 nomic Research Service accurately document the number,
5 location, and economic contributions of socially disadvan-
6 taged farmers and ranchers in agricultural production.”.

7 **SEC. 11056. IMPROVED DATA REQUIREMENTS.**

8 Section 2501A of the Food, Agriculture, Conserva-
9 tion, and Trade Act of 1990 (7 U.S.C. 2279–1) is amend-
10 ed by striking subsection (c) and inserting the following:

11 “(c) COMPILATION OF PROGRAM PARTICIPATION
12 DATA.—

13 “(1) ANNUAL REQUIREMENT.—For each county
14 and State in the United States, the Secretary of Ag-
15 riculture (referred to in this section as the ‘Sec-
16 retary’) shall annually compile program application
17 and participation rate data regarding socially dis-
18 advantaged farmers and ranchers by computing for
19 each program of the Department of Agriculture that
20 serves agricultural producers or landowners—

21 “(A) raw numbers of applicants and par-
22 ticipants by race, ethnicity, and gender, subject
23 to appropriate privacy protections, as deter-
24 mined by the Secretary; and

1 “(B) the application and participation rate,
2 by race, ethnicity, and gender, as a percentage
3 of the total participation rate of all agricultural
4 producers and landowners.

5 “(2) AUTHORITY TO COLLECT DATA.—The
6 heads of the agencies of the Department of Agri-
7 culture shall collect and transmit to the Secretary
8 any data, including data on race, gender, and eth-
9 nicity, that the Secretary determines to be necessary
10 to carry out paragraph (1).

11 “(3) REPORT.—Using the technologies and sys-
12 tems of the National Agricultural Statistics Service,
13 the Secretary shall compile and present the data re-
14 quired under paragraph (1) for each program de-
15 scribed in that paragraph in a manner that includes
16 the raw numbers and participation rates for—

17 “(A) the entire United States;

18 “(B) each State; and

19 “(C) each county in each State.

20 “(d) LIMITATIONS ON USE OF DATA.—

21 “(1) IN GENERAL.—In carrying out this sec-
22 tion, the Secretary shall not disclose the names or
23 individual data of any program participant.

1 “(2) AUTHORIZED USES.—The data under this
2 section shall be used exclusively for the purposes de-
3 scribed in subsection (a).

4 “(3) LIMITATION.—Except as otherwise pro-
5 vided, the data under this section shall not be used
6 for the evaluation of individual applications for as-
7 sistance.”.

8 **SEC. 11057. RECEIPT FOR SERVICE OR DENIAL OF SERVICE.**

9 Section 2501A of the Food, Agriculture, Conserva-
10 tion, and Trade Act of 1990 (7 U.S.C. 2279–1) (as
11 amended by section 11056) is amended by adding at the
12 end the following:

13 “(e) RECEIPT FOR SERVICE OR DENIAL OF SERV-
14 ICE.—In any case in which a farmer or rancher, or a pro-
15 spective farmer or rancher, in person or in writing, re-
16 quests from the Farm Service Agency or the Natural Re-
17 sources Conservation Service of the Department of Agri-
18 culture any benefit or service offered by the Department
19 to agricultural producers or landowners, and at the time
20 of the request requests a receipt, the Secretary of Agri-
21 culture shall issue, on the date of the request, a receipt
22 to the farmer or rancher, or prospective farmer or rancher,
23 that contains—

24 “(1) the date, place, and subject of the request;

25 and

1 “(2) the action taken, not taken, or rec-
2 ommended to the farmer or rancher or prospective
3 farmer or rancher.”.

4 **SEC. 11058. NATIONAL APPEALS DIVISION.**

5 Section 280 of the Department of Agriculture Reor-
6 ganization Act of 1994 (7 U.S.C. 7000) is amended—

7 (1) by striking “On the return” and inserting
8 the following:

9 “(a) IN GENERAL.—On the return”; and

10 (2) by adding at the end the following:

11 “(b) REPORTS.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this subsection, and
14 every 180 days thereafter, the head of each agency
15 shall submit to the Committee on Agriculture of the
16 House of Representatives and the Committee on Ag-
17 riculture, Nutrition, and Forestry of the Senate, and
18 publish on the website of the Department, a report
19 that includes—

20 “(A) a description of all cases returned to
21 the agency during the period covered by the re-
22 port pursuant to a final determination of the
23 Division;

24 “(B) the status of implementation of each
25 final determination; and

1 “(C) if the final determination has not
2 been implemented—

3 “(i) the reason that the final deter-
4 mination has not been implemented; and

5 “(ii) the projected date of implemen-
6 tation of the final determination.

7 “(2) UPDATES.—Each month, the head of each
8 agency shall publish on the website of the Depart-
9 ment any updates to the reports submitted under
10 paragraph (1).”.

11 **SEC. 11059. FARMWORKER COORDINATOR.**

12 (a) IN GENERAL.—Subtitle B of title II of the De-
13 partment of Agriculture Reorganization Act of 1994 is
14 amended by inserting after section 226A (7 U.S.C. 6933)
15 the following:

16 **“SEC. 226B. FARMWORKER COORDINATOR.**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish within the Department the position of Farmworker
19 Coordinator (referred to in this section as the ‘Coordi-
20 nator’).

21 “(b) DUTIES.—The Secretary shall delegate to the
22 Coordinator responsibility for—

23 “(1) assisting in administering the program es-
24 tablished by section 2281 of the Food, Agriculture,

1 Conservation, and Trade Act of 1990 (42 U.S.C.
2 5177a);

3 “(2) serving as a liaison to community-based
4 nonprofit organizations that represent and have
5 demonstrated experience serving low-income migrant
6 and seasonal farmworkers;

7 “(3) coordinating with the Department, other
8 Federal agencies, and State and local governments
9 to ensure that farmworker needs are assessed and
10 met during declared disasters and other emer-
11 gencies;

12 “(4) consulting with the Office of Small Farm
13 Coordination, Office of Outreach, Outreach Coordi-
14 nators, and other entities to better integrate farm-
15 worker perspectives, concerns, and interests into the
16 ongoing programs of the Department;

17 “(5) consulting with appropriate institutions on
18 research, program improvements, or agricultural
19 education opportunities that assist low-income and
20 migrant seasonal farmworkers; and

21 “(6) ensuring that farmworkers have access to
22 services and support to enter agriculture as pro-
23 ducers.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as are nec-
3 essary to carry out this section.”.

4 (b) CONFORMING AMENDMENT.—Section 296(b) of
5 the Department of Agriculture Reorganization Act of
6 1994 (7 U.S.C. 7014(b)) is amended—

7 (1) in paragraph (4), by striking “or” at the
8 end;

9 (2) in paragraph (5), by striking the period and
10 inserting “; or”; and

11 (3) by adding at the end the following:

12 “(6) the authority of the Secretary to establish
13 in the Department a position of Farmworker Coordi-
14 nator in accordance with section 226B.”.

15 **SEC. 11060. FOOD SAFETY COMMISSION.**

16 Section 10807(a) of the Farm Security and Rural In-
17 vestment Act of 2002 (21 U.S.C. 341 note; 116 Stat. 527)
18 is amended—

19 (1) in paragraph (2)(C), by striking “after the
20 date” and all that follows through the period at the
21 end and inserting “before the initial meeting under
22 paragraph (3)(A).”; and

23 (2) in paragraph (3), by striking subparagraph
24 (A) and inserting the following:

1 “(A) INITIAL MEETING.—The initial meet-
2 ing of the Commission shall be conducted not
3 later than 180 days after the date of enactment
4 of the Food and Energy Security Act of 2007.”.

5 **SEC. 11061. EMERGENCY GRANTS TO ASSIST LOW-INCOME**
6 **MIGRANT AND SEASONAL FARMWORKERS.**

7 Section 2281 of the Food, Agriculture, Conservation,
8 and Trade Act of 1990 (42 U.S.C. 5177a) is amended
9 to read as follows:

10 **“SEC. 2281. EMERGENCY GRANTS TO ASSIST LOW-INCOME**
11 **MIGRANT AND SEASONAL FARMWORKERS.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means a public agency, community-based orga-
15 nization, or network of community-based organiza-
16 tions with tax-exempt status under section 501(c)(3)
17 of the Internal Revenue Code of 1986, that has at
18 least 5 years of demonstrated experience in rep-
19 resenting and providing emergency services to low-
20 income migrant or seasonal farmworkers

21 “(2) LOW-INCOME MIGRANT OR SEASONAL
22 FARMWORKER.—The term ‘low-income migrant or
23 seasonal farmworker’ means an individual—

1 “(A) who has, during any consecutive 12-
2 month period within the preceding 24-month
3 period, performed farm work for wages;

4 “(B) who has received not less than 1/2 of
5 the total income of the individual from, or been
6 employed at least 1/2 of total work time in, farm
7 work; and

8 “(C) whose annual family income during
9 the 12-month period described in paragraph (1)
10 does not exceed the higher of, as determined by
11 the Secretary—

12 “(i) 185 percent of the most recent
13 annual Federal Poverty Income Guidelines
14 published by the Department of Health
15 and Human Services; or

16 “(ii) 70 percent of the lower living
17 standard income level.

18 “(3) SECRETARY.—The term ‘Secretary’ means
19 the Secretary of Agriculture.

20 “(b) GRANTS AVAILABLE.—The Secretary may make
21 grants to eligible entities if the Secretary determines that
22 a local, State, or national emergency or disaster has
23 caused low-income migrant or seasonal farmworkers—

24 “(1) to lose income;

25 “(2) to be unable to work; or

1 “(3) to stay home or return home in anticipa-
2 tion of work shortages.

3 “(c) USE OF FUNDS.—As a condition of receiving a
4 grant under subsection (b), an eligible entity shall use the
5 grant to provide emergency services to low-income migrant
6 or seasonal farmworkers, with a focus on—

7 “(1) assistance that allows low-income migrant
8 or seasonal farmworkers to meet or access other re-
9 sources to meet short-term emergency family needs
10 for food, clothing, employment, transportation, and
11 housing;

12 “(2) assistance that allows low-income and mi-
13 grant seasonal farmworkers to remain in a disaster
14 area; and

15 “(3) such other priorities that the Secretary de-
16 termines to be appropriate.

17 “(d) DISASTER FUND.—

18 “(1) IN GENERAL.—The Secretary shall main-
19 tain a disaster fund of \$2,000,000 to be used for im-
20 mediate assistance for events described in subsection
21 (b).

22 “(2) FUNDING.—There are authorized to be ap-
23 propriated to the Secretary such sums as are nec-
24 essary to maintain the disaster fund at \$2,000,000
25 for each of fiscal years 2008 through 2012.”.

1 **SEC. 11062. GRANTS TO REDUCE PRODUCTION OF**
2 **METHAMPHETAMINES FROM ANHYDROUS**
3 **AMMONIA.**

4 (a) DEFINITIONS.—In this section:

5 (1) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a producer of agricultural commod-
8 ities;

9 (B) a cooperative association, a majority of
10 the members of which produce or process agri-
11 cultural commodities; or

12 (C) a person in the trade or business of—

13 (i) selling an agricultural product (in-
14 cluding an agricultural chemical) at retail,
15 predominantly to farmers and ranchers; or

16 (ii) aerial and ground application of
17 an agricultural chemical.

18 (2) NURSE TANK.—The term “nurse tank”
19 shall be considered to be a cargo tank (within the
20 meaning of section 173.315(m) of title 49, Code of
21 Federal Regulations, as in effect as of the date of
22 the enactment of this Act).

23 (b) GRANT AUTHORITY.—The Secretary may make
24 a grant to an eligible entity to enable the eligible entity
25 to obtain and add to an anhydrous ammonia fertilizer
26 nurse tank a physical lock or a substance to reduce the

1 amount of methamphetamine that can be produced from
2 any anhydrous ammonia removed from the nurse tank.

3 (c) GRANT AMOUNT.—The amount of a grant made
4 under this section to an eligible entity shall be the product
5 obtained by multiplying—

6 (1) an amount not less than \$40 and not more
7 than \$60, as determined by the Secretary; and

8 (2) the number of fertilizer nurse tanks of the
9 eligible entity.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to make
12 grants under this section \$15,000,000 for the period of
13 fiscal years 2008 through 2012.

14 **SEC. 11063. INVASIVE SPECIES MANAGEMENT, HAWAII.**

15 (a) DEFINITIONS.—In this section:

16 (1) SECRETARIES.—The term “Secretaries”
17 means—

18 (A) the Secretary of the Interior;

19 (B) the Secretary of Agriculture; and

20 (C) the Secretary of Homeland Security.

21 (2) SECRETARY CONCERNED.—The term “Sec-
22 retary concerned” means—

23 (A) the Secretary of the Interior, with re-
24 spect to matters under the jurisdiction of the
25 Department of the Interior;

1 (B) the Secretary of Agriculture, with re-
2 spect to matters under the jurisdiction of the
3 Department of Agriculture; and

4 (C) the Secretary of Homeland Security,
5 with respect to matters under the jurisdiction of
6 the Department of Homeland Security.

7 (3) STATE.—The term “State” means the State
8 of Hawaii.

9 (b) CONTROLLING INTRODUCTION AND SPREAD OF
10 INVASIVE SPECIES AND DISEASES IN THE STATE.—

11 (1) CONSULTATION AND COOPERATION.—The
12 Secretaries concerned shall—

13 (A) with respect to restricting the intro-
14 duction or movement of invasive species and
15 diseases into the State, consult and cooperate
16 with the State; and

17 (B) in carrying out the activities described
18 in this subsection, consult and cooperate with
19 appropriate agencies and officers with experi-
20 ence relating to quarantine procedures, natural
21 resources, conservation, and law enforcement
22 of—

23 (i) the Department of Homeland Se-
24 curity;

25 (ii) the Department of Commerce;

- 1 (iii) the United States Treasury; and
2 (iv) the State.

3 (2) DEVELOPMENT OF COLLABORATIVE FED-
4 ERAL AND STATE PROCEDURES.—The Secretaries,
5 in collaboration with the State, shall—

6 (A) develop procedures to minimize the in-
7 troduction of invasive species into the State;
8 and

9 (B) submit to Congress annual reports de-
10 scribing progress made and results achieved in
11 carrying out the procedures.

12 (3) EXPEDITED CONSIDERATION OF STATE AND
13 LOCAL CONTROL PROPOSALS.—

14 (A) EXPEDITED PROCESS.—Not later than
15 1 year after the date of enactment of this Act,
16 the Secretaries shall establish an expedited
17 process for the State and political subdivisions
18 of the State under which the State and political
19 subdivisions may, through the submission of an
20 application, seek approval of the Secretary con-
21 cerned to impose a general or specific prohibi-
22 tion or restriction on the introduction or move-
23 ment of invasive species or diseases from do-
24 mestic or foreign locations to the State that is

1 in addition to the applicable prohibition or re-
2 striction imposed by the Secretary concerned.

3 (B) REVIEW PERIOD.—Not later than 60
4 days after the date of receipt by the Secretary
5 concerned of an application under subparagraph
6 (A) that the Secretary concerned determines to
7 be a completed application, the Secretary con-
8 cerned shall—

- 9 (i) review the completed application;
10 (ii) assess each potential risk with re-
11 spect to the completed application; and
12 (iii) approve or disapprove the com-
13 pleted application.

14 (4) RESPONSE TO EMERGENCY THREATS.—

15 (A) IN GENERAL.—The State may carry
16 out an emergency action to impose a prohibition
17 or restriction on the entry of an invasive species
18 or disease that is in addition to the applicable
19 prohibition or restriction imposed by the Sec-
20 retary concerned if—

- 21 (i) the State has submitted to the
22 Secretary concerned a completed applica-
23 tion under paragraph (3) that is pending
24 approval by the Secretary concerned; and

1 (ii) an emergency or imminent threat
2 from an invasive species or disease occurs
3 in the State during the period in which the
4 completed application described in clause
5 (i) is pending approval by the Secretary
6 concerned.

7 (B) NOTICE.—Before carrying out an
8 emergency action under subparagraph (A), the
9 State shall provide written notice to the Sec-
10 retary concerned.

11 (C) PERIOD OF EMERGENCY ACTION.—If,
12 by the date that is 10 days after the date of re-
13 ceipt of a written notice under subparagraph
14 (B), the Secretary concerned does not object to
15 the emergency action that is the subject of the
16 notice, the State may carry out the emergency
17 action during the 60-day period beginning on
18 that date.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretaries such
21 sums as are necessary to carry out this section for each
22 of fiscal years 2008 through 2012.

23 **SEC. 11064. OVERSIGHT AND COMPLIANCE.**

24 The Secretary, acting through the Assistant Sec-
25 retary for Civil Rights of the Department of Agriculture,

1 shall use the reports described in subsection (c) of section
2 2501A of the Food, Agriculture, Conservation, and Trade
3 Act of 1990 (7 U.S.C. 2279–1) (as amended by section
4 11056) in the conduct of oversight and evaluation of civil
5 rights compliance.

6 **SEC. 11065. REPORT OF CIVIL RIGHTS COMPLAINTS, RESO-**
7 **LUTIONS, AND ACTIONS.**

8 Each year, the Secretary shall—

9 (1) prepare a report that describes, for each
10 agency of the Department of Agriculture—

11 (A) the number of civil rights complaints
12 filed that relate to the agency, including wheth-
13 er a complaint is a program complaint or an
14 employment complaint;

15 (B) the length of time the agency took to
16 process each civil rights complaint;

17 (C) the number of proceedings brought
18 against the agency, including the number of
19 complaints described in paragraph (1) that were
20 resolved with a finding of discrimination; and

21 (D) the number and type of personnel ac-
22 tions taken by the agency following resolution
23 of civil rights complaints;

24 (2) submit to the Committee on Agriculture of
25 the House of Representatives and the Committee on

1 Agriculture, Nutrition, and Forestry of the Senate a
2 copy of the report; and

3 (3) make the report available to the public by
4 posting the report on the website of the Department.

5 **SEC. 11066. GRANTS TO IMPROVE SUPPLY, STABILITY,**
6 **SAFETY, AND TRAINING OF AGRICULTURAL**
7 **LABOR FORCE.**

8 (a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
9 tion, the term “eligible entity” means a nonprofit, commu-
10 nity-based organization, or a consortium of nonprofit,
11 community-based organizations, agricultural labor organi-
12 zations, farmer or rancher cooperatives, and public enti-
13 ties, that has the capacity (including demonstrated experi-
14 ence in providing training, housing, or emergency services
15 to migrant and seasonal farmworkers) to assist agricul-
16 tural employers and farmworkers with improvements in
17 the supply, stability, safety, and training of the agricul-
18 tural labor force.

19 (b) GRANTS.—

20 (1) IN GENERAL.—The Secretary may provide
21 grants to eligible entities for use in providing serv-
22 ices to assist farmworkers in securing, retaining, up-
23 grading, or returning from agricultural jobs.

24 (2) ELIGIBLE SERVICES.—The services referred
25 to in paragraph (1) include—

1 (A) agricultural upgrading and cross train-
2 ing;

3 (B) the provision of agricultural labor mar-
4 ket information;

5 (C) transportation;

6 (D) short-term housing, including housing
7 for unaccompanied farmworkers and at migrant
8 rest stops;

9 (E) travelers' aid;

10 (F) workplace literacy and assistance with
11 English as a second language;

12 (G) health and safety instruction, including
13 ways of safeguarding the food supply of the
14 United States; and

15 (H) limited emergency and financial assist-
16 ance, in cases in which the Secretary deter-
17 mines that a national, State, or local emergency
18 or disaster has caused migrant or seasonal
19 farmworkers to lose income or employment.

20 (3) EMERGENCY ASSISTANCE.—Any emergency
21 services provided using funds from a grant in ac-
22 cordance with paragraph (2)(H)—

23 (A) shall be consistent with section 2281
24 of the Food, Agriculture, Conservation, and

1 Trade Act of 1990 (as amended by section
2 11061);

3 (B) shall be focused on assistance to allow
4 low-income farmworkers and their families to
5 meet short-term needs for such food, clothing,
6 employment, transportation, and housing as are
7 necessary to regain employment or return
8 home; and

9 (C) may include such other types of assist-
10 ance as the Secretary determines to be appro-
11 priate.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as are nec-
14 essary to carry out this section for each of fiscal years
15 2008 through 2012.

16 **SEC. 11067. INTERSTATE SHIPMENT OF MEAT AND POUL-**
17 **TRY INSPECTED BY FEDERAL AND STATE**
18 **AGENCIES FOR CERTAIN SMALL ESTABLISH-**
19 **MENTS.**

20 (a) MEAT AND MEAT PRODUCTS.—The Federal Meat
21 Inspection Act (21 U.S.C. 601 et seq.) is amended by add-
22 ing at the end the following:

1 **“TITLE V—INSPECTIONS BY**
2 **FEDERAL AND STATE AGENCIES**

3 **“SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY**
4 **FEDERAL AND STATE AGENCIES FOR CER-**
5 **TAIN SMALL ESTABLISHMENTS.**

6 “(a) DEFINITIONS.—

7 “(1) APPROPRIATE STATE AGENCY.—The term
8 ‘appropriate State agency’ means a State agency de-
9 scribed in section 301(b).

10 “(2) DESIGNATED PERSONNEL.—The term
11 ‘designated personnel’ means inspection personnel of
12 a State agency that have undergone all necessary in-
13 spection training and certification to assist the Sec-
14 retary in the administration and enforcement of this
15 Act, including regulations.

16 “(3) ELIGIBLE ESTABLISHMENT.—The term
17 ‘eligible establishment’ means an establishment that
18 is in compliance with—

19 “(A) the State inspection program of the
20 State in which the establishment is located; and

21 “(B) this Act.

22 “(4) MEAT ITEM.—The term ‘meat item’
23 means—

24 “(A) a portion of meat; and

25 “(B) a meat food product.

1 “(5) SELECTED ESTABLISHMENT.—The term
2 ‘selected establishment’ means an eligible establish-
3 ment that is selected by the Secretary, in coordina-
4 tion with the appropriate State agency of the State
5 in which the eligible establishment is located, under
6 subsection (b) to ship carcasses, portions of car-
7 casses, and meat items in interstate commerce.

8 “(b) AUTHORITY OF SECRETARY TO ALLOW SHIP-
9 MENTS.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the Secretary, in coordination with the appropriate
12 State agency of the State in which an establishment
13 is located, may select the establishment to ship car-
14 casses, portions of carcasses, and meat items in
15 interstate commerce, and place on each carcass, por-
16 tion of a carcass, and meat item shipped in inter-
17 state commerce a Federal mark, stamp, tag, or label
18 of inspection, if the establishment—

19 “(A) is an eligible establishment; and

20 “(B) is located in a State that has des-
21 ignated personnel to inspect the eligible estab-
22 lishment.

23 “(2) PROHIBITED ESTABLISHMENTS.—In car-
24 rying out paragraph (1), the Secretary, in coordina-

1 controlled the establishment as of the date
2 of enactment of this section;

3 “(D) is in violation of this Act;

4 “(E) is located in a State that does not
5 have a State inspection program; or

6 “(F) is the subject of a transition carried
7 out in accordance with a procedure developed
8 by the Secretary under paragraph (3)(A).

9 “(3) ESTABLISHMENTS THAT EMPLOY MORE
10 THAN 25 EMPLOYEES.—

11 “(A) DEVELOPMENT OF PROCEDURE.—

12 The Secretary may develop a procedure to tran-
13 sition to a Federal establishment any establish-
14 ment under this section that, on average, con-
15 sistentlly employs more than 25 employees.

16 “(B) ELIGIBILITY OF CERTAIN ESTABLISH-
17 MENTS.—

18 “(i) IN GENERAL.—A State establish-
19 ment that employs more than 25 employ-
20 ees but less than 35 employees as of the
21 date of enactment of this section may be
22 selected as a selected establishment under
23 this subsection.

24 “(ii) PROCEDURES.—A State estab-
25 lishment shall be subject to the procedures

1 established under subparagraph (A) begin-
2 ning on the date that is 3 years after the
3 effective date described in subsection (j).

4 “(c) REIMBURSEMENT OF STATE COSTS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the Secretary shall reimburse a State for
7 costs related to the inspection of selected establish-
8 ments in the State in accordance with Federal re-
9 quirements in an amount of not less than 60 percent
10 of eligible State costs.

11 “(2) MICROBIOLOGICAL VERIFICATION TEST-
12 ING.—The Secretary may reimburse a State for 100
13 percent of eligible State costs relating to the inspec-
14 tion of selected establishments in the State, if the
15 State provides additional microbiological verification
16 testing of the selected establishments, using stand-
17 ards under this Act, that is in excess of the typical
18 verification testing frequency of the Federal Govern-
19 ment with respect to Federal establishments.

20 “(d) COORDINATION BETWEEN FEDERAL AND
21 STATE AGENCIES.—

22 “(1) IN GENERAL.—The Secretary shall des-
23 ignate an employee of the Federal Government as
24 State coordinator for each appropriate State agen-
25 cy—

1 “(A) to provide oversight and enforcement
2 of this title; and

3 “(B) to oversee the training and inspection
4 activities of designated personnel of the State
5 agency.

6 “(2) SUPERVISION.—A State coordinator shall
7 be under the direct supervision of the Secretary.

8 “(3) DUTIES OF STATE COORDINATOR.—

9 “(A) IN GENERAL.—A State coordinator
10 shall visit selected establishments with a fre-
11 quency that is appropriate to ensure that se-
12 lected establishments are operating in a manner
13 that is consistent with this Act (including regu-
14 lations and policies under this Act).

15 “(B) QUARTERLY REPORTS.—A State co-
16 ordinator shall, on a quarterly basis, submit to
17 the Secretary a report that describes the status
18 of each selected establishment that is under the
19 jurisdiction of the State coordinator with re-
20 spect to the level of compliance of each selected
21 establishment with the requirements of this Act.

22 “(C) IMMEDIATE NOTIFICATION REQUIRE-
23 MENT.—If a State coordinator determines that
24 any selected establishment that is under the ju-
25 risdiction of the State coordinator is in violation

1 of any requirement of this Act, the State coord-
2 dinator shall—

3 “(i) immediately notify the Secretary
4 of the violation; and

5 “(ii) deselect the selected establish-
6 ment or suspend inspection at the selected
7 establishment.

8 “(4) PERFORMANCE EVALUATIONS.—Perform-
9 ance evaluations of State coordinators designated
10 under this subsection shall be conducted by the Sec-
11 retary as part of the Federal agency management
12 control system.

13 “(e) AUDITS.—

14 “(1) PERIODIC AUDITS CONDUCTED BY INSPEC-
15 TOR GENERAL OF THE DEPARTMENT OF AGRIC-
16 CULTURE.—Not later than 2 years after the effec-
17 tive date described in subsection (j), and not less
18 often than every 2 years thereafter, the Inspector
19 General of the Department of Agriculture shall con-
20 duct an audit of each activity taken by the Secretary
21 under this section for the period covered by the
22 audit to determine compliance with this section.

23 “(2) AUDIT CONDUCTED BY COMPTROLLER
24 GENERAL OF THE UNITED STATES.—Not earlier
25 than 3 years, nor later than 5 years, after the date

1 of enactment of this section, the Comptroller Gen-
2 eral of the United States shall conduct an audit of
3 the implementation of this section to determine—

4 “(A) the effectiveness of the implementa-
5 tion of this section; and

6 “(B) the number of selected establishments
7 selected by the Secretary under this section.

8 “(f) INSPECTION TRAINING DIVISION.—

9 “(1) ESTABLISHMENT.—Not later than 180
10 days after the effective date described in subsection
11 (j), the Secretary shall establish in the Food Safety
12 and Inspection Service of the Department of Agri-
13 culture an inspection training division to coordinate
14 the initiatives of any other appropriate agency of the
15 Department of Agriculture to provide—

16 “(A) outreach, education, and training to
17 very small or certain small establishments (as
18 defined by the Secretary); and

19 “(B) grants to appropriate State agencies
20 to provide outreach, technical assistance, edu-
21 cation, and training to very small or certain
22 small establishments (as defined by the Sec-
23 retary).

1 “(2) PERSONNEL.—The inspection training di-
2 vision shall be comprised of individuals that, as de-
3 termined by the Secretary—

4 “(A) are of a quantity sufficient to carry
5 out the duties of the inspection training divi-
6 sion; and

7 “(B) possess appropriate qualifications and
8 expertise relating to the duties of the inspection
9 training division.

10 “(g) TRANSITION GRANTS.—The Secretary may pro-
11 vide grants to appropriate State agencies to assist the ap-
12 propriate State agencies in helping establishments covered
13 by title III to transition to selected establishments.

14 “(h) VIOLATIONS.—Any selected establishment that
15 the Secretary determines to be in violation of any require-
16 ment of this Act shall be transitioned to a Federal estab-
17 lishment in accordance with a procedure developed by the
18 Secretary under subsection (b)(3)(A).

19 “(i) EFFECT.—Nothing in this section limits the ju-
20 risdiction of the Secretary with respect to the regulation
21 of meat and meat products under this Act.

22 “(j) EFFECTIVE DATE.—

23 “(1) IN GENERAL.—This section takes effect on
24 the date on which the Secretary, after providing a
25 period of public comment (including through the

1 conduct of public meetings or hearings), promulgates
2 final regulations to carry out this section.

3 “(2) REQUIREMENT.—Not later than 18
4 months after the date of enactment of this section,
5 the Secretary shall promulgate final regulations in
6 accordance with paragraph (1).”.

7 (b) POULTRY AND POULTRY PRODUCTS.—The Poul-
8 try Products Inspection Act (21 U.S.C. 451 et seq.) is
9 amended by adding at the end the following:

10 **“SEC. 31. INTERSTATE SHIPMENT OF POULTRY INSPECTED**
11 **BY FEDERAL AND STATE AGENCIES FOR CER-**
12 **TAIN SMALL ESTABLISHMENTS.**

13 “(a) DEFINITIONS.—

14 “(1) APPROPRIATE STATE AGENCY.—The term
15 ‘appropriate State agency’ means a State agency de-
16 scribed in section 5(a)(1).

17 “(2) DESIGNATED PERSONNEL.—The term
18 ‘designated personnel’ means inspection personnel of
19 a State agency that have undergone all necessary in-
20 spection training and certification to assist the Sec-
21 retary in the administration and enforcement of this
22 Act, including regulations.

23 “(3) ELIGIBLE ESTABLISHMENT.—The term
24 ‘eligible establishment’ means an establishment that
25 is in compliance with—

1 “(A) the State inspection program of the
2 State in which the establishment is located; and

3 “(B) this Act.

4 “(4) POULTRY ITEM.—The term ‘poultry item’
5 means—

6 “(A) a portion of poultry; and

7 “(B) a poultry product.

8 “(5) SELECTED ESTABLISHMENT.—The term
9 ‘selected establishment’ means an eligible establish-
10 ment that is selected by the Secretary, in coordina-
11 tion with the appropriate State agency of the State
12 in which the eligible establishment is located, under
13 subsection (b) to ship poultry items in interstate
14 commerce.

15 “(b) AUTHORITY OF SECRETARY TO ALLOW SHIP-
16 MENTS.—

17 “(1) IN GENERAL.—Subject to paragraph (2),
18 the Secretary, in coordination with the appropriate
19 State agency of the State in which an establishment
20 is located, may select the establishment to ship poul-
21 try items in interstate commerce, and place on each
22 poultry item shipped in interstate commerce a Fed-
23 eral mark, stamp, tag, or label of inspection, if the
24 establishment—

25 “(A) is an eligible establishment; and

1 “(B) is located in a State that has des-
2 gnated personnel to inspect the eligible estab-
3 lishment.

4 “(2) PROHIBITED ESTABLISHMENTS.—In car-
5 rying out paragraph (1), the Secretary, in coordina-
6 tion with an appropriate State agency, shall not se-
7 lect an establishment that—

8 “(A) on average, employs more than 25
9 employees (including supervisory and non-
10 supervisory employees), as defined by the Sec-
11 retary;

12 “(B) as of the date of enactment of this
13 section, ships in interstate commerce carcasses,
14 poultry items that are inspected by the Sec-
15 retary in accordance with this Act;

16 “(C)(i) is a Federal establishment;

17 “(ii) was a Federal establishment as of the
18 date of enactment of this section, and was reor-
19 ganized on a later date under the same name
20 or a different name or person by the person,
21 firm, or corporation that controlled the estab-
22 lishment as of the date of enactment of this
23 section; or

24 “(iii) was a State establishment as of the
25 date of enactment of this section that—

1 “(I) as of the date of enactment of
2 this section, employed more than 25 em-
3 ployees; and

4 “(II) was reorganized on a later date
5 by the person, firm, or corporation that
6 controlled the establishment as of the date
7 of enactment of this section;

8 “(D) is in violation of this Act;

9 “(E) is located in a State that does not
10 have a State inspection program; or

11 “(F) is the subject of a transition carried
12 out in accordance with a procedure developed
13 by the Secretary under paragraph (3)(A).

14 “(3) ESTABLISHMENTS THAT EMPLOY MORE
15 THAN 25 EMPLOYEES.—

16 “(A) DEVELOPMENT OF PROCEDURE.—
17 The Secretary may develop a procedure to tran-
18 sition to a Federal establishment any establish-
19 ment under this section that, on average, con-
20 sistently employs more than 25 employees.

21 “(B) ELIGIBILITY OF CERTAIN ESTABLISH-
22 MENTS.—

23 “(i) IN GENERAL.—A State establish-
24 ment that employs more than 25 employ-
25 ees but less than 35 employees as of the

1 date of enactment of this section may be
2 selected as a selected establishment under
3 this subsection.

4 “(ii) PROCEDURES.—A State estab-
5 lishment shall be subject to the procedures
6 established under subparagraph (A) begin-
7 ning on the date that is 3 years after the
8 effective date described in subsection (i).

9 “(c) REIMBURSEMENT OF STATE COSTS.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), the Secretary shall reimburse a State for
12 costs related to the inspection of selected establish-
13 ments in the State in accordance with Federal re-
14 quirements in an amount of not less than 60 percent
15 of eligible State costs.

16 “(2) MICROBIOLOGICAL VERIFICATION TEST-
17 ING.—The Secretary may reimburse a State for 100
18 percent of eligible State costs relating to the inspec-
19 tion of selected establishments in the State, if the
20 State provides additional microbiological verification
21 testing of the selected establishments, using stand-
22 ards under this Act, that is in excess of the typical
23 verification testing frequency of the Federal Govern-
24 ment with respect to Federal establishments.

1 “(d) COORDINATION BETWEEN FEDERAL AND
2 STATE AGENCIES.—

3 “(1) IN GENERAL.—The Secretary shall des-
4 ignate an employee of the Federal Government as
5 State coordinator for each appropriate State agen-
6 cy—

7 “(A) to provide oversight and enforcement
8 of this section; and

9 “(B) to oversee the training and inspection
10 activities of designated personnel of the State
11 agency.

12 “(2) SUPERVISION.—A State coordinator shall
13 be under the direct supervision of the Secretary.

14 “(3) DUTIES OF STATE COORDINATOR.—

15 “(A) IN GENERAL.—A State coordinator
16 shall visit selected establishments with a fre-
17 quency that is appropriate to ensure that se-
18 lected establishments are operating in a manner
19 that is consistent with this Act (including regu-
20 lations and policies under this Act).

21 “(B) QUARTERLY REPORTS.—A State co-
22 ordinator shall, on a quarterly basis, submit to
23 the Secretary a report that describes the status
24 of each selected establishment that is under the
25 jurisdiction of the State coordinator with re-

1 spect to the level of compliance of each selected
2 establishment with the requirements of this Act.

3 “(C) IMMEDIATE NOTIFICATION REQUIRE-
4 MENT.—If a State coordinator determines that
5 any selected establishment that is under the ju-
6 risdiction of the State coordinator is in violation
7 of any requirement of this Act, the State coor-
8 dinator shall—

9 “(i) immediately notify the Secretary
10 of the violation; and

11 “(ii) deselect the selected establish-
12 ment or suspend inspection at the selected
13 establishment.

14 “(4) PERFORMANCE EVALUATIONS.—Perform-
15 ance evaluations of State coordinators designated
16 under this subsection shall be conducted by the Sec-
17 retary as part of the Federal agency management
18 control system.

19 “(e) AUDITS.—

20 “(1) PERIODIC AUDITS CONDUCTED BY INSPEC-
21 TOR GENERAL OF THE DEPARTMENT OF AGRIC-
22 CULTURE.—Not later than 2 years after the effec-
23 tive date described in subsection (i), and not less
24 often than every 2 years thereafter, the Inspector
25 General of the Department of Agriculture shall con-

1 duct an audit of each activity taken by the Secretary
2 under this section for the period covered by the
3 audit to determine compliance with this section.

4 “(2) AUDIT CONDUCTED BY COMPTROLLER
5 GENERAL OF THE UNITED STATES.—Not earlier
6 than 3 years, nor later than 5 years, after the date
7 of enactment of this section, the Comptroller Gen-
8 eral of the United States shall conduct an audit of
9 the implementation of this section to determine—

10 “(A) the effectiveness of the implementa-
11 tion of this section; and

12 “(B) the number of selected establishments
13 selected by the Secretary under this section.

14 “(f) TRANSITION GRANTS.—The Secretary may pro-
15 vide grants to appropriate State agencies to assist the ap-
16 propriate State agencies in helping establishments covered
17 by this Act to transition to selected establishments.

18 “(g) VIOLATIONS.—Any selected establishment that
19 the Secretary determines to be in violation of any require-
20 ment of this Act shall be transitioned to a Federal estab-
21 lishment in accordance with a procedure developed by the
22 Secretary under subsection (b)(3)(A).

23 “(h) EFFECT.—Nothing in this section limits the ju-
24 risdiction of the Secretary with respect to the regulation
25 of poultry and poultry products under this Act.

1 “(i) EFFECTIVE DATE.—

2 “(1) IN GENERAL.—This section takes effect on
3 the date on which the Secretary, after providing a
4 period of public comment (including through the
5 conduct of public meetings or hearings), promulgates
6 final regulations to carry out this section.

7 “(2) REQUIREMENT.—Not later than 18
8 months after the date of enactment of this section,
9 the Secretary shall promulgate final regulations in
10 accordance with paragraph (1).”.

11 **SEC. 11068. PREVENTION AND INVESTIGATION OF PAY-**
12 **MENT AND FRAUD AND ERROR.**

13 Section 1113 of the Right to Financial Privacy Act
14 of 1978 (12 U.S.C. 3413) is amended by striking sub-
15 section (k) and inserting the following:

16 “(k) DISCLOSURE NECESSARY FOR PROPER ADMIN-
17 ISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AU-
18 THORITIES.—

19 “(1) DISCLOSURE TO GOVERNMENT AUTHORI-
20 TIES.—Nothing in this title shall apply to the disclo-
21 sure by the financial institution of the financial
22 records of any customer to the Department of the
23 Treasury, the Social Security Administration, the
24 Railroad Retirement Board, or any other Govern-
25 ment authority that certifies, disburses, or collects

1 payments, when the disclosure of such information is
2 necessary to, and such information is used solely for
3 the purposes of—

4 “(A) the proper administration of section
5 1441 of the Internal Revenue Code of 1986 (26
6 U.S.C. 1441);

7 “(B) the proper administration of title II
8 of the Social Security Act (42 U.S.C. 401 et
9 seq.);

10 “(C) the proper administration of the Rail-
11 road Retirement Act of 1974 (45 U.S.C. 231 et
12 seq.);

13 “(D) the verification of the identify of any
14 person in connection with the issuance of a
15 Federal payment or collection of funds by a
16 Government authority; or

17 “(E) the investigation or recovery of an
18 improper Federal payment or collection of
19 funds, or an improperly negotiated Treasury
20 check.

21 “(2) LIMITATIONS ON SUBSEQUENT DISCLO-
22 SURE.—Notwithstanding any other provision of law,
23 any request authorized by paragraph (1), and the in-
24 formation contained therein, may be used by the fi-
25 nancial institution and its agents solely for the pur-

1 pose of providing the customer’s financial records to
2 the Government authority requesting the informa-
3 tion and shall be barred from redisclosure by the fi-
4 nancial institution or its agents. Any Government
5 authority receiving information pursuant to para-
6 graph (1) may not disclose or use the information
7 except for the purposes set forth in such para-
8 graph.”.

9 **SEC. 11069. ELIMINATION OF STATUTE OF LIMITATIONS AP-**
10 **PLICABLE TO COLLECTION OF DEBT BY AD-**
11 **MINISTRATIVE OFFSET.**

12 (a) **ELIMINATION.**—Section 3716 of title 31, United
13 States Code, is amended by striking subsection (e) and
14 inserting the following:

15 “(e)(1) Notwithstanding any other provision of law,
16 regulation, or administrative limitation, no limitation on
17 the period within which an offset may be initiated or taken
18 pursuant to this section shall be effective.

19 “(2) This section does not apply when a statute ex-
20 plicitly prohibits using administrative offset or setoff to
21 collect the claim or type of claim involved.”.

22 (b) **APPLICATION OF AMENDMENT.**—The amendment
23 made by subsection (a) shall apply to any debt outstanding
24 on or after the date of the enactment of this Act.