

112TH CONGRESS
1ST SESSION

H. R. 967

To amend the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Insecticide, Fungicide, and Rodenticide Act to support efforts to control and eradicate bed bugs with respect to public health, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2011

Mrs. SCHMIDT introduced the following bill; which was referred to the
Committee on Agriculture

A BILL

To amend the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Insecticide, Fungicide, and Rodenticide Act to support efforts to control and eradicate bed bugs with respect to public health, 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 “Bed Bug Management,
5 Prevention, and Research Act”.

1 **SEC. 2. ESTABLISHMENT OF RESEARCH PROGRAM TO CON-**
2 **TROL AND ERADICATE BED BUGS.**

3 (a) BED BUG RESEARCH PROGRAM.—Section 1672
4 of the Food, Agriculture, Conservation, and Trade Act of
5 1990 (7 U.S.C. 5925) is amended—

6 (1) by redesignating subsection (j) as sub-
7 section (k); and

8 (2) by inserting after subsection (h) the fol-
9 lowing new subsection:

10 “(j) BED BUG CONTROL.—

11 “(1) AUTHORIZATION AND USE OF GRANTS.—

12 The Secretary, in consultation with the task force
13 appointed under paragraph (2), shall award grants
14 under this subsection for only for the following pur-
15 poses:

16 “(A) Developing more efficacious chemicals
17 and chemical methods of detecting, preventing,
18 and managing bed bugs.

19 “(B) Identifying or discovering affordable
20 and effective methods of managing bed bugs,
21 including basic and applied biology and dem-
22 onstration research projects.

23 “(2) TASK FORCE.—

24 “(A) ESTABLISHMENT.—Pursuant to sub-
25 section (b)(2)(C), the Secretary shall, not later
26 than 90 days after the date of the enactment of

1 the Bed Bug Management, Prevention, and Re-
2 search Act, appoint a bed bug task force (re-
3 ferred to in this subsection as the ‘task force’)
4 to assist the Secretary in awarding grants
5 under this section.

6 “(B) COMPOSITION.—The task force shall
7 be composed of members or representatives of
8 the following:

9 “(i) The pest management industry.

10 “(ii) The hospitality industry (includ-
11 ing hotels, motels, and other forms of lodg-
12 ing or accommodation).

13 “(iii) The multi-family housing man-
14 agement industry.

15 “(iv) Public health organizations.

16 “(v) Any other group or industry the
17 Secretary determines is significantly im-
18 pacted by bed bugs.

19 “(3) INITIAL GRANTS.—

20 “(A) REQUESTS FOR PROPOSALS.—The
21 Secretary shall, not later than 180 days after
22 the date of the enactment of the Bed Bug Man-
23 agement, Prevention, and Research Act and in
24 consultation with the task force, publish a re-

1 quest for grant proposals for research projects
2 for the purposes described in paragraph (1).

3 “(B) AWARD OF GRANTS.—Not later than
4 180 days after the date of such publication, the
5 Secretary shall—

6 “(i) evaluate such proposals in con-
7 sultation with the task force; and

8 “(ii) award grants to entities that
9 submitted grant proposals for research
10 projects the Secretary determines are meri-
11 torious for the purposes described in para-
12 graph (1).

13 “(C) NOTIFICATION REQUIREMENT.—The
14 Secretary shall notify the task force of any
15 award made under subparagraph (B) not later
16 than 30 days after awarding such grant.

17 “(4) SUBSEQUENT GRANTS.—

18 “(A) EVALUATION OF INITIAL GRANTS.—
19 The Secretary shall, in consultation with the
20 task force, evaluate each research project con-
21 ducted under any grant awarded under para-
22 graph (3)(B).

23 “(B) AWARD OF GRANTS.—The Secretary
24 shall, in consultation with the task force, award
25 grants to fund additional research projects that

1 the Secretary determines to be promising or
2 necessary based on the evaluation conducted
3 under subparagraph (A).

4 “(C) NOTIFICATION REQUIREMENT.—The
5 Secretary shall notify the task force of any
6 award made under subparagraph (B) not later
7 than 30 days after awarding such grant.

8 “(5) CONSULTATION AND COORDINATION.—To
9 expedite the approval or registration under section
10 3, section 18, or section 24 of the Federal Insecti-
11 cide, Fungicide and Rodenticide Act (7 U.S.C. 136a,
12 136p, and 136v) of the methods identified or discov-
13 ered through research projects funded under this
14 section, the Secretary shall consult and coordinate
15 with the Administrator of the Environmental Protec-
16 tion Agency regarding—

17 “(A) the awarding of grants under this
18 section; and

19 “(B) the evaluation of the results of such
20 research projects.”.

21 (b) WAIVER OF MATCHING FUNDS REQUIREMENT.—

22 Subsection (c)(2) of such section is amended—

23 (1) by striking “or” at the end of subparagraph
24 (A);

1 (2) by striking the period at the end of sub-
2 paragraph (B) and inserting “; or”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(C) the project involves a pest that has
6 been designated as a pest of public health sig-
7 nificance by the Environmental Protection
8 Agency and the Centers for Disease Control
9 and Prevention, as described in section 2(nn) of
10 the Federal Insecticide, Fungicide, and
11 Rodenticide Act (7 U.S.C. 136(nn)).”.

12 (c) CONFORMING AMENDMENTS.—Such section is
13 further amended—

14 (1) in subsection (a), by striking “through (i)”
15 and inserting “through (j)”; and

16 (2) in subsection (b)(2), by striking “through
17 (i)” and inserting “through (j)”.

18 **SEC. 3. AMENDMENTS TO FEDERAL INSECTICIDE, FUN-**
19 **GICIDE, AND RODENTICIDE ACT TO IMPROVE**
20 **EFFORTS TO CONTROL AND ERADICATE BED**
21 **BUGS.**

22 (a) INCLUSION OF BED BUGS IN DEFINITION OF
23 VECTOR ORGANISMS.—Section 2(oo) of the Federal Insec-
24 ticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(oo))
25 is amended by inserting “bed bugs,” after “cockroaches,”.

1 (b) DEFINITION OF ADVERSE EFFECTS.—Section
2 2(bb) of the Federal Insecticide, Fungicide, and
3 Rodenticide Act (7 U.S.C. 136(bb)) is amended by adding
4 before the period at the end of the last sentence the fol-
5 lowing: “, such as whether there are insufficient effica-
6 cious alternative registered pesticides available for the use,
7 whether the lack of sufficient efficacious alternative reg-
8 istered pesticides will reasonably lead to the misuse of
9 other pesticides or other inappropriate pest management
10 strategies that pose risks to the environment or human
11 health, and whether the registration or approval of use
12 of the public health pesticide will play a significant part
13 in managing pest resistance”.

14 (c) EFFICACY DATA FOR EXEMPTED PESTICIDES.—
15 Section 25(b) of the Federal Insecticide, Fungicide, and
16 Rodenticide Act (7 U.S.C. 136w(b)) is amended by adding
17 at the end the following new sentences: “Notwithstanding
18 the exemption of a pesticide under this subsection, the Ad-
19 ministrator shall require the submission of efficacy data
20 (and evaluate such data) if the pesticide is labeled for or
21 proposed to be labeled for the control of a pest of public
22 health significance. The Administrator shall not permit
23 the sale or distribution of any product that is marketed,
24 distributed, or sold with a claim that such product will

1 control a public health pest if the efficacy data submitted
2 under this subsection does not support such claim.”.

3 (d) **BED BUG PREVENTION AND MITIGATION PILOT**
4 **PROGRAM.**—The Federal Insecticide, Fungicide, and
5 Rodenticide Act is amended by inserting after section 20
6 (7 U.S.C. 136r) the following new section:

7 **“SEC. 20A. BED BUG PREVENTION AND MITIGATION PILOT**
8 **PROGRAM.**

9 “(a) **GRANT AUTHORITY.**—Using funds appropriated
10 to carry out this Act, the Administrator shall award grants
11 to three State agencies whose plans have been approved
12 by the Administrator in accordance with the requirements
13 of section 11 for the purposes of conducting a pilot pro-
14 gram under which political subdivisions of the State and
15 housing authorities in the State use the grant funds to
16 supplement on-going bed bug prevention and mitigation
17 activities. At least one of the three grants shall be awarded
18 to one such State agency that, before November 1, 2009,
19 submitted a public health exemption request under section
20 18, which proposed a use of a pesticide to control bed
21 bugs, but which was voluntarily canceled under section
22 6(f).

23 “(b) **DISTRIBUTION OF FUNDS.**—As a condition on
24 the receipt of the grant under subsection (a), the recipient
25 State agency, working in conjunction with the State de-

1 partment of health, shall agree to distribute the grant
2 funds to political subdivisions and housing authorities—

3 “(1) addressing persistent bed bug infestations;

4 and

5 “(2) whose residents lack the financial re-
6 sources to adequately mitigate bed bug infestations
7 without assistance.

8 “(c) TIME FOR AWARD AND DISTRIBUTION.—The
9 grants under subsection (a) for a fiscal year shall be
10 awarded within 180 days after the appropriation of funds
11 for that fiscal year to carry out this Act. Recipient State
12 agencies shall begin disseminating grants within 120 days
13 receiving the grant funds.

14 “(d) USE OF FUNDS.—Grant funds may be used—

15 “(1) to retain commercial applicators to per-
16 form bed bug prevention and mitigation activities
17 that are proven to effectively control bed bugs;

18 “(2) to purchase and distribute mattress covers;

19 “(3) to conduct bed bug monitoring activities;

20 and

21 “(4) to treat used mattresses and furniture
22 using methods proven to control all life stages of bed
23 bugs.

1 “(e) DATA COLLECTION.—After the end of fiscal year
2 2016, the Administrator shall collect from the recipient
3 State agencies the following data:

4 “(1) The number of political subdivisions and
5 housing authorities receiving grant funds and total
6 funds awarded to each political subdivision and
7 housing authority.

8 “(2) The criteria used to award funds to such
9 political subdivisions and housing authorities.

10 “(3) The success achieved in reducing bed bug
11 infestation and the methods used to manage bed bug
12 infestation.

13 “(4) Documented results of intervention efforts
14 with some measurement of infestation rates both be-
15 fore and after intervention.

16 “(f) REPORT TO CONGRESS.—Not later than Janu-
17 ary 1, 2017, the Administrator shall submit to Congress
18 a report setting forth the data collected under subsection
19 (e).

20 “(g) EXPIRATION OF GRANT AUTHORITY.—No
21 grants may be made under subsection (a) after September
22 30, 2017.”.

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