

110TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To restore import and entry agricultural inspection functions to the  
Department of Agriculture.

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IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and  
referred to the Committee on \_\_\_\_\_

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**A BILL**

To restore import and entry agricultural inspection functions  
to the Department of Agriculture.

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. RESTORATION OF IMPORT AND ENTRY AGRI-**  
4 **CULTURAL INSPECTION FUNCTIONS TO THE**  
5 **DEPARTMENT OF AGRICULTURE.**

6 (a) REPEAL OF TRANSFER OF FUNCTIONS.—Section  
7 421 of the Homeland Security Act of 2002 (6 U.S.C. 231)  
8 is repealed.

9 (b) CONFORMING AMENDMENT TO FUNCTION OF  
10 SECRETARY OF HOMELAND SECURITY.—Section 402 of

1 the Homeland Security Act of 2002 (6 U.S.C. 202) is  
2 amended—

3 (1) by striking paragraph (7); and

4 (2) by redesignating paragraph (8) as para-  
5 graph (7).

6 (c) TRANSFER AGREEMENT.—

7 (1) IN GENERAL.—Not later than the effective  
8 date described in subsection (g), the Secretary of  
9 Agriculture and the Secretary of Homeland Security  
10 shall enter into an agreement to effectuate the re-  
11 turn of functions required by the amendments made  
12 by this section.

13 (2) USE OF CERTAIN EMPLOYEES.—The agree-  
14 ment may include authority for the Secretary of Ag-  
15 riculture to use employees of the Department of  
16 Homeland Security to carry out authorities dele-  
17 gated to the Animal and Plant Health Inspection  
18 Service regarding the protection of domestic live-  
19 stock and plants.

20 (d) RESTORATION OF DEPARTMENT OF AGRI-  
21 CULTURE EMPLOYEES.—Not later than the effective date  
22 described in subsection (e), all full-time equivalent posi-  
23 tions of the Department of Agriculture transferred to the  
24 Department of Homeland Security under section 421(g)  
25 of the Homeland Security Act of 2002 (6 U.S.C. 231(g))

1 (as in effect on the day before the effective date described  
2 in subsection (g)) shall be restored to the Department of  
3 Agriculture.

4 (e) AUTHORITY OF APHIS.—

5 (1) ESTABLISHMENT OF PROGRAM.—The Sec-  
6 retary of Agriculture shall establish within the Ani-  
7 mal and Plant Health Inspection Service a program,  
8 to be known as the “International Agricultural In-  
9 spection Program”, under which the Administrator  
10 of the Animal and Plant Health Inspection Service  
11 (referred to in this subsection as the “Adminis-  
12 trator”) shall carry out import and entry agricul-  
13 tural inspections.

14 (2) INFORMATION GATHERING AND INSPEC-  
15 TIONS.—In carrying out the program under para-  
16 graph (1), the Administrator shall have full access  
17 to—

18 (A) each secure area of any terminal for  
19 screening passengers or cargo under the control  
20 of the Department of Homeland Security on the  
21 day before the date of enactment of this Act for  
22 purposes of carrying out inspections and gath-  
23 ering information; and

24 (B) each database (including any database  
25 relating to cargo manifests or employee and

1 business records) under the control of the De-  
2 partment of Homeland Security on the day be-  
3 fore the date of enactment of this Act for pur-  
4 poses of gathering information.

5 (3) INSPECTION ALERTS.—The Administrator  
6 may issue inspection alerts, including by indicating  
7 cargo to be held for immediate inspection.

8 (4) INSPECTION USER FEES.—The Adminis-  
9 trator may, as applicable—

10 (A) continue to collect any agricultural  
11 quarantine inspection user fee; and

12 (B) administer any reserve account for the  
13 fees.

14 (5) CAREER TRACK PROGRAM.—

15 (A) IN GENERAL.—The Administrator  
16 shall establish a program, to be known as the  
17 “import and entry agriculture inspector career  
18 track program”, to support the development of  
19 long-term career professionals with expertise in  
20 import and entry agriculture inspection.

21 (B) STRATEGIC PLAN AND TRAINING.—In  
22 carrying out the program under this paragraph,  
23 the Administrator, in coordination with the Sec-  
24 retary of Agriculture, shall—

1 (i) develop a strategic plan to incor-  
2 porate import and entry agricultural in-  
3 spectors into the infrastructure protecting  
4 food, fiber, forests, bioenergy, and the en-  
5 vironment of the United States from ani-  
6 mal and plant pests, diseases, and noxious  
7 weeds; and

8 (ii) as part of the plan under clause  
9 (i), provide training for import and entry  
10 agricultural inspectors participating in the  
11 program not less frequently than once each  
12 year to improve inspection skills

13 (f) DUTIES OF SECRETARY.—

14 (1) IN GENERAL.—The Secretary of Agriculture  
15 (referred to in this subsection as the “Secretary”)  
16 shall—

17 (A) develop standard operating procedures  
18 for inspection, monitoring, and auditing relating  
19 to import and entry agricultural inspections, in  
20 accordance with recommendations from the  
21 Comptroller General of the United States and  
22 reports of interagency advisory groups, as appli-  
23 cable; and

24 (B) ensure that the Animal and Plant  
25 Health Inspection Service has a national elec-

1           tronic system with real-time tracking capability  
2           for monitoring, tracking, and reporting inspec-  
3           tion activities of the Service.

4           (2) FEDERAL AND STATE COOPERATION.—

5                 (A) COMMUNICATION SYSTEM.—The Sec-  
6           retary shall develop and maintain an integrated,  
7           real-time communication system with respect to  
8           import and entry agricultural inspections to  
9           alert State departments of agriculture of sig-  
10          nificant inspection findings of the Animal and  
11          Plant Health Inspection Service.

12                 (B) ADVISORY COMMITTEE.—

13                     (i) ESTABLISHMENT.—The Secretary  
14           shall establish a committee, to be known as  
15           the “International Trade Inspection Advi-  
16           sory Committee” (referred to in this sub-  
17           paragraph as the “committee”), to advise  
18           the Secretary on policies and other issues  
19           relating to import and entry agricultural  
20           inspection.

21                     (ii) MODEL.—In establishing the com-  
22           mittee, the Secretary shall use as a model  
23           the Agricultural Trade Advisory Com-  
24           mittee.

1 (iii) MEMBERSHIP.—The committee  
2 shall be composed of members rep-  
3 resenting—

4 (I) State departments of agri-  
5 culture;

6 (II) directors of ports and air-  
7 ports in the United States;

8 (III) the transportation industry;

9 (IV) the public; and

10 (V) such other entities as the  
11 Secretary determines to be appro-  
12 priate.

13 (3) REPORT.—Not less frequently than once  
14 each year, the Secretary shall submit to Congress a  
15 report containing an assessment of—

16 (A) the resource needs for import and  
17 entry agricultural inspection, including the  
18 number of inspectors required;

19 (B) the adequacy of—

20 (i) inspection and monitoring proce-  
21 dures and facilities in the United States;  
22 and

23 (ii) the strategic plan developed under  
24 subsection (e)(5)(B)(i); and

1           (C) new and potential technologies and  
2           practices, including recommendations regarding  
3           the technologies and practices, to improve im-  
4           port and entry agricultural inspection.

5           (4) FUNDING.—The Secretary shall pay the  
6           costs of each import and entry agricultural inspector  
7           employed by the Animal and Plant Health Inspec-  
8           tion Service—

9           (A) from amounts made available to the  
10          Department of Agriculture for the applicable  
11          fiscal year; or

12          (B) if amounts described in subparagraph  
13          (A) are unavailable, from amounts of the Com-  
14          modity Credit Corporation.

15          (g) EFFECTIVE DATE.—The amendments made by  
16          this section take effect on the date that is 180 days after  
17          the date of enactment of this Act.