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3/15

APPROVED
MAR 15 1976

THE WHITE HOUSE
WASHINGTON
March 10, 1976

ACTION
Last Day: March 15

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON
SUBJECT: S. 1617 - Agricultural Pest Control

Attached for your consideration is S. 1617, sponsored by Senator Bentsen, which clarifies and extends the Secretary of Agriculture's authority to control and eradicate plant pests and animal diseases.

A discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, NSC, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 1617 at Tab B.



*Posted
3/16/76
to Archive
3/16/76*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAR 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1617 - Agricultural pest control
Sponsor - Sen. Bentsen (D) Texas

Last Day for Action

March 15, 1976 - Monday

Purpose

Clarifies and extends the Secretary of Agriculture's authority to control and eradicate plant pests and animal diseases.

Agency Recommendations

Office of Management and Budget

Approval

Department of Agriculture

Approval

Council on Environmental Quality

Defers to Agriculture

Department of State

No objection (Informally)

Discussion

Under present law, the Secretary of Agriculture is authorized to control and eradicate insect pests and plant diseases within the several States. The Secretary is further authorized to assist Mexican authorities in controlling and eradicating four specific plant pests. Finally, the Secretary is authorized to cooperate with the Governments of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada in activities to control and eradicate any communicable disease of animals whenever such action is necessary to protect the livestock, poultry and related industries of the United States.



S. 1617 would broaden the scope of the Federal Government's role in controlling and eradicating insect pests and plant and animal diseases, by specifically authorizing the Secretary of Agriculture:

(1) to add detection measures to his eradication and control activities and make such activities applicable to all plant pests both in the several States and Western Hemisphere countries;

(2) to issue phytosanitary inspection certificates for the export of domestic plants and plant products including any transiting the United States; and,

(3) to make "vectors" (communicable animal disease carriers) subject to Agriculture's animal disease control and eradication program in Central America, and add the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and international organizations or associations to the list of nations and groups that can participate under this program.

In reporting to the Congress on S. 1617, Agriculture recommended enactment of the bill, subject to the incorporation of various technical changes of a clarifying nature -- the enrolled bill includes all of the Department's amendments. However, it should be noted that the animal disease provision (point 3 above) was added to the bill in committee and Agriculture did not take a position on this feature.

The Senate Agriculture and Forestry Committee's report on S. 1617 explains that these expanded plant pest and animal disease authorities are necessary because:

"Comprehensive authority does not exist for plant pests. A recent outbreak of the Mediterranean fruit fly, an extremely destructive insect to citrus and vegetables, has been detected in Central America. It is imperative that this pest be prevented from spreading through Mexico and into the United States."

* * * * *

"In order to deal with certain ticks that are the carriers of livestock diseases,

the Committee determined that it should be made clear that the Secretary's existing authority to cooperate with certain Western Hemisphere countries in animal disease control extends to insect carriers of animal diseases."

In its enrolled bill letter recommending approval of S. 1617, Agriculture provides a general appraisal of these new authorities and appropriately qualifies their prospective application (this view was also expressed in the Department's reports to the committees):

"The implementation of specific programs will depend upon unknown events and upon the development of criteria to define the appropriate Federal role and for assessing the absolute and relative worthiness of possible Federal undertakings in terms of their cost and associated results (both level and distribution). The Department presently has a study underway to systematically evaluate the implications of alternative Federal roles in cooperative insect control activities, to select the most appropriate alternative, and to develop procedures and criteria for assessing the benefit/cost relationships. This study is expected to be very useful in deciding what, where, and how much control should be undertaken by the Federal Government in this country and can be expected to guide similar activities that might be undertaken in cooperation with neighboring nations."

James M. Frey

Assistant Director for
Legislative Reference

Enclosures





DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

March 4, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, DC 20503

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment of S. 1617, "To clarify the authority of the Secretary of Agriculture to control and eradicate plant pests".

This Department recommends that the President approve the bill.

The bill would authorize the conduct of operations or measures which are necessary for the detection, eradication, suppression, control and prevention or retardation of plant pests not presently covered by the Act of September 21, 1944 (7 U.S.C. 147a). These would include spider mites, slugs, snails and other pests which can cause economic damage to plants and plant products in the United States. Also, the bill provides authority to cooperate with all countries of the Western Hemisphere in efforts to detect, control, and eradicate plant pests.

Other provisions of the bill include:

- (1) discretionary authority to issue phytosanitary inspection certificates for the export of domestic plants and plant products including any transiting the United States.
- (2) amending the Act of February 28, 1947, as amended, (21 U.S.C. 114b) to include cooperative animal disease activities with the Bahama Islands, the Greater Antilles, the Lesser Antilles and with international organizations or associations. Also, the present designation of British Honduras would be correctly changed to Belize;
- (3) clarifying the existing authority to cooperate with certain Western Hemisphere countries in animal disease activities to include the vectors of animal diseases.

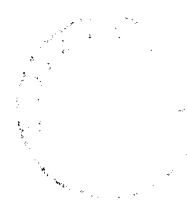


The implementation of specific programs will depend upon unknown events and upon the development of criteria to define the appropriate Federal role and for assessing the absolute and relative worthiness of possible Federal undertakings in terms of their cost and associated results (both level and distribution). The Department presently has a study underway to systematically evaluate the implications of alternative Federal roles in cooperative insect control activities, to select the most appropriate alternative, and to develop procedures and criteria for assessing the benefit/cost relationships. This study is expected to be very useful in deciding what, where, and how much control should be undertaken by the Federal Government in this country and can be expected to guide similar activities that might be undertaken in cooperation with neighboring nations.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. Feltner". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Richard L. Feltner
Assistant Secretary





DEPARTMENT OF STATE

Washington, D.C. 20520

MAR 4 - 1976

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Thank you for your memo of March 3, concerning Enrolled Bill S. 1617 to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests and for other purposes, which has been requested by Mr. James M. Frey, Assistant Director for Legislative Reference.

Appropriate officials within the Department of State have been consulted and have no objection to the enactment of this Bill.

The Department of State will incur no additional costs or expenses if this Bill is ultimately enacted.

Sincerely,

A handwritten signature in black ink that reads "Robert J. McCloskey". The signature is written in a cursive style with a large, prominent "R" and "M".

Robert J. McCloskey
Assistant Secretary
for Congressional Relations

To
July Johnson
3-9-76



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAR 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1617 - Agricultural pest control
Sponsor - Sen. Bentsen (D) Texas

Last Day for Action

March 15, 1976 - Monday

Purpose

Clarifies and extends the Secretary of Agriculture's authority to control and eradicate plant pests and animal diseases.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Council on Environmental Quality	Defers to Agriculture
Department of State	No objection <i>(informally)</i>

Discussion


Under present law, the Secretary of Agriculture is authorized to control and eradicate insect pests and plant diseases within the several States. The Secretary is further authorized to assist Mexican authorities in controlling and eradicating four specific plant pests. Finally, the Secretary is authorized to cooperate with the Governments of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada in activities to control and eradicate any communicable disease of animals whenever such action is necessary to protect the livestock, poultry and related industries of the United States.

MEMORANDUM

1410

NATIONAL SECURITY COUNCIL

March 10, 1976

MEMORANDUM FOR: JAMES CAVANAUGH
FROM: Jeanne W. Davis 
SUBJECT: S. 1617

The NSC Staff concurs in the Proposed Enrolled Bill S. 1617 -
Agricultural Pest Control.

THE WHITE HOUSE

WASHINGTON

March 11, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: S. 1617 - Agricultural pest control

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

30
Judy
3-11-76

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 9

Time: 545pm

FOR ACTION: Paul Leach *ah*
George Humphreys *ah* cc (for information): Jack Marsh
Max Friedersdorf Jim Cavanaugh
Ken Lazarus *ah*
NSC/S ah

FROM THE STAFF SECRETARY

DUE: Date: March 10

Time: 500pm

SUBJECT:

S. 1617 - Agricultural pest control

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 9

Time: 545pm

FOR ACTION: Paul Leach
 George Humphreys ✓ cc (for information): Jack Marsh
 Max Friedersdorf Jim Cavanaugh
 Ken Lazarus

FROM THE STAFF SECRETARY

DUE: Date: March 10

Time: 500pm

SUBJECT:

S. 1617 - Agricultural pest control

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

^x
___ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Concurred with Paul Leach 3/12/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cannon
Staff Secretary

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 9

Time: 545pm

FOR ACTION: Paul Leach
George Humphreys
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: March 10

Time: 500pm

SUBJECT:

S. 1617 - Agricultural pest control

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection -- Ken Lazarus 3/11/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. [Signature]
for the President

AGRICULTURAL PEST CONTROL

SEPTEMBER 11, 1975.—Ordered to be printed

MR. ALLEN, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 1617]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 1617) to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests, having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

SHORT EXPLANATION

S. 1617 would broaden and strengthen the authority of the Secretary of Agriculture to control and eradicate agricultural pests. The bill would—

(1) Permit the Secretary of Agriculture to carry out eradication and control programs with respect to plant pests not now covered by the Organic Act of 1944. Such pests would include spider mites, slugs, and snails. Specific authority is provided for the detection of plant pests in the United States.

(2) Extend the Secretary's authority to cooperate with foreign governments in carrying out eradication and control programs. The bill would (i) permit the Secretary to cooperate with the governments of all the countries of the Western Hemisphere and (ii) cover "plant pests" in general. Existing law authorizes cooperation only with respect to Mexico *and* for specified pests.

(3) Make discretionary the Secretary's authority to provide phytosanitary inspection and certification service for domestic plants and plant products for export, and extend such authority to inspection and certification of any plants or plant products offered for export or transiting the United States.

(4) Repeal provisions in the Act of October 6, 1917, for cooperation with Mexico and adjacent States in the extermination of pink bollworm infestations in Mexico, and related operations. The Organic Act, as amended by the bill, would contain such authority.

(5) Make it clear that the Secretary's authority to cooperate with certain Western Hemisphere countries in animal disease control extends to the carriers of animal diseases.

COMMITTEE AMENDMENTS

The Committee amendments (i) strike all after the enacting clause and insert in lieu thereof a substitute and (ii) change the title of the bill.

The Committee's amendment to the text of the bill incorporates numerous technical changes suggested by the Department of Agriculture in its report on the bill and expands the Secretary's authority to cooperate with the governments of all the countries of the Western Hemisphere in carrying out plant pest eradication and control programs. The Committee amendment to the text of the bill also amends the statute under which the Secretary is authorized to cooperate with certain specified Western Hemisphere countries in programs of eradication and control of communicable diseases of animals. The amendment makes it clear that the Secretary's authority extends to insect carriers and other vectors of such diseases.

BACKGROUND AND NEED FOR LEGISLATION

I.

The desirability of agricultural pest control and eradication has long been recognized. A long, determined effort toward these ends has yielded many benefits, but agricultural pests—even if totally eradicated in the United States—would, by virtue of their existence in other Western Hemisphere countries, continue to pose a threat to American agriculture.

Over the years, legislation has been enacted at various times authorizing the Secretary of Agriculture to cooperate with foreign countries in detecting, controlling, and eradicating agricultural pests. The authority of the Secretary to combat animal diseases, for example, was first extended to Mexico in 1947. In 1971, the Secretary's authority was extended to Canada, the Central American countries, and Colombia. This broadened authority provides the authority and opportunity to work effectively toward eradication and also to avoid reintroduction of certain animal diseases.

However, such comprehensive authority does not exist for plant pests. A recent outbreak of the Mediterranean fruit fly, an extremely destructive insect to citrus and vegetables, has been detected in Central America. It is imperative that this pest be prevented from spreading through Mexico and into the United States.

II.

After several years during which the known distribution of the Mediterranean fruit fly remained relatively stable in Costa Rica,

Nicaragua and Panama, it has been trapped this year in large numbers throughout El Salvador and in the bordering areas of Honduras and Guatemala. This northward spread poses a definite risk to both Mexico and the United States, both in terms of damage to host fruits and vegetables and the disruption of normal marketing patterns.

The Mediterranean fruit fly has a host range of over 200 fruits and vegetables, many of which are important food crops. The annual Central American production of host fruits is valued at \$58.2 million. Annual citrus losses to the Mediterranean fruit fly in the Central American countries is estimated to reach \$6.1 million annually. Proportional losses in Mexico on citrus and coffee would amount to \$7 million, while potential losses on citrus and deciduous fruits in the United States could reach \$285 million annually.

The volume importance of fruit and vegetable Mediterranean fruit fly hosts from Mexico would increase the risk of incipient infestations and early permanent and widespread establishment in the United States if the pest was to become established in Central and Northern Mexico. The best protection for the United States, under these circumstances, is to deal with the pest in Central America and prevent its establishment in Mexico. Barring the ability to do this, the next alternative is to restrict it to a limited area in Southern Mexico and maintain a continuous barrier at the narrow area at the Isthmus of Tehuantepec.

Six separate infestations of the Mediterranean fruit fly in Florida (1929 and 1956-63) and Texas (1966) have been eradicated at a total cost of \$23 million. The cost of eradicating incipient infestations and of added pest control measures and reduced yields of host fruits and vegetables would amount to many millions of dollars annually. Reduced yields and higher production costs would be passed on to the consumer in the form of higher prices.

III.

Current legislative authority does not permit the Department of Agriculture to go beyond Mexico in cooperative plant pest control and eradication programs. This means that further spread and buildup of the Mediterranean fruit fly will occur unless the authority is given to the Secretary to cooperate with El Salvador and Guatemala to control and eliminate this pest.

The most effective control of agricultural pests is preventive, but the programs must also have the capability for quick response to any disease or insect outbreak. This permits the most efficient solution by stopping the problem before an infestation reaches unmanageable proportions. The enactment of "emergency" legislation is, of course, subject to delays that could be devastating to agriculture and, ultimately, the American consumer.

The Secretary of Agriculture must, therefore, have the authority to deal effectively with destructive agricultural pest outbreaks, not only in the United States but in those areas abroad where the incidence of such pests represents a threat to United States agriculture. Such authority is especially necessary in view of the expansion of agricultural trade and the increased opportunities for the accidental introduction of destructive agricultural pests.

COMMITTEE CONSIDERATION

In considering the question of extending the Secretary's authority to cooperate with Canada, the Central American countries, and Colombia in the detection, control, and eradication of plant pests, the Committee determined that authority should also be provided for cooperation with the Caribbean countries and Venezuela, which are also potential sources of destructive plant pests. To avoid a future problem in these or other areas, it was determined that the Secretary's authority to cooperate in the detection, control, and eradication of plant pests should be extended to all the countries of the Western Hemisphere.

In order to deal with certain ticks that are the carriers of livestock diseases, the Committee determined that it should be made clear that the Secretary's existing authority to cooperate with certain Western Hemisphere countries in animal disease control extends to insect carriers of animal diseases.

It is the understanding and intent of the Committee that the Department of Agriculture has authority to do research and work not only on the more established pest problems—such as the Mediterranean fruit fly—but on pests that have recently become a problem, such as the Caribbean fruit fly and similar parasites.

SECTION-BY-SECTION ANALYSIS

The bill being reported by the Committee contains three sections.

Section 1. Amendments to the 1944 Organic Act of the Department of Agriculture.

Section 1 amends section 102 of the Organic Act of the Department of Agriculture approved September 21, 1944.

Section 1 amends the Organic Act to substitute for the reference to "insect pests, plant diseases, and nematodes" in section 102(a) a broader list of general classes of pests, which conforms to the definition of "plant pest" in section 102(c) of the Federal Plant Pest Act (7 U.S.C. 150aa(c)). This change will permit the Secretary to deal with threats to American agriculture which may be posed by pests not now covered by the Organic Act. They include, among other pests, spider mites, slugs, and snails that can injure or cause disease or damage in plants, plant parts, and plant products. Specific authority is provided for detection of plant pests in the United States.

Section 1 extends the Secretary's present authority under the Act to cooperate with foreign authorities, to permit cooperation with authorities of all the countries of the Western Hemisphere, and to "plant pests" generally. The Organic Act now authorizes such cooperation only with respect to Mexico and only for specified pests.

Section 1 makes discretionary the Secretary's authority to provide phytosanitary inspection and certification service for domestic plants and plant products for export, and extends such authority to inspection and certification of any plants or plant products offered for export or transiting the United States.

Section 2. Repeal of section 1 of the Act of October 6, 1917

Section 2 repeals provisions in the Act of October 6, 1917, for cooperation with Mexico and adjacent States in extermination of pink boll-worm infestations in Mexico, and related operations. This provision would no longer be needed if the bill is enacted because the provisions of the Organic Act (as amended by the bill) would include authority for the activities provided for in the repealed provisions of the 1917 Act.

Section 3. Amendment to the Act of February 28, 1947

Section 3 amends the Act of February 28, 1947, under which the Secretary is authorized to cooperate with certain Western Hemisphere countries in animal disease control. The amendment makes it clear that the Secretary's authority to eradicate, suppress, or control, or to prevent or retard communicable diseases of animals also covers vectors of these diseases.

DEPARTMENTAL VIEWS

In a letter to the Chairman dated July 18, 1975, the Secretary of Agriculture recommended the enactment of S. 1617, if amended to incorporate certain technical changes designed to clarify the intent of the bill. The bill being reported by the Committee incorporates the changes suggested by the Department (as well as an amendment to the Act of February 28, 1947, dealing with the Secretary's authority to cooperate with certain Western Hemisphere countries in animal disease control). The letter from the Secretary reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 18, 1975.

HON. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request for a report on S. 1617, a bill "To clarify the authority of the Secretary of Agriculture to control and eradicate plant pests."

This Department recommends that the bill be enacted, if amended as suggested in the attachment to this report. These amendments are technical changes designed to clarify the intent of the bill.

The bill would amend provisions in the Organic Act of the Department of Agriculture approved September 21, 1944, as amended (7 U.S.C. 147a), to substitute for the reference to "insect pests, plant diseases, and nematodes" in section 102(a) a broader list of general classes of pests, which conforms to the definition of "plant pest" in section 102(c) of the Federal Plant Pest Act (7 U.S.C. 150aa(c)). This change will permit the Secretary to deal with threats to American agriculture which may be posed by pests not now covered by the Organic Act. They include, among other pests, spider mites, slugs, and snails that can injure or cause disease or damage in plants, plant parts, and plant products. Specific authority would be provided by section 102(a) of the bill for detection of plant pests in the United States.

The bill would also extend the Secretary's present authority under the Act to cooperate with foreign authorities, to permit cooperation

with authorities of Canada, Colombia, and the Central American countries, and to "plant pests" generally. The Organic Act now authorizes such cooperation only with respect to Mexico and only for specified pests.

The bill would also make discretionary the Secretary's authority to provide phytosanitary inspection and certification service for domestic plants and plant products for export, and would extend such authority to inspection and certification of any plants or plant products offered for export or transiting the United States.

The bill would repeal provisions in the Act of October 6, 1917 (7 U.S.C. 145) for cooperation with Mexico and adjacent States in extermination of pink bollworm infestations in Mexico, and related operations. This provision would no longer be needed if the bill is enacted because the provisions of the Organic Act as amended by the bill would include authority for the activities provided for in the repealed provisions of the 1917 Act.

The Department supports the broadened authority permitting the Secretary to cooperate with neighboring nations in detecting, controlling, or eradicating plant pests. Implementation of specific programs, however, will depend upon unknown events and upon the development of criteria to define the appropriate Federal role and for assessing the absolute and relative worthiness of possible Federal undertakings in terms of their cost and associated results (both level and distribution). The Department presently has a study underway to systematically evaluate the implications of alternative Federal roles in cooperative insect control activities, to select the most appropriate alternative and to develop procedures and criteria for assessing the benefit/cost relationships. This study is expected to be very useful in deciding what, where, and how much control should be undertaken by the Federal Government in this country and can be expected to guide similar activities that might be undertaken in association with neighboring nations.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

EARL L. BUTZ,
Secretary.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee determines that a precise cost estimate of the increased costs needed for implementing the expanded control and eradication program authorized by the bill is not practicable. Cost estimates for implementing the program will depend upon unknown events and upon the development of criteria to define the appropriate federal role in plant pest control.

The Committee's cost estimate is in accord with the estimate furnished by the Department of Agriculture.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are

shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter in italic, and existing law in which no change is proposed is shown in roman) :

ACT OF SEPTEMBER 21, 1944

(57 Stat. 735, as amended)

* * * * *

SEC. 102. (a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to carry out operations or measures to *detect*, eradicate, suppress, control, or to prevent or retard the spread of [insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid, Japanese beetle, sweetpotato weevil, Mexican fruitflies, citrus canker, gypsy and brown-tail moth, Dutch elm disease, phony peach and peach mosaic, cereal rusts, corn borer, pink bollworm and thurberia weevil, citrus blackfly, white-fringed beetle, wheat-stem sawfly, Oriental fruitfly, and Hall scale: *Provided*, That the] *plant pests*.

(b) The Secretary of Agriculture is further authorized to cooperate with the [Government of Mexico or local Mexican authorities] *governments of all countries of the Western Hemisphere, or the local authorities thereof*, in carrying out necessary surveys and control operations in [Mexico] *those countries* in connection with the *detection, eradication, suppression, control, and prevention or retardation of the spread of [Mexican fruitflies, citrus blackfly and pink bollworm and thurberia weevil] plant pests*.

(c) In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary.

(d) As used in this section [the term]—

(1) "*plant pest*" means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants;

(2) "*living stage*" includes the egg, pupal, and larval stages as well as any other living stage; and

(3) "*State*" includes the District of Columbia and the Territories and possessions of the United States.

[b](e) The Secretary of Agriculture is authorized [and directed] to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of [domestic] plants and plant products offered for export *or transiting the United States*

and to certify to shippers and interested parties as to the freedom of such products from [injurious insect] *plant* pests [and plant diseases] according to the [sanitary] *phytosanitary* requirements of the foreign countries to which such products may be exported[.], or to the freedom from exposure to *plant pests while in transit through the United States.*

[c] (f) There are hereby authorized to be appropriated such sums as the Congress may [from time to time] *annually* determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed.

* * * * *

ACT OF OCTOBER 6, 1917

(40 Stat. 374)

* * * * *

[On account of the menace to cotton culture in the United States arising from the existence of the pink bollworm in Mexico, the Secretary of Agriculture, in order to prevent the establishment and spread of such worm in Texas and other parts of the United States, is authorized to make surveys to determine its actual distribution in Mexico; to establish, in cooperation with the States concerned, a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico; and to cooperate with the Mexican Government or local Mexican authorities in the extermination of local infestations near the border of the United States. For rent outside of the District of Columbia, and for the employment of such persons in the city of Washington and elsewhere, as the Secretary of Agriculture may deem necessary, \$250,000.]

* * * * *

ACT OF FEBRUARY 28, 1947

(61 Stat. 7, as amended)

* * * * *

The Secretary of Agriculture is authorized to cooperate with the Governments of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Colombia, and Canada in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals or vector thereof, including but not limited to foot-and-mouth disease, rinderpest, or screw-worm in such countries where he deems such action necessary to protect the livestock, poultry, and related industries of the United States. In performing the operations or measures authorized in this Act, the Governments of such countries shall be responsible for the authority necessary to carry out such operations or measures on all lands and properties therein and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. The measure and character of cooperation carried out under this

Act on the part of the United States and on the part of the Governments of such countries, including the expenditure or use of funds appropriated pursuant to this Act, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by this Act shall be made through and in consultation with the Secretary of State. The authority contained in this Act is in addition to and not in substitution for the authority of existing law.

* * * * *



AGRICULTURAL PEST CONTROL

NOVEMBER 1, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FOLEY, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany S. 1617]

The Committee on Agriculture, to whom was referred the bill (S. 1617), to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike everything after the enacting clause and insert in lieu thereof the following:

That section 102 of the Act of September 21, 1944 (58 Stat. 735, 7 U.S.C. 147a), as amended, is further amended to read as follows:

“Sec. 102. (a) The Secretary of Agriculture either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to carry out operations or measures to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests.

“(b) The Secretary of Agriculture is further authorized to cooperate with the Governments of Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, the Bahama Islands, the Greater Antilles, and the Lesser Antilles, or the local authorities thereof, and with international organizations or associations, in carrying out necessary surveys and control operations in those countries in connection with the detection, eradication, suppression, control and prevention or retardation of the spread of plant pests.

“(c) In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary

“(d) As used in this section—

“(1) ‘Plant pest’ means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing; or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

"(2) 'Living state' includes the egg, pupal, and larval stages as well as any other living stage.

"(3) 'State' includes the District of Columbia and the territories and possessions of the United States.

"(e) The Secretary of Agriculture is authorized to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of plants and plant products offered for export or transiting the United States and to certify to shippers and interested parties as to the freedom of such products from plant pests according to the phytosanitary requirements of the foreign countries to which such products may be exported, or to the freedom from exposure to plant pests while in transit through the United States.

"(f) There are hereby authorized to be appropriated such sums as the Congress may annually determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed."

SEC. 2. Section 1 of the Act of October 6, 1917 (40 Stat. 374; 7 U.S.C. 145) is hereby repealed.

SEC. 3. Section 1 of the Act of February 28, 1947, as amended (61 Stat. 7, 80 Stat. 330, 85 Stat. 418; 21 U.S.C. 114b), is further amended by (1) inserting in the first sentence after the words "any communicable disease of animals" the words "or vectors thereof", (2) inserting after "Canada" a comma and "the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and with international organizations or associations", and (3) by deleting "British Honduras" and inserting in lieu thereof "Belize".

BRIEF EXPLANATION OF THE LEGISLATION

S. 1617, as amended, would broaden and strengthen the authority of the Secretary of Agriculture to control and eradicate agricultural pests and to control and eradicate animal diseases and carriers of animal diseases. The bill would:

(1) Permit the Secretary of Agriculture to carry out eradication and control programs with respect to plant pests not now covered by the Organic Act of 1944. Specific authority is provided for the detection of plant pests in the United States.

(2) Extend the Secretary's authority to cooperate with foreign governments in carrying out eradication and control programs. The bill would (i) permit the Secretary to cooperate with the governments of Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, the Bahama Islands, the Greater Antilles and the Lesser Antilles, and (ii) cover "plant pests" in general. Existing law authorized cooperation only with respect to Mexico and for specified pests.

(3) Make discretionary the Secretary's authority to provide phytosanitary inspection and certification service for domestic plants and plant products for export, and extend such authority to inspection and certification of any plants or plant products offered for export or transiting the United States.

(4) Repeal provisions of the Act of October 6, 1917, for cooperation with Mexico and adjacent States in the extermination of pink bollworm infestations in Mexico, and related operations. The Organic Act, as amended by the bill, would contain such authority.

(5) Make it clear that the Secretary's authority to cooperate with certain Western Hemisphere countries in animal disease control extends to the carriers of animal diseases and would extend the authority to additional countries in the Caribbean area.

PURPOSE AND NEED FOR THE LEGISLATION

The desirability of agricultural pest control and eradication has long been recognized. A long, determined effort toward these ends has yielded many benefits, but agricultural pests, even if totally eradicated in the United States, would, by virtue of their existence in certain other Western Hemisphere countries, continue to pose a threat to American agriculture.

Over the years, legislation has been enacted at various times authorizing the Secretary of Agriculture to cooperate with foreign countries in detecting, controlling, and eradicating agricultural pests and animal diseases. The authority of the Secretary to combat animal diseases, for example, was first extended to Mexico in 1947. In 1971, the Secretary's authority was extended to Canada, the Central American countries, and Colombia. This broadened authority provides the authority and opportunity to work effectively toward eradication and also to avoid reintroduction of certain animal diseases.

However, such comprehensive authority does not exist for plant pests. A recent outbreak of the Mediterranean fruit fly, an extremely destructive insect to citrus and vegetables, has been detected in Central America. It is imperative that this pest be prevented from spreading into the United States.

After several years, during which the known distribution of the Mediterranean fruit fly remained relatively stable in Costa Rica, Nicaragua and Panama, it has been trapped this year in large numbers throughout El Salvador and in the bordering areas of Honduras and Guatemala. This northward spread poses a definite risk to both Mexico, and the United States, both in terms of damage to host fruits and vegetables and the disruption of normal marketing patterns.

The Mediterranean fruit fly has a host range of over 200 fruits and vegetables, many of which are important food crops. The annual Central American production of host fruits is valued at \$58.2 million. Annual citrus losses to the Mediterranean fruit fly in the Central American countries is estimated to reach \$6.1 million annually. Proportional losses in Mexico on citrus and coffee would amount to \$7 million, while potential losses on citrus and deciduous fruits in the United States could reach \$285 million annually.

The volume importance of fruit and vegetable Mediterranean fruit fly hosts from Mexico would increase the risk of incipient infestations and early permanent and widespread establishment in the United States if the pest was to become established in Central and Northern Mexico. The best protection for the United States, under these circumstances, is to deal with the pest in Central America and prevent its establishment in Mexico. Barring the ability to do this, the next alternative is to restrict it to a limited area in Southern Mexico and maintain a continuous barrier at the narrow area at the Isthmus of Tehuantepec.

Six separate infestations of the Mediterranean fruit fly in Florida (1929 and 1956-63) and Texas (1966) have been eradicated at a total cost of \$23 million. The cost of eradicating incipient infestations and of added pest control measures and reduced yields of host fruits and vegetables would amount to many millions of dollars annually. Re-

duced yields and higher production costs would be passed on to the consumer in the form of higher prices.

Current legislative authority does not permit the Department of Agriculture to go beyond Mexico in cooperative plant pest control and eradication programs. This means that further spread and buildup of the Mediterranean fruit fly will occur unless the authority is given to the Secretary to cooperate with El Salvador and Guatemala to control and eliminate this pest.

The most effective control of agricultural pests is preventive, but the programs must also have the capability for quick response to any disease or insect outbreak. This permits the most efficient solution by stopping the problem before an infestation reaches unmanageable proportions. The enactment of "emergency" legislation is, of course, subject to delays that could be devastating to agriculture and, ultimately, the American consumer.

The Secretary of Agriculture must, therefore, have the authority to deal effectively with destructive agricultural pest outbreaks, not only in the United States but in those areas abroad where the incidence of such pests represents a threat to United States agriculture. Such authority is especially necessary in view of the expansion of agricultural trade and the increased opportunities for the accidental introduction of destructive agricultural pests.

S. 1617, as amended, also updates the list of plant pests contained in the 1944 Act to meet present-day needs. It would substitute a broader list of general classes of pests thus covering many that were not foreseen when the 1944 authority was enacted.

It is expected that the exercise of authority for cooperative programs with foreign governments would not be limited to detection, control or eradication of the Mediterranean fruit fly, but would extend as well to the wide variety of pests that are a problem to U.S. agriculture, such as the Caribbean fruit fly and similar parasites. Action should be taken under this bill after thorough consideration of alternatives and of the cost-benefit relationship.

The bill also amends the statutory authority of the Secretary to cooperate with certain Western Hemisphere countries in animal disease control in two respects. First, it would make clear that authority covers carriers of animal disease such as the cattle fever tick which has become a major source of concern to areas in the Southern part of the United States. Secondly, it would extend the countries with which the United States could engage in cooperative programs to include the same countries provided by the provisions of the bill relating to plant pests. The Committee is of the view that it is important that the Secretary should have comparable authority in these two types of control programs.

The House Committee has amended S. 1617, as adopted by the Senate, in two major respects: First, it has extended the countries with which the Secretary can carry out plant pest control programs to cover Canada, the Central American countries, Colombia, and the Greater and Lesser Antilles, but would not include other countries in the Western Hemisphere because of testimony by the representative of the Department of Agriculture that it was not needed at this time or for the foreseeable future.

In the case of the cooperative programs for control of animal diseases and vectors, it would add the countries in the Caribbean area and international organizations in order to make the coverage comparable to that authorized under the plant pest control program. The Senate bill did not change existing legislation regarding the countries with which the Secretary could carry out cooperative programs in this area.

COMMITTEE CONSIDERATION

On July 28, 1975, the Subcommittee on Department Operations, Investigations and Oversight held public hearings on H.R. 6403, which had been introduced by Chairman de la Garza. At that time, Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, testified for the Department of Agriculture, and statements in support of the bill were also received from Florida Citrus and Texas Citrus Mutual. Dr. Mulhern suggested several technical amendments, which were accepted by the Subcommittee.

It also amended H.R. 6403 to enlarge the countries with which the Secretary could carry out plant pest programs to those contained in the bill as reported, but did not include other areas of the Western Hemisphere which Dr. Mulhern testified are so far away as to present no serious threat to the United States. Finally, the Subcommittee amended H.R. 6403 to include the provision which clarifies and strengthens the Secretary's authority to enter into cooperative programs with foreign countries to control animal diseases and the carriers of animal diseases.

The Subcommittee then ordered the bill, as amended, reported to the full Committee by a voice vote and in the presence of a quorum.

On October 30, 1975, the House Committee on Agriculture considered H.R. 6403, as amended. At that time it also had before it for consideration S. 1617 which had passed the Senate. It decided to strike all the language after the enacting clause in S. 1617 and substitute the provisions of H.R. 6403, as reported by the Subcommittee. The differences between the two bills were described earlier in this report. S. 1617, as amended, was then ordered reported by a voice vote in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

The bill being reported by the Committee contains three sections. *Section 1.* This section amends section 102 of the Organic Act of the Department of Agriculture approved September 21, 1944, in several respects.

Section 1 amends the Organic Act to substitute for the reference to "insect pests, plant diseases, and nematodes" in section 102(a) a broader list of general classes of pests, which conforms to the definition of "plant pest" in section 102(c) of the Federal Plant Pest Act (7 U.S.C. 150aa(c)). This change will permit the Secretary to deal with threats to American agriculture which may be posed by pests not now covered by the Organic Act. They include, among other pests, spider mites, slugs, and snails that can injure or cause disease or

damage in plants, plant parts, and plant products. In addition, specific authority is provided for detection of plant pests in the United States.

Section 1 extends the Secretary's present authority under the Act to cooperate with foreign authorities to permit cooperation with Canada, Colombia, all the countries of the Caribbean, and with international organizations or associations, and to cover "plant pests" generally. The Organic Act now authorizes such cooperation only with respect to Mexico and only for specified pests.

Section 1 also makes discretionary the Secretary's authority to provide phytosanitary inspection and certification service for domestic plants and plant products for export, and extends such authority to inspection and certification for any plants or plant products offered for export or transiting the United States.

Section 2. This section repeals provisions in the Act of October 6, 1917, for cooperation with Mexico and adjacent States in extermination of pink bollworm infestations in Mexico, and related operations. This provision would no longer be needed under this bill because the provisions of the Organic Act (as amended by the bill) include authority for the activities provided for in the repealed provisions of the 1917 Act.

Section 3. This section amends the Act of February 28, 1947, under which the Secretary is authorized to cooperate with certain Western Hemisphere countries in animal disease control. The amendment makes it clear that the Secretary's authority to eradicate, suppress, or control, or to prevent or retard communicable diseases of animals also covers vectors of these diseases. It also enlarges the countries with which cooperative activities can be conducted to include the Bahama Islands, the Greater and Lesser Antilles, Belize, and international organizations or associations.

ADMINISTRATION POSITION

In a letter to the Chairman dated July 18, 1975, the Secretary of Agriculture recommended the enactment of H.R. 6403, if amended to incorporate certain technical changes designed to clarify the intent of the bill. The bill being reported by the Committee incorporates the changes suggested by the Department as well as an amendment to the Act of February 28, 1947, dealing with the Secretary's authority to cooperate with certain Western Hemisphere countries in animal disease control and vectors thereof. The letter from the Secretary reads as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 18, 1975.

HON. THOMAS S. FOLEY,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 6403, a bill "To clarify the authority of the Secretary of Agriculture to control and eradicate plant pests."

This Department recommends that the bill be enacted, if amended as suggested in the attachment to this report. These amendments are technical changes designed to clarify the intent of the bill.

The bill would amend provisions in the Organic Act of the Department of Agriculture approved September 21, 1944, as amended (7 U.S.C. 147a), to substitute for the reference to "insect pests, plant diseases, and nematodes" in section 102(a) a broader list of general classes of pests, which conforms to the definition of "plant pest" in section 102(c) of the Federal Plant Pest Act (7 U.S.C. 150aa(c)). This change will permit the Secretary to deal with threats to American agriculture which may be posed by pests not now covered by the Organic Act. They include, among other pests, spider mites, slugs, and snails that can injure or cause disease or damage in plants, plant parts, and plant products. Specific authority would be provided by section 102(a) of the bill for detection of plant pests in the United States.

The bill would also extend the Secretary's present authority under the Act to cooperate with foreign authorities, to permit cooperation with authorities of Canada, Colombia, and the Central American countries, and to "plant pests" generally. The Organic Act now authorizes such cooperation only with respect to Mexico and only for specified pests.

The bill would also make discretionary the Secretary's authority to provide phytosanitary inspection and certification service for domestic plants and plant products for export, and would extend such authority to inspection and certification of any plants or plant products offered for export or transiting the United States.

The bill would repeal provisions in the Act of October 6, 1917 (7 U.S.C. 145) for cooperation with Mexico and adjacent States in extermination of pink bollworm infestations in Mexico, and related operations. This provision would no longer be needed if the bill is enacted because the provisions of the Organic Act as amended by the bill would include authority for the activities provided for in the repealed provisions of the 1917 Act.

The Department supports the broadened authority permitting the Secretary to cooperate with neighboring nations in detecting, controlling, or eradicating plant pests. Implementation of specific programs, however, will depend upon unknown events and upon the development of criteria to define the appropriate Federal role and for assessing the absolute and relative worthiness of possible Federal undertakings in terms of their cost and associated results (both level and distribution). The Department presently has a study underway to systematically evaluate the implications of alternative Federal roles in cooperative insect control activities, to select the most appropriate alternative and to develop procedures and criteria for assessing the benefit/cost relationships. This study is expected to be very useful in deciding what, where, and how much control should be undertaken by the Federal Government in this country and can be expected to guide similar activities that might be undertaken in association with neighboring nations.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

EARL L. BUTZ, *Secretary.*

RECOMMENDED AMENDMENTS TO H.R. 6403

On page 1, at line 11, insert a period after "pests" and delete all of subsection (a) thereafter.

On page 2, at line 14, before the word "eradication" insert "detection,".

On page 2, at line 19, delete "operation" and insert "operations".

On page 2, at line 16, designate the second sentence of subsection (b) as (c), and delete the last sentence of subsection (b).

Insert a new subsection (d) as follows:

"(d) As used in this section—

"(1) 'Plant pest' means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

"(2) 'Living stage' includes the egg, pupal, and larval stages as well as any other living stage.

"(3) 'State' includes the District of Columbia and the territories and possessions of the United States."

On page 3, at line 1, change "(c)" to "(e)"; and at line 11, change "(d)" to "(f)".

On page 3, at line 7, delete "sanitary" and insert in lieu thereof "phytosanitary".

CURRENT AND FIVE SUBSEQUENT FISCAL YEAR COST ESTIMATE

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee determines that a precise cost estimate of the increased costs needed for implementing the expanded control and eradication program authorized by the bill is not practicable. Cost estimates for implementing the program will depend upon unknown events and upon the development of criteria to define the appropriate Federal role in plant pest control. It depends, for example, on emergencies which will occur which would affect the American economy, the level of cooperation from the countries involved, and the extent to which United States participation will be needed.

The Committee's cost estimate is in accord with the estimate furnished by the Department of Agriculture.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4), Rule XI, of the Rules of the House of Representatives, the Committee estimates that enactment of S. 1617, as amended, would not have any inflationary impact on prices and costs in the operation of the national economy. The beneficial effects of this legislation in helping overcome the problems arising from plant pests and carriers of animal diseases should contribute to a sound agricultural economy.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 1(3)(B) of Rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority or new or increased tax expenditures) are not considered applicable. There was no estimate and comparison prepared by the Director of the Congressional Budget Office under clause 1(3)(C) of Rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974 submitted to the Committee prior to the filing of this report.

OVERSIGHT STATEMENT

No specific oversight activities, other than the hearings accompanying the Committee's consideration of H.R. 6403 and S. 1617 were made by the Committee, within the definition of clause 2(b)(1) of Rule X of the House. No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by S. 1617, as amended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 21, 1944

(58 Stat. 735, as amended)

* * * * *

SEC. 102. (a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to carry out operations or measures to *detect*, eradicate, suppress, control, or to prevent or retard the spread of [insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid, Japanese beetle, sweetpotato weevil, Mexican fruitflies, citrus canker, gypsy and brown-tail moth, Dutch elm disease, phony peach and peach mosaic, cereal rusts, corn borer, pink bollworm and thurberia weevil, citrus blackfly, white-fringed beetle, wheat-stem sawfly, Oriental fruitfly, and Hall scale: *Provided*, That the] *plant pests*.

(b) *The* Secretary of Agriculture is further authorized to cooperate with the [Government of Mexico or local Mexican authorities] *Governments of Canada, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, the Bahama Islands, the Greater Antilles, and the Lesser Antilles, or the local authorities*

thereof, and with international organizations or associations, in carrying out necessary surveys and control operations in [Mexico] those countries in connection with the detection, eradication, suppression, control, and prevention or retardation of the spread of [Mexican fruitflies, citrus blackfly and pink bollworm and thurberia weevil] plant pests.

(c) In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary.

(d) As used in this section [the term]—

(1) "plant pest" means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants;

(2) "living stage" includes the egg, pupal, and larval stages as well as any other living stage; and

(3) "State" includes the District of Columbia and the Territories and possessions of the United States.

[b](e) The Secretary of Agriculture is authorized [and directed] to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of [domestic] plants and plant products offered for export or transiting the United States and to certify to shippers and interested parties as to the freedom of such products from [injurious insect] plant pests [and plant diseases] according to the [sanitary] phytosanitary requirements of the foreign countries to which such products may be exported [], or to the freedom from exposure to plant pests while in transit through the United States.

[c](f) There are hereby authorized to be appropriated such sums as the Congress may [from time to time] annually determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed.

ACT OF OCTOBER 6, 1917

(40 Stat. 374; 7 U.S.C. 145)

[On account of the menace to cotton culture in the United States arising from the existence of the pink bollworm in Mexico, the Secretary of Agriculture, in order to prevent the establishment and spread

of such worm in Texas and other parts of the United States, is authorized to make surveys to determine its actual distribution in Mexico; to establish, in cooperation with the States concerned, a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico; and to cooperate with the Mexican Government or local Mexican authorities in the extermination of local infestations near the border of the United States. For rent outside of the District of Columbia, and for the employment of such persons in the city of Washington and elsewhere, as the Secretary of Agriculture may deem necessary, \$250,000.]

ACT OF FEBRUARY 28, 1947

(61 Stat. 7, as amended)

The Secretary of Agriculture is authorized to cooperate with the Governments of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, [British Honduras,] Belize, Panama, Colombia, and Canada, the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and with international organizations or associations in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals or vectors thereof, including but not limited to foot-and-mouth disease, rinderpest, or screw-worm in such countries where he deems such action necessary to protect the livestock, poultry, and related industries of the United States. In performing the operations or measures authorized in this Act, the Governments of such countries shall be responsible for the authority necessary to carry out such operations or measures on all lands and properties therein and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. The measure and character of cooperation carried out under this Act on the part of the United States and on the part of the Governments of such countries, including the expenditure or use of funds appropriated pursuant to this Act, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by this Act shall be made through and in consultation with the Secretary of State. The authority contained in this Act is in addition to and not in substitution for the authority of existing law.

AGRICULTURAL PEST CONTROL

FEBRUARY 9, 1976.—Ordered to be printed

MR. DE LA GARZA, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1617]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1617) to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 102 of the Act of September 21, 1944 (58 Stat. 735, as amended; 7 U.S.C. 147a), is amended to read as follows:

“SEC. 102. (a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers’ associations and similar organizations, and individuals, is authorized to carry out operations or measures to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests.

“(b) The Secretary of Agriculture is further authorized to cooperate with the governments of all countries of the Western Hemisphere, or the local authorities thereof, and with international organizations or associations, in carrying out necessary surveys and control operations in those countries in connection with the detection, eradication, suppression, control, and prevention or retardation of the spread of plant pests.

“(c) In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary.

“(d) As used in this section—

“(1) ‘plant pest’ means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals,

bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants;

"(2) 'living stage' includes the egg, pupal, and larval stages as well as any other living stage; and

"(3) 'State' includes the District of Columbia and the territories and possessions of the United States.

"(e) The Secretary of Agriculture is authorized to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of plants and plant products offered for export or transiting the United States and to certify to shippers and interested parties as to the freedom of such products from plant pests according to the phytosanitary requirements of the foreign countries to which such products may be exported, or to the freedom from exposure to plant pests while in transit through the United States.

"(f) There are hereby authorized to be appropriated such sums as the Congress may annually determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed."

SEC. 2. The material appearing under the head "FEDERAL HORTICULTURAL BOARD" in section 1 of the Act of October 6, 1917 (40 Stat. 374; 7 U.S.C. 145), is hereby repealed.

SEC. 3. Section 1 of the Act of February 28, 1947 (61 Stat. 7, as amended; 21 U.S.C. 114b), is amended by (1) inserting in the first sentence after the words "any communicable disease of animals" the words "or vectors thereof"; (2) inserting after "Canada" a comma and "the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and with international organizations or associations"; and (3) by deleting "British Honduras" and inserting in lieu thereof "Belize".

And the House agree to the same.

E DE LA GARZA,
GEORGE E. BROWN, JR.,
FREDERICK RICHMOND,
TOM HARKIN,
MATTHEW F. McHUGH,
NORMAN D'AMOURS,
JOHN BRECKINRIDGE,
CHARLES THONE,
MARGARET M. HECKLER,
CHARLES E. GRASSLEY,

Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES B. ALLEN,
DICK CLARK,
RICHARD (DICK) STONE,
ROBERT DOLE,
MILTON R. YOUNG,
HENRY BELLMON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE.

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1617) to clarify the authority of the Secretary of Agriculture to control and eradicate plant pests, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The differences between the Senate bill and the House amendment and the substitute agreed to in conference are noted in the following outline, except for conforming, clarifying, and technical changes:

(1) Plant pest control

The *Senate* bill extends the authority of the Secretary of Agriculture to cooperate with foreign governments in carrying out eradication and control programs with respect to plant pests so as to permit cooperation with the governments of all countries of the Western Hemisphere or the local authorities thereof. Current law authorizes such cooperation only with respect to Mexico and only for specified pests.

The *House* amendment authorizes cooperation instead with (a) the governments of Canada, Mexico, the Central American countries, Colombia, the Bahama Islands, the Greater Antilles, and the Lesser Antilles, or the local authorities thereof, and (b) international organizations or associations.

The *Conference* substitute adopts the *Senate* provision authorizing cooperation with the governments of all countries of the Western Hemisphere (including the governments of all the countries specified in the *House* amendment) and that part of the *House* amendment authorizing cooperation with international organizations or associations.

(2) Repeal of certain authority

The *Senate* bill repeals as no longer needed material in section 1 of the Act of October 6, 1917, relating to cooperation with the Mexican government in the extermination of pink bollworm infestations near the border of the United States.

The *House* amendment repeals the same material repealed by the *Senate* bill as well as other unrelated material contained in section 1 of the Act of October 6, 1917.

The *Conference* substitute adopts the *Senate* provision.

(3) Animal disease control

The *Senate* bill makes it clear that the Secretary's authority to cooperate with certain Western Hemisphere countries in animal disease control extends to carriers of animal diseases. Under current law these countries include Canada, Mexico, the Central American countries, and Colombia.

The *House* amendment extends the authority provided in the *Senate* bill to the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and to international organizations or associations. The *House* amendment also substitutes the country designation Belize for British Honduras.

The *Conference* substitute retains the *Senate* provision and adopts the *House* amendment (a) extending the Secretary's authority to cooperate with the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and international organizations or associations, and (b) substituting the country designation Belize for British Honduras.

E DE LA GARZA,
 GEORGE E. BROWN, JR.,
 FREDERICK RICHMOND,
 TOM HARKIN,
 MATTHEW F. MCHUGH,
 NORMAN D'AMOURS,
 JOHN BRECKINRIDGE,
 CHARLES THONE,
 MARGARET M. HECKLER,
 CHARLES E. GRASSLEY,

Managers on the Part of the House.

HERMAN E. TALMADGE,
 JAMES B. ALLEN,
 DICK CLARK,
 RICHARD (DICK) STONE,
 ROBERT DOLE,
 MILTON R. YOUNG,
 HENRY BELLMON,

Managers on the Part of the Senate.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To clarify the authority of the Secretary of Agriculture to control and eradicate plant pests, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the Act of September 21, 1944 (58 Stat. 735, as amended; 7 U.S.C. 147a), is amended to read as follows:

“SEC. 102. (a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to carry out operations or measures to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests.

“(b) The Secretary of Agriculture is further authorized to cooperate with the governments of all countries of the Western Hemisphere, or the local authorities thereof, and with international organizations or associations, in carrying out necessary surveys and control operations in those countries in connection with the detection, eradication, suppression, control, and prevention or retardation of the spread of plant pests.

“(c) In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary.

“(d) As used in this section—

“(1) ‘plant pest’ means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants;

“(2) ‘living stage’ includes the egg, pupal, and larval stages as well as any other living stage; and

“(3) ‘State’ includes the District of Columbia and the territories and possessions of the United States.

“(e) The Secretary of Agriculture is authorized to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of plants and plant products offered for export or transiting the United States and to certify to shippers and interested parties as to the freedom of such products from plant pests according to the phytosanitary requirements of the foreign countries to which such products may be exported, or to the freedom from exposure to plant pests while in transit through the United States.

“(f) There are hereby authorized to be appropriated such sums as the Congress may annually determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed.”

SEC. 2. The material appearing under the head “FEDERAL HORTICULTURAL BOARD” in section 1 of the Act of October 6, 1917 (40 Stat. 374; 7 U.S.C. 145), is hereby repealed.

SEC. 3. Section 1 of the Act of February 28, 1947 (61 Stat. 7, as amended; 21 U.S.C. 114b), is amended by (1) inserting in the first sentence after the words “any communicable disease of animals” the words “or vectors thereof”; (2) inserting after “Canada” a comma and “the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and with international organizations or associations”; and (3) by deleting “British Honduras” and inserting in lieu thereof “Belize”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*