

pest or noxious weed or a pest or disease of livestock.

Estimated annual number of respondents: 1.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 1.

Estimated total annual burden on respondents: 1 hour.

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

Government Paperwork Elimination Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. For information pertinent to GPEA compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

List of Subjects

7 CFR Part 373

Indemnity payments, Plant diseases and pests, Plant products, Plants (Agriculture).

9 CFR Part 60

Animal diseases and pests, Indemnity payments, Livestock, Poultry and poultry products.

Accordingly, we propose to amend 7 CFR chapter III by adding a new part 373, and to amend 9 CFR chapter I, subchapter B, by adding a new part 60 to read as follows:

PART 373—COST SHARING FOR PLANT HEALTH EMERGENCY PROGRAMS

Sec.

373.1 Definitions.

373.2 Priority plant pests and noxious weeds.

373.3 Federal share of emergency program costs.

373.4 Shortfall in obligations and other funding adjustments.

373.5 Activities not subject to cost sharing.

373.6 Implementing agreements.

Authority: 7 U.S.C. 7701-7772; 7 CFR 2.22, 2.80, and 371.3.

§ 373.1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of

Agriculture, or any person authorized to act for the Administrator.

Commencement of the emergency program. The date that the Secretary determines an emergency exists or the date that emergency funding is approved, whichever comes first.

Cooperator(s). A State or political subdivision of a State, a domestic organization or association, or other person who participates in an emergency program with the Federal Government.

Emergency program. Activities carried out under the authority of the Plant Protection Act (7 U.S.C. 7701-7772) in connection with an emergency, including delimiting surveys; testing and related diagnostic activities; regulatory enforcement; chemical, biological, mechanical, and other detection, control, and eradication activities, including destruction and disposal of plants, plant products, and other articles; the payment of compensation; and research, methods development, and public information activities carried out specifically in connection with an emergency.

Emergency program costs. Financial, personnel, and other resources necessary to carry out an emergency program, without regard to the entity or individual that provides the resources or the manner in which they are provided.

Federal base percentage. The initial percentage share of emergency program costs the Secretary is authorized to pay in connection with an emergency involving a plant pest or noxious weed.

OMB. The Office of Management and Budget of the United States Government.

Secretary. The Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to act for the Secretary.

State. Each of the States of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

§ 373.2 Priority plant pests and noxious weeds.

The Administrator may identify certain plant pests and noxious weeds as priority plant pests and noxious weeds. In making such an identification, the Administrator shall consider the degree of contagion and the human health and market effects of the plant pest or noxious weed and other relevant factors. The Administrator may notify the public from time to time, through publication of a list in the **Federal**

Register, of the priority plant pests and noxious weeds.

§ 373.3 Federal share of emergency program costs.

(a) **General.** In connection with an emergency involving a plant pest or noxious weed and upon agreement of the States or political subdivisions of States, domestic organizations or associations, or other persons to participate in an emergency program, the Secretary may pay, subject to the availability of funding, emergency program costs as provided in paragraph (b) of this section. Unless the Secretary determines that payments for a longer period are necessary, such payments may be made for no more than 10 years for any emergency program, or, for emergency programs begun prior to [effective date of final rule], for no more than 5 years after that date. However, if the same plant pest or noxious weed occurs in a location that is geographically separate from the original outbreak, or reoccurs in the area of the original outbreak following a prescribed time period after eradication is completed, as determined by a USDA scientific assessment, then it could be considered a new outbreak and subject to new cost-sharing and program duration requirements.

(b) **Determining Federal share of costs.** In connection with an emergency involving a plant pest or noxious weed, the Secretary may make payments of Federal funds of up to 50 percent (i.e., Federal base percentage) of emergency program costs. Further, the Secretary, in consultation with OMB, may increase or decrease the Federal share of emergency program costs relative to the Federal base percentage as follows:

(1) **Timing of program and its effect on total program costs.** If the Secretary determines that a higher level of Federal involvement in the early stages of an emergency program would lead to lower total emergency program costs, then the Secretary, in consultation with OMB, may increase the Federal share of emergency program costs by up to 30 percent above the Federal base percentage during the first 8 months after commencement of the emergency program, and may increase the Federal share of emergency program costs by up to 15 percent above the Federal base percentage from the ninth month through the 24th month after commencement of the emergency program.

(2) **The extent of affected versus nonaffected areas.** If the Secretary determines that the area or value of resources at risk in the United States is at least 10 times greater than the area or