

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

At the end of subtitle E of title X of the bill, add
the following:

1 **SEC. 10406. RESTORATION OF IMPORT AND ENTRY AGRI-**
2 **CULTURAL INSPECTION FUNCTIONS TO THE**
3 **DEPARTMENT OF AGRICULTURE.**

4 (a) **EFFECTIVE DATE.**—

5 (1) **IN GENERAL.**—If the Secretary of Agri-
6 culture determines pursuant to paragraph (2) that
7 the recommendations in the Report of the Animal
8 and Plant Health Inspection Service—Customs and
9 Border Protection Joint Task Force on Improved
10 Agriculture Inspection, dated June 2007, have not
11 been fully implemented, this section shall take effect
12 on the date that is 180 days after the date of the
13 issuance of such determination. If the Secretary de-
14 termines pursuant to paragraph (2) that such rec-
15 ommendations have been fully implemented, this sec-
16 tion shall not take effect.

17 (2) **DETERMINATION.**—On the date that is 1
18 year after the date of the enactment of this Act, the
19 Secretary of Agriculture shall issue a determination

1 as to whether the recommendations described in
2 paragraph (1) have been fully implemented.

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5 is repealed.

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

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

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

13 (d) TRANSFER AGREEMENT.—

14 (1) IN GENERAL.—Not later than the effective
15 date specified in subsection (a), the Secretary of Ag-
16 riculture and the Secretary of Homeland Security
17 shall enter into an agreement to effectuate the re-
18 turn of functions required by the amendments made
19 by this section.

20 (2) USE OF CERTAIN EMPLOYEES.—The agree-
21 ment may include authority for the Secretary of Ag-
22 riculture to use employees of the Department of
23 Homeland Security to carry out authorities dele-
24 gated to the Animal and Plant Health Inspection

1 Service regarding the protection of domestic live-
2 stock and plants.

3 (e) RESTORATION OF DEPARTMENT OF AGRI-
4 CULTURE EMPLOYEES.—Not later than the effective date
5 specified in subsection (a), all full-time equivalent posi-
6 tions of the Department of Agriculture transferred to the
7 Department of Homeland Security under section 421(g)
8 of the Homeland Security Act of 2002 (6 U.S.C. 231(g))
9 (as in effect on the day before such effective date) shall
10 be restored to the Department of Agriculture.

11 (f) AUTHORITY OF APHIS.—

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

21 (2) INFORMATION GATHERING AND INSPEC-
22 TIONS.—In carrying out the program under para-
23 graph (1), the Administrator shall have full access
24 to—

1 (A) each secure area of any terminal for
2 screening passengers or cargo under the control
3 of the Department of Homeland Security on the
4 day before the date of enactment of this Act for
5 purposes of carrying out inspections and gath-
6 ering information; and

7 (B) each database (including any database
8 relating to cargo manifests or employee and
9 business records) under the control of the De-
10 partment of Homeland Security on the day be-
11 fore the date of enactment of this Act for pur-
12 poses of gathering information.

13 (3) INSPECTION ALERTS.—The Administrator
14 may issue inspection alerts, including by indicating
15 cargo to be held for immediate inspection.

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

18 (A) continue to collect any agricultural
19 quarantine inspection user fee; and

20 (B) administer any reserve account for the
21 fees.

22 (5) CAREER TRACK PROGRAM.—

23 (A) IN GENERAL.—The Administrator
24 shall establish a program, to be known as the
25 “import and entry agriculture inspector career

1 track program”, to support the development of
2 long-term career professionals with expertise in
3 import and entry agriculture inspection.

4 (B) STRATEGIC PLAN AND TRAINING.—In
5 carrying out the program under this paragraph,
6 the Administrator, in coordination with the Sec-
7 retary of Agriculture, shall—

8 (i) develop a strategic plan to incor-
9 porate import and entry agricultural in-
10 spectors into the infrastructure protecting
11 food, fiber, forests, bioenergy, and the en-
12 vironment of the United States from ani-
13 mal and plant pests, diseases, and noxious
14 weeds; and

15 (ii) as part of the plan under clause
16 (i), provide training for import and entry
17 agricultural inspectors participating in the
18 program not less frequently than once each
19 year to improve inspection skills.

20 (g) DUTIES OF SECRETARY OF AGRICULTURE.—

21 (1) OPERATING PROCEDURES AND TRACKING
22 SYSTEM.—The Secretary of Agriculture shall—

23 (A) develop standard operating procedures
24 for inspection, monitoring, and auditing relating
25 to import and entry agricultural inspections, in

1 accordance with recommendations from the
2 Comptroller General of the United States and
3 reports of interagency advisory groups, as appli-
4 cable; and

5 (B) ensure that the Animal and Plant
6 Health Inspection Service has a national elec-
7 tronic system with real-time tracking capability
8 for monitoring, tracking, and reporting inspec-
9 tion activities of the Service.

10 (2) FEDERAL AND STATE COOPERATION.—

11 (A) COMMUNICATION SYSTEM.—The Sec-
12 retary of Agriculture shall develop and maintain
13 an integrated, real-time communication system
14 with respect to import and entry agricultural
15 inspections to alert State departments of agri-
16 culture of significant inspection findings of the
17 Animal and Plant Health Inspection Service.

18 (3) FUNDING.—The Secretary of Agriculture
19 shall pay the costs of each import and entry agricul-
20 tural inspector employed by the Animal and Plant
21 Health Inspection Service from amounts made avail-
22 able to the Department of Agriculture for the appli-
23 cable fiscal year.