

112TH CONGRESS
1ST SESSION

H. R. 2031

To amend the Plant Protection Act to expedite the process for approval of certain biotechnology products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. FINCHER introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Plant Protection Act to expedite the process for approval of certain biotechnology products, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Expediting Agriculture
5 Through Science Act” or “EATS Act”.

6 **SEC. 2. TIMELINE FOR APPROVAL OF PETITIONS FOR RE-**
7 **MOVAL OF PLANT PESTS FROM REGULATION.**

8 Section 411(c) of the Plant Protection Act (7 U.S.C.
9 7711(c)) is amended—

1 (1) in paragraph (2), by inserting “, including
2 biotechnology products” before “from”;

3 (2) by striking paragraph (3) and inserting the
4 following new paragraph:

5 “(3) RESPONSE TO PETITION BY THE SEC-
6 RETARY.—

7 “(A) IN GENERAL.—In the case of a peti-
8 tion submitted under paragraph (2), the Sec-
9 retary shall determine, based on sound science,
10 whether to approve such petition not later than
11 180 days after the date on which the Secretary
12 receives such petition. The Secretary may ex-
13 tend the period for such determination for two
14 periods of 30 days each, if the Secretary noti-
15 fies the petitioner of each extension of the de-
16 termination period.

17 “(B) NOTIFICATION.—The notification de-
18 scribed in subparagraph (A) shall be in the
19 form of a letter from the Secretary or a des-
20 ignee of the Secretary and shall include the
21 name and title of each person processing the
22 petition, the specific reason for the delay in the
23 determination, and a specific date on which a
24 determination is expected.

1 “(C) DENIALS.—For each petition the Sec-
2 retary denies, the Secretary shall provide the
3 petitioner—

4 “(i) written, clear, and comprehensive
5 reasons why the petition was denied and
6 detailed information concerning any defi-
7 ciencies in the petition; and

8 “(ii) an opportunity to remedy any
9 such deficiencies.

10 “(D) DEEMED APPROVED.—If the Sec-
11 retary has not made a determination to approve
12 a petition by the end of the 240-day period be-
13 ginning on the date the Secretary received such
14 petition, the petition shall be deemed ap-
15 proved.”.

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