

---

## Title IX

---

# Miscellaneous

Kathryn L. Lipton\*

Title IX contains a variety of provisions largely independent of the other titles. The provisions authorize the Secretary to conduct a range of activities, including establishing guidelines for regulating the commercial transportation of equine for slaughter; making user fees available to cover the cost, without appropriation,

of quarantine and inspection services for international passengers, aircraft, vessels, railcars, and trucks; and creating a permanent advisory panel on meat and poultry inspection. The provisions also authorize the continued operation of the Graduate School of the United States Department of Agriculture (USDA), the disposal of excess Federal personal property, the sale and conveyance of specified land, and the support for student intern programs.

---

\*The author is an agricultural economist in the Office of the Administrator, Economic Research Service, USDA.

## **Subtitle A**

---

# **Commercial Transportation of Equine for Slaughter**

Subject to the availability of appropriations, the Secretary is authorized to issue guidelines for regulating the commercial transportation of equine to slaughter, including food, water, rest, segregation of stallions, and other appropriate issues to ensure the safe and humane treatment. These guidelines apply only to persons who regularly are engaged in the commercial transport of equine for slaughter within the United States.

The Secretary is authorized to conduct any investigations and inspections considered necessary to establish and enforce the regulations. The Secretary also may establish recordkeeping and reporting requirements considered necessary to assure compliance and establish and enforce appropriate civil penalties.

---

## Subtitle B

---

# General Provisions

### Interstate Quarantine

The Secretary is directed to consider enhancing passenger movement and commerce on and between islands when the Secretary determines that it is necessary to quarantine a State entirely comprised of islands. This provision was included in order to reduce the economic impact of any State-wide agricultural quarantines imposed to protect farm production in the mainland United States.

### Cotton Classification Services

The USDA's cotton classification services are extended through 2002. The Secretary is also required to maintain all classing offices located in Missouri on January 1, 1996, until at least January 1, 1999.

### Plant Variety Protection to Certain Tuber-propagated Varieties

The Plant Variety Protection Act (PVPA) is amended to allow developers of varieties of potatoes that have been marketed for more than 4 years in another country to apply for and receive protection in the United States. The PVPA provides patent-like protection for developers of new plant varieties in order to encourage investment in basic research and product development.

Application for potato varieties may occur for up to 1 year after enactment of the Federal Agriculture and Improvement Act of 1996. Protection would be limited to a total of 20 years, including the time protected in another country.

### Swine Health Protection

The Secretary is authorized, upon request of the Governor or other appropriate official of a State, to immediately terminate the State's primary enforcement responsibility under the Swine Health Protection Act,

which provides authority to regulate the feeding of garbage to swine to prevent the transmission of animal diseases. This provision would allow for transfer of responsibility to USDA's Animal and Plant Health Inspection Service without a 90-day waiting period if a State cannot continue for reasons other than failure to meet the enforcement requirements established by the Swine Health Protection Act. The State would still be responsible for providing some level of support to the program.

The Swine Health Protection Act currently authorizes States to have primary enforcement responsibility, and many States exercise that authority. If the USDA's Animal and Plant Health Inspection Service determines that a State is not effectively carrying out enforcement, the State has 90 days under the law to bring its program back into compliance. If the State has not done so by the end of the 90-day period, the Secretary can assume primary enforcement responsibility. A State may re-assume primary enforcement responsibility when the Secretary determines that the State meets the established eligibility requirements. The new provisions expand the conditions under which the Federal Government can assume primary enforcement responsibility.

The requirement that an advisory committee be appointed to evaluate State programs regulating the treatment of garbage to be fed to swine is deleted.

### Designation of Mount Pleasant National Scenic Area

The name of the George Washington National Forest Mount Pleasant Scenic Area is changed to the Mount Pleasant National Scenic Area.

### Pseudorabies Eradication Program

The Pseudorabies Eradication Program for swine established by the Food, Agriculture, Conservation, and Trade Act of 1990 is extended through 2002.

## Agricultural Quarantine and Inspection

Under previous law, the Secretary prescribes and collects fees from operators or owners of vessels or aircraft to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival of international passengers, commercial vessel, aircraft, or trucks, or railroad cars. The Secretary must ensure that the amount of the fees is commensurate with the costs of agricultural quarantine and inspection services. The Secretary is also authorized to collect late payment penalties and the associated interest charges.

The 1996 Act requires appropriation from the “Agricultural Quarantine Inspection User Fee Account” of up to \$100 million for each of fiscal years 1996 through 2002 to cover the costs of quarantine and inspection services. In addition, funds collected by the Animal and Plant Health Inspection Service in excess of \$100 million will be available to the Secretary to cover the cost of providing quarantine and inspection services, without further appropriations. The funds will be available until expended.

After September 30, 2002, all funds collected for agricultural quarantine and inspection services will be available without appropriation until expended. In addition, the number of full-time equivalent (FTE) positions in the Department of Agriculture associated with agricultural quarantine and inspection services and administration of those services will not be counted toward the limit on FTE positions specified under the Federal Workforce Restructuring Act.

### Meat And Poultry Inspection

A permanent advisory panel, known as the “Safe Meat and Poultry Inspection Panel,” must be established in the Department of Agriculture to review and evaluate inspection policies and procedures and any proposed changes to them. The panel will be composed of seven members, with at least five of those members from the food science, meat science, or poultry science professions. The Secretary will appoint panel members from nominations received from the National Institutes of Health and the Federation of American Societies of

Food Animal Science. Terms will be staggered and cannot exceed 3 years.

The panel must submit to the Secretary reports on the results of each review and evaluation, including any recommendations the panel considers appropriate. Each report will be published in the *Federal Register*. The Secretary must publish any required response in the *Federal Register* within 90 days.

The Secretary is required to submit to Congress within 90 days of enactment of the Federal Agricultural Improvement and Reform Act of 1996, recommendations on the steps necessary to achieve interstate shipment of meat and poultry products inspected under State inspection programs developed and administered under Federal law. Meat and poultry products inspected under State inspection systems currently are prohibited from moving in interstate commerce.

### Reimbursable Agreements

The Secretary is authorized to enter into reimbursable fee agreements for the pre-clearance of imported plants, plant products, animals, and articles at locations outside the United States. Pre-clearance in the country of origin benefits the importer by reducing problems at the port of entry. It also reduces the risk of the entry of commodities containing pests and disease into the United States.

Persons for whom pre-clearance is performed may be required to reimburse the Secretary for the cost of those services. Funds collected for pre-clearance will be credited to accounts established by the Secretary that incur the costs and remain available for pre-clearance activities until expended. The Secretary is authorized to pay overtime, night, and holiday rates to employees performing pre-clearance services.

### Overseas Tort Claims

The Secretary is authorized to pay tort claims when claims arise outside the United States in connection with activities of individuals performing services for the Secretary. A claim must be presented to the Secretary within 2 years after the claim accrues. An

award or denial of a claim by the Secretary under this authority is final and not subject to judicial review of any kind.

## **Graduate School of the U.S. Department of Agriculture**

The Graduate School will continue to operate as an instrumentality of the USDA that is not financed with appropriated funds. Operational expenses will continue to be financed by program fees. The Graduate School may charge reasonable fees for its activities based upon the cost of providing the service and may retain those fees rather than depositing them in the United States Treasury.

The Graduate School is authorized to continue to develop, administer, and provide education, training, and professional development activities for Federal agencies, employees, nonprofit organizations, other entities, and members of the public.

The General Administration Board appointed by the Secretary will govern the activities of the Graduate School in accordance with the Secretary's regulations. The Board will be responsible for determining the policies by which the school is administered and for taking steps necessary, including the selection of a Director and other officers, to assure that the policies are carried out.

The Graduate School is authorized to accept gifts of money and property for the benefit of the school. However, gifts from parties with a business relationship to the school are prohibited.

## **Student Internship Programs**

The Secretary may pay for transportation, subsistence, and lodging expenses of student interns out of appropriated funds or user fee funds. Student interns are defined as employees who assist scientific, professional, administrative, or technical employees of the Department and who are bona fide students of accredited colleges or universities pursuing courses related to the field in which the person is employed by the Department.

The Secretary also may enter into annual cooperative agreements with one or more associations of institutions of higher education to provide for USDA participation in internship programs for graduate and undergraduate students. These internship programs will provide work assignments for students within the Department and other activities deemed appropriate by the associations and the Secretary.

The cooperating association will coordinate the program, including recruitment of students, travel arrangements to Washington, DC, and other agency field offices, and housing arrangements. Final selection of students will be made by the Secretary from a pool of candidates provided by the cooperating association.

## **Excess Federal Personal Property**

The Secretary of Agriculture is authorized to convey title to excess Federal personal property to any 1994 Institution (defined in the Equity in Education Land-Grant Status Act of 1994 (P.L. 103-382; 7 U.S.C. 301 note)), any Hispanic-Serving Institution (defined under the Higher Education Act of 1965 (20 U.S.C. 1059c(b))), or 1890 institutions (any college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.)), including Tuskegee University. The property may be provided to eligible institutions with or without monetary compensation for such purposes as determined by the Secretary.

The Secretary may also acquire from, exchange with, or dispose of personal property to other Federal agencies or departments without monetary compensation.

## **Conveyance of Land**

Land is conveyed to the Board of Trustees of the University of Arkansas to be used in the White Oak Cemetery. The land would revert to the United States if not used as a cemetery. The 1996 Act removes a stipulation that the land be used for public purposes or revert to the United States. The approximately 2.2 acres was conveyed to the Board of Trustees of the University of Arkansas on November 18, 1953.

## **Sale of Land**

The 1996 Act exempts the sale of land by the University of Arkansas known as the “Walker Tract” from provisions of the Hatch Act of 1887, on the condition that all proceeds from the sale are used for agricultural research facilities and programs of the University of Arkansas.

## **Designation of a Research Center**

The Agricultural Research Service small farms research facility located near Booneville, Arkansas,

is renamed the “Dale Bumpers Small Farms Research Center.”

## **USDA Washington Area Strategic Space Plan**

The Secretary may obligate up to \$5 million from funds appropriated for agriculture buildings and facilities and rental payments to improve State and local roads at the Beltsville Agriculture Research Center, Maryland, as part of the USDA Washington Area Strategic Space Plan.