

**AMENDMENT TO H.R. 2419, AS REPORTED
OFFERED BY MR. CARDOZA OF CALIFORNIA**

At the end of subtitle E of title X add the following
new section:

1 **SEC. ____.** RESTORATION OF IMPORT AND ENTRY AGRICUL-
2 TURAL INSPECTION FUNCTIONS TO THE DE-
3 PARTMENT OF AGRICULTURE.

4 (a) REPEAL OF TRANSFER OF FUNCTIONS.—Section
5 421 of the Homeland Security Act of 2002 (6 U.S.C. 231)
6 is repealed.

7 (b) CONFORMING AMENDMENT TO FUNCTIONS OF
8 SECRETARY OF HOMELAND SECURITY.—Section 402 of
9 the Homeland Security Act of 2002 (6 U.S.C. 202) is
10 amended—

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

12 (2) by redesignating paragraph (8) as para-
13 graph (7).

14 (c) TRANSFER AGREEMENT.—

15 (1) IN GENERAL.—Not later than the effective
16 date specified in subsection (g), the Secretary of Ag-
17 riculture and the Secretary of Homeland Security
18 shall enter into an agreement to effectuate the re-

1 turn of functions required by the amendments made
2 by this section.

3 (2) USE OF CERTAIN EMPLOYEES.—The agree-
4 ment may include authority for the Secretary of Ag-
5 riculture to use employees of the Department of
6 Homeland Security to carry out authorities dele-
7 gated to the Animal and Plant Health Inspection
8 Service regarding the protection of domestic live-
9 stock and plants.

10 (d) RESTORATION OF DEPARTMENT OF AGRI-
11 CULTURE EMPLOYEES.—Not later than the effective date
12 specified in subsection (g), all full-time equivalent posi-
13 tions of the Department of Agriculture transferred to the
14 Department of Homeland Security under section 421(g)
15 of the Homeland Security Act of 2002 (6 U.S.C. 231(g))
16 (as in effect on the day before such effective date) shall
17 be restored to the Department of Agriculture.

18 (e) AUTHORITY OF APHIS.—

19 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
20 retary of Agriculture shall establish within the Ani-
21 mal and Plant Health Inspection Service a program,
22 to be known as the “International Agricultural In-
23 spection Program”, under which the Administrator
24 of the Animal and Plant Health Inspection Service
25 (referred to in this subsection as the “Adminis-

1 trator'') shall carry out import and entry agricul-
2 tural inspections.

3 (2) INFORMATION GATHERING AND INSPEC-
4 TIONS.—In carrying out the program under para-
5 graph (1), the Administrator shall have full access
6 to—

7 (A) each secure area of any terminal for
8 screening passengers or cargo under the control
9 of the Department of Homeland Security on the
10 day before the date of enactment of this Act for
11 purposes of carrying out inspections and gath-
12 ering information; and

13 (B) each database (including any database
14 relating to cargo manifests or employee and
15 business records) under the control of the De-
16 partment of Homeland Security on the day be-
17 fore the date of enactment of this Act for pur-
18 poses of gathering information.

19 (3) INSPECTION ALERTS.—The Administrator
20 may issue inspection alerts, including by indicating
21 cargo to be held for immediate inspection.

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

24 (A) continue to collect any agricultural
25 quarantine inspection user fee; and

1 (B) administer any reserve account for the
2 fees.

3 (5) CAREER TRACK PROGRAM.—

4 (A) IN GENERAL.—The Administrator
5 shall establish a program, to be known as the
6 “import and entry agriculture inspector career
7 track program”, to support the development of
8 long-term career professionals with expertise in
9 import and entry agriculture inspection.

10 (B) STRATEGIC PLAN AND TRAINING.—In
11 carrying out the program under this paragraph,
12 the Administrator, in coordination with the Sec-
13 retary of Agriculture, shall—

14 (i) develop a strategic plan to incor-
15 porate import and entry agricultural in-
16 spectors into the infrastructure protecting
17 food, fiber, forests, bioenergy, and the en-
18 vironment of the United States from ani-
19 mal and plant pests, diseases, and noxious
20 weeds; and

21 (ii) as part of the plan under clause
22 (i), provide training for import and entry
23 agricultural inspectors participating in the
24 program not less frequently than once each
25 year to improve inspection skills.

1 (f) DUTIES OF SECRETARY OF AGRICULTURE.—

2 (1) OPERATING PROCEDURES AND TRACKING
3 SYSTEM.—The Secretary of Agriculture shall—

4 (A) develop standard operating procedures
5 for inspection, monitoring, and auditing relating
6 to import and entry agricultural inspections, in
7 accordance with recommendations from the
8 Comptroller General of the United States and
9 reports of interagency advisory groups, as appli-
10 cable; and

11 (B) ensure that the Animal and Plant
12 Health Inspection Service has a national elec-
13 tronic system with real-time tracking capability
14 for monitoring, tracking, and reporting inspec-
15 tion activities of the Service.

16 (2) FEDERAL AND STATE COOPERATION.—

17 (A) COMMUNICATION SYSTEM.—The Sec-
18 retary of Agriculture shall develop and maintain
19 an integrated, real-time communication system
20 with respect to import and entry agricultural
21 inspections to alert State departments of agri-
22 culture of significant inspection findings of the
23 Animal and Plant Health Inspection Service.

24 (3) FUNDING.—The Secretary of Agriculture
25 shall pay the costs of each import and entry agricul-

1 tural inspector employed by the Animal and Plant
2 Health Inspection Service from amounts made avail-
3 able to the Department of Agriculture for the appli-
4 cable fiscal year.

5 (g) REPORT.—Not later than one year after the date
6 of the enactment of this Act, and at least annually there-
7 after, the Secretary shall submit to Congress a report con-
8 taining an assessment of—

9 (1) the resource needs for import and entry ag-
10 ricultural inspection, including the number of inspec-
11 tors required;

12 (2) the adequacy of—

13 (A) inspection and monitoring procedures
14 and facilities in the United States; and

15 (B) the strategic plan developed under sub-
16 section (e)(5)(B)(i); and

17 (3) new and potential technologies and prac-
18 tices, including recommendations regarding the tech-
19 nologies and practices, to improve import and entry
20 agricultural inspection.

21 (h) EFFECTIVE DATE.—The amendments made by
22 this section take effect on the date that is 180 days after
23 the date of enactment of this Act.