

110TH CONGRESS
1ST SESSION

H. R. 2629

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2007

Mr. PUTNAM introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Border
5 Safeguard Protection Act”.

1 **SEC. 2. 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6 is repealed.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 FUNCTION 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 described in subsection (g), the Secretary of
17 Agriculture and the Secretary of Homeland Security
18 shall enter into an agreement to effectuate the re-
19 turn of functions required by the amendments made
20 by this section.

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

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

3 (d) RESTORATION OF DEPARTMENT OF AGRI-
4 CULTURE EMPLOYEES.—Not later than the effective date
5 described in subsection (g) of this section, all full-time
6 equivalent positions of the Department of Agriculture
7 transferred to the Department of Homeland Security
8 under section 421(g) of the Homeland Security Act of
9 2002 (6 U.S.C. 231(g)) shall be restored to the Depart-
10 ment of Agriculture.

11 (e) AUTHORITY OF ANIMAL AND PLANT HEALTH IN-
12 SPECTION SERVICE REGARDING INSPECTION USER
13 FEES.—The Administrator of the Animal and Plant
14 Health Inspection Service may, as applicable—

15 (1) continue to collect any agricultural quar-
16 antine inspection user fee; and

17 (2) administer any reserve account for the fees.

18 (f) DUTIES OF SECRETARY OF AGRICULTURE.—

19 (1) IN GENERAL.—The Secretary of Agriculture
20 (referred to in this subsection as the “Secretary”)
21 shall—

22 (A) develop standard operating procedures
23 for inspection, monitoring, and auditing relating
24 to import and entry agricultural inspections, in
25 accordance with recommendations from the

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

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

9 (2) FEDERAL AND STATE COOPERATION.—

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

17 (B) ADVISORY COMMITTEE.—

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

1 (ii) MODEL.—In establishing the com-
2 mittee, the Secretary shall use as a model
3 the Agricultural Trade Advisory Com-
4 mittee.

5 (iii) MEMBERSHIP.—The committee
6 shall be composed of members rep-
7 resenting—

8 (I) State departments of agri-
9 culture;

10 (II) directors of ports and air-
11 ports in the United States;

12 (III) the transportation industry;

13 (IV) the public; and

14 (V) such other entities as the
15 Secretary determines to be appro-
16 priate.

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

20 (A) the resource needs for import and
21 entry agricultural inspection, including the
22 number of inspectors required;

23 (B) the adequacy of inspection and moni-
24 toring procedures and facilities in the United
25 States; 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-
14modity Credit Cooperation.

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.

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