

110TH CONGRESS
1ST SESSION

S. 887

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

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2007

Mrs. FEINSTEIN (for herself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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8 is repealed.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 AGRICUL-
21 TURE 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

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.

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.

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.