To amend the homeland security act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. AKAKA (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 27, 2005

Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the homeland security act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Homeland Security

5 Food and Agriculture Act of 2005”.


SEC. 2. AGRICULTURAL BIOSECURITY.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Agricultural Biosecurity

SEC. 899A. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL DISEASE.—The term 'agricultural disease' means an outbreak of a plant or animal disease, or a pest infestation, that requires prompt action in order to prevent injury or damage to people, plants, livestock, property, the economy, or the environment.

(2) AGRICULTURE.—The term 'agriculture' includes—

(A) the science and practice of an activity relating to—

(i) food, feed, and fiber production;

or

(ii) the processing, marketing, distribution, use, or trade of food, feed, or fiber;

(B) a social science, such as—

(i) family and consumer science;

(ii) nutritional science;
“(iii) food science and engineering; or
“(iv) agricultural economics; and
“(C) an environmental or natural resource science, such as—
“(i) forestry;
“(ii) wildlife science;
“(iii) fishery science;
“(iv) aquaculture;
“(v) floraculture; or
“(vi) veterinary medicine.

(3) AGROTEERRORIST ACT.—

(A) IN GENERAL.—The term ‘agroterrorist act’ means the criminal act, committed with the intent described in subparagraph (B), of causing or attempting to cause damage or harm (including destruction or contamination) to—

“(i) a crop;
“(ii) livestock;
“(iii) farm or ranch equipment;
“(iv) material or property associated with agriculture; or
“(v) a person engaged in an agricultural activity.
''(B) INTENT.—The term ‘agroterrorist act’ means an act described in subparagraph (A) that is committed with the intent to—

''(i) intimidate or coerce a civilian population; or
''(ii) influence the policy of a government by intimidation or coercion.

''(4) BIOSECURITY.—

''(A) IN GENERAL.—The term ‘biosecurity’ means protection from the risk posed by a biological, chemical, or radiological agent to—

''(i) the agricultural economy;
''(ii) the environment;
''(iii) human health; or
''(iv) plant or animal health.

''(B) INCLUSIONS.—The term ‘biosecurity’ includes the exclusion, eradication, and control of a biological agent that causes an agricultural disease.

''(5) EMERGENCY RESPONSE PROVIDER.—The term ‘emergency response provider’ includes any Federal, State, or local—

''(A) emergency public safety professional;
''(B) law enforcement officer;
"(C) emergency medical professional (including an employee of a hospital emergency facility);

"(D) veterinarian or other animal health professional; and

"(E) related personnel, agency, or authority.

"(6) SUSPECT LOCATION.—The term ‘suspect location’ means a location that, as recognized by an element of the intelligence community—

"(A) has experienced, or may experience, an agroterrorist act or an unusual disease; or

"(B) has harbored, or may harbor, a person that committed an agroterrorist act.

"SEC. 899B. AGRICULTURAL SECURITY RESPONSIBILITIES

OF THE DEPARTMENT OF HOMELAND SECURITY.

"(a) COORDINATION OF FOOD AND AGRICULTURAL SECURITY.—

"(1) IN GENERAL.—The Secretary shall establish and carry out a program to protect the agriculture and food supply of the United States from agroterrorist acts.
(2) Program inclusions.—The program established pursuant to paragraph (1) shall include provisions for—

(A) advising and coordinating with Federal, State, local, regional, and tribal homeland security officials regarding—

(i) preparedness for and the response to an agroterrorist act; and

(ii) the detection, prevention, and mitigation of an agroterrorist act; and

(B) executing the agriculture security responsibilities of the Secretary described in Homeland Security Presidential Directive 7 (December 17, 2003) and Homeland Security Presidential Directive 9 (February 3, 2004).

(b) Responsibilities.—

(1) Secretary.—The Secretary shall have responsibility for—

(A) increasing communication and coordination among all Federal, State, local, regional, and tribal emergency response providers regarding biosecurity;

(B) ensuring that each Federal, State, local, regional, and tribal emergency response provider understands and executes the role of
that emergency response provider in response to an agroterrorist attack;

"(C)(i) ensuring that State, local, and tribal officials have adequate access to information and resources at the Federal level; and

"(ii) developing and implementing information-sharing procedures by which a Federal, State, local, regional, or tribal emergency response provider can share information regarding a biological threat, risk, or vulnerability;

"(D) coordinating with the Secretary of Transportation to develop guidelines for restrictions on the interstate transportation of an agricultural commodity or product in response to an agricultural disease;

"(E) coordinating with the Administrator of the Environmental Protection Agency in considering the potential environmental impact of a response by Federal, regional, State, local, and tribal emergency response providers to an agricultural disease;

"(F) working with Federal agencies (including the Department of Agriculture and other elements of the intelligence community) to improve the ability of employees of the Depart-
ment of Homeland Security to identify a bio-
logical commodity or product, livestock, and any
other good that is imported from a suspect lo-
cation;

"(G) coordinating with the Department of
State to provide the President and Federal
agencies guidelines for establishing a mutual
assistance agreement with another country, in-
cluding an agreement—

"(i) to provide training to veterinar-
ians, public health workers, and agri-
culture specialists of the United States in
the identification, diagnosis, and control of
foreign diseases;

"(ii) to provide resources and tech-
nical assistance personnel to a foreign gov-
ernment with limited resources; and

"(iii) to participate in a bilateral or
multilateral training program or exercise
relating to biosecurity.

"(2) UNDERSECRETARY FOR EMERGENCY RE-
SPONSE AND PREPAREDNESS.—The Undersecretary
for Emergency Response and Preparedness shall
have responsibility for—
(A) not later than 180 days after the date of enactment of this subtitle, cooperating with State, local, and tribal homeland security officials to establish State, local, and regional response plans for an agricultural disease or agroterrorist act that include—

(i) a comprehensive needs analyses to determine the appropriate investment requirements for responding to an agricultural disease or agroterrorist act;

(ii) a potential emergency management assistance compact and any other mutual assistance agreement between neighboring States; and

(iii) an identification of State and local laws (including regulations) and procedures that may affect the implementation of a State response plan; and

(B) not later than 90 days after the date of enactment of this subtitle, establishing a task force consisting of State and local homeland security officials that shall—

(i) identify the best practices for carrying out a regional or State biosecurity program;
"(ii) make available to State, local, and tribal governments a report that describes the best practices identified under clause (i); and

"(iii) design and make available information (based on the best practices identified under clause (i)) concerning training exercises for emergency response providers in the form of printed materials and electronic media to—

"(I) managers of State, local, and tribal emergency response provider organizations; and

"(II) State health and agricultural officials.

"(c) GRANTS TO FACILITATE PARTICIPATION OF STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

"(I) IN GENERAL.—The Office of State and Local Coordination and Preparedness, in consultation with the Undersecretary for Emergency Response and Preparedness and the Secretary, shall establish a program under which the Secretary shall provide grants to communities to facilitate the participation of State and local animal health care officials in community emergency planning efforts.
“(2) Authorization of appropriations.—

There is authorized to be appropriated to carry out
this subsection $5,000,000 for fiscal year 2006.”.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homeland Security
Food and Agriculture Act of 2005”.

SEC. 2. AGRICULTURAL BIOSECURITY.

(a) In general.—Title VIII of the Homeland Secu-

rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by add-

ing at the end the following:

“Subtitle J—Agricultural
Biosecurity

SEC. 899a. DEFINITIONS.

“In this subtitle:

“(1) AGRICULTURAL DISEASE.—The term ‘agri-
cultural disease’ means an outbreak of a plant or ani-
mal disease, or a pest infestation, that requires
prompt action in order to prevent injury or damage
to people, plants, livestock, property, the economy, or
the environment.

“(2) AGRICULTURE.—The term ‘agriculture’ in-
cludes—

“(A) the science and practice of an activity
relating to—

“(i) food, feed, and fiber production; or
“(ii) the processing, marketing, distribution, use, or trade of food, feed, or fiber;

“(B) a social science, such as—

“(i) family and consumer science;

“(ii) nutritional science;

“(iii) food science and engineering; or

“(iv) agricultural economics; and

“(C) an environmental or natural resource science, such as—

“(i) forestry;

“(ii) wildlife science;

“(iii) fishery science;

“(iv) aquaculture;

“(v) floraculture; or

“(vi) veterinary medicine.

“(3) AGROTERRORIST ACT.—

“(A) IN GENERAL.—The term ‘agroterrorist act’ means an act, committed with the intent described in subparagraph (B), of causing or attempting to cause damage or harm (including destruction or contamination) to—

“(i) a crop;

“(ii) livestock;

“(iii) farm or ranch equipment;
“(iv) material or property associated with agriculture; or
“(v) a person engaged in an agricultural activity.
“(B) INTENT.—The term ‘agroterrorist act’ means an act described in subparagraph (A) that is committed with the intent to—
“(i) intimidate or coerce a civilian population; or
“(ii) influence the policy of a government by intimidation or coercion.
“(4) BIOSECURITY.—
“(A) IN GENERAL.—The term ‘biosecurity’ means protection from the risk posed by a biological, chemical, or radiological agent to—
“(i) the agricultural economy;
“(ii) the environment;
“(iii) human health; or
“(iv) plant or animal health.
“(B) INCLUSIONS.—The term ‘biosecurity’ includes the exclusion, eradication, and control of a biological agent that causes an agricultural disease.
"SEC. 899b. AGRICULTURAL SECURITY RESPONSIBILITIES OF THE DEPARTMENT.

“(a) COORDINATION OF FOOD AND AGRICULTURAL SECURITY.—

“(1) IN GENERAL.—The Secretary shall establish and carry out a program to protect the agriculture and food supply of the United States from agroterrorist acts.

“(2) PROGRAM INCLUSIONS.—The program established pursuant to paragraph (1) shall include provisions for —

“(A) advising and coordinating with Federal, State, local, regional, and tribal homeland security officials regarding—

“(i) preparedness for and the response to an agroterrorist act; and

“(ii) the detection, prevention, and mitigation of an agroterrorist act; and

“(B) executing the agriculture security responsibilities of the Secretary described in Homeland Security Presidential Directive 7 (December 17, 2003) and Homeland Security Presidential Directive 9 (February 3, 2004).

“(b) RESPONSIBILITIES.—

“(1) SECRETARY.—The Secretary shall have responsibility for—
“(A) increasing communication and coordination among all Federal, State, local, regional, and tribal emergency response providers and animal health and plant disease specialists regarding biosecurity;

“(B) ensuring that each Federal, State, local, regional, and tribal emergency response provider, animal health specialist, and plant disease specialist understands and executes the role of that emergency response provider, animal health specialist, or plant disease specialist in response to an agroterrorist attack;

“(C)(i) ensuring that State, local, and tribal officials have adequate access to biosecurity information and resources at the Federal level; and

“(ii) developing and implementing information-sharing procedures by which a Federal, State, local, regional, or tribal emergency response provider, animal health specialist, or plant disease specialist can share information regarding a biological threat, risk, or vulnerability;

“(D) coordinating with the Secretary of Transportation to develop guidelines for restric-
tions on the interstate transportation of an agricultural commodity or product in response to an agricultural disease;

“(E) coordinating with the Administrator of the Environmental Protection Agency in considering the potential environmental impact of a response by Federal, regional, State, local, and tribal emergency response providers and animal health and plant disease specialists to an agricultural disease;

“(F) working with Federal agencies (including other elements of the intelligence community and the Department of Agriculture) to improve the ability of employees of the Department to identify a biological commodity or product, livestock, or any other good that is imported from a suspect location, as determined by the intelligence community;

“(G) coordinating with the Department of State to provide the President and Federal agencies guidelines for establishing a mutual assistance agreement with another country—

“(i) to provide training to veterinarians, public health workers, and agriculture specialists of the United States in the iden-
tification, diagnosis, and control of foreign diseases;

“(ii) to provide resources and technical assistance personnel to a foreign government with limited resources; and

“(iii) to participate in a bilateral or multilateral training program or exercise relating to biosecurity;

“(II) not later than 1 year after the date of enactment of this subtitle, cooperating with State, local, and tribal homeland security officials to establish State and regional response plans for an agricultural disease or agroterrorist act that include—

“(i) a comprehensive needs analyses to determine the appropriate investment requirements for responding to an agricultural disease or agroterrorist act;

“(ii) a potential emergency management assistance compact and any other mutual assistance agreement between neighboring States; and

“(iii) an identification of Federal, State, and local laws (including regulations) and procedures that may affect the
implementation of a State response plan;

and

“(I) not later than 90 days after the date of enactment of this subtitle, establishing a task force consisting of State and local homeland security officials that shall—

“(i) identify the best practices for carrying out a regional or State biosecurity program;

“(ii) make available to State, local, and tribal governments a report that describes the best practices identified under clause (i); and

“(iii) design and make available information (based on the best practices identified under clause (i)) concerning training exercises for emergency response providers and animal health and plant disease specialists in the form of printed materials and electronic media to—

“(I) managers of State, local, and tribal emergency response provider, animal health, and plant disease specialist organizations; and
“(II) State health and agricultural officials.

“(c) Grants to Facilitate Participation of State and Local Animal Health Care Officials.—

“(1) In general.—The Office of State and Local Coordination and Preparedness shall establish a program under which the Secretary shall provide grants to State and local governments to facilitate the participation of State and local agriculture security experts in community emergency planning efforts.

“(2) Eligibility.—For purposes of the grant program described in paragraph (1), animal health and plant disease specialists, environmental regulators, farmers, ranchers, and any other individual the Secretary determines to be knowledgeable in agricultural security practices shall be considered to be agriculture security experts.

“(3) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 2006.”.

(b) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 899 the following:

“Subtitle J—Agricultural Biosecurity

“Sec. 899a. Definitions.
“Sec. 899b. Agricultural security responsibilities of the Department.”
A BILL

S. 572

109TH CONGRESS

To amend the Homeland Security Act of 2002 to give additional homeland security responsibilities to the Department of Homeland Security.

SEPTEMBER 27, 2005

Reported with an amendment

Calendar No. 224