

Homeland Security Act of 2002 which comprises this chapter.

§ 225. Reports, evaluations, and research regarding drug interdiction at and between ports of entry

(a) Research on additional technologies to detect fentanyl

Not later than one year after December 23, 2022, the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall research additional technological solutions to—

(1) target and detect illicit fentanyl, fentanyl analogs, and precursor chemicals, including low-purity fentanyl, especially in counterfeit pressed tablets, and illicit pill press molds; and

(2) enhance detection of such counterfeit pressed tablets through noninvasive, noninvasive, and other advanced screening technologies.

(b) Evaluation of current technologies and strategies in illicit drug interdiction and procurement decisions

(1) In general

The Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall establish a program to collect available data and develop metrics to measure how technologies and strategies used by the Department of Homeland Security, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal agencies have helped detect trafficked illicit fentanyl, fentanyl analogs, and precursor chemicals or deter illicit fentanyl, fentanyl analogs, and precursor chemicals from being trafficked into the United States at and between land, air, and sea ports of entry.

(2) Considerations

The data and metrics program established pursuant to paragraph (1) may consider—

(A) the rate of detection of illicit fentanyl, fentanyl analogs, and precursor chemicals at land, air, and sea ports of entry;

(B) investigations and intelligence sharing into the origins of illicit fentanyl, fentanyl analogs, and precursor chemicals within the United States; and

(C) other data or metrics considered appropriate by the Secretary of Homeland Security.

(3) Updates

The Secretary of Homeland Security, as appropriate and in the coordination with the officials referred to in paragraph (1), may update the data and metrics program established pursuant to paragraph (1).

(4) Reports

(A) Secretary of Homeland Security

Not later than one year after December 23, 2022, and biennially thereafter, the Sec-

retary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy shall, based on the data collected and metrics developed pursuant to the program established pursuant to paragraph (1), submit to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate a report that—

(i) examines and analyzes current technologies, including pilot technologies, deployed at land, air, and sea ports of entry to assess how well such technologies detect, deter, and address illicit fentanyl, fentanyl analogs, and precursor chemicals; and

(ii) examines and analyzes current technologies, including pilot technologies, deployed between land ports of entry to assess how well and accurately such technologies detect, deter, interdict, and address illicit fentanyl, fentanyl analogs, and precursor chemicals;¹

(B) Government Accountability Office

Not later than one year after the submission of each of the first three reports required under subparagraph (A), the Comptroller General of the United States shall submit to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate a report that evaluates and, as appropriate, makes recommendations to improve, the collection of data under the program established pursuant to paragraph (1) and metrics used in the subsequent reports required under such subparagraph.

(Pub. L. 117-263, div. G, title LXXI, § 7136, Dec. 23, 2022, 136 Stat. 3650.)

Editorial Notes

CODIFICATION

Section was enacted as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 226. Ensuring timely updates to U.S. Customs and Border Protection field manuals

(a) In general

Not less frequently than triennially, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the

¹ So in original. The semicolon probably should be a period.

current policies and manuals of the Office of Field Operations related to inspections at ports of entry to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise illegal activity, such as the smuggling of drugs and humans, along the border.

(b) Reporting requirement

Shortly after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that summarizes the policy and manual changes implemented by such update.

(Pub. L. 118–43, §2, Mar. 18, 2024, 138 Stat. 453.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Eradicating Narcotic Drugs and Formulating Effective New Tools to Address National Yearly Losses of life Act, also known as the END FENTANYL Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

PART C—MISCELLANEOUS PROVISIONS

§ 231. Transfer of certain agricultural inspection functions of the Department of Agriculture

(a) Transfer of agricultural import and entry inspection functions

There shall be transferred to the Secretary the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under the laws specified in subsection (b).

(b) Covered animal and plant protection laws

The laws referred to in subsection (a) are the following:

- (1) The Act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading “Bureau of Animal Industry” in the Act of March 4, 1913; 21 U.S.C. 151 et seq.).
- (2) Section 1 of the Act of August 31, 1922 (commonly known as the Honeybee Act; 7 U.S.C. 281).
- (3) Title III of the Federal Seed Act (7 U.S.C. 1581 et seq.).
- (4) The Plant Protection Act (7 U.S.C. 7701 et seq.).
- (5) The Animal Health Protection Act (subtitle E of title X of Public Law 107–171; 7 U.S.C. 8301 et seq.).
- (6) The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).
- (7) Section 11 of the Endangered Species Act of 1973 (16 U.S.C. 1540).

(c) Exclusion of quarantine activities

For purposes of this section, the term “functions” does not include any quarantine activities carried out under the laws specified in subsection (b).

(d) Effect of transfer

(1) Compliance with Department of Agriculture regulations

The authority transferred pursuant to subsection (a) shall be exercised by the Secretary

in accordance with the regulations, policies, and procedures issued by the Secretary of Agriculture regarding the administration of the laws specified in subsection (b).

(2) Rulemaking coordination

The Secretary of Agriculture shall coordinate with the Secretary whenever the Secretary of Agriculture prescribes regulations, policies, or procedures for administering the functions transferred under subsection (a) under a law specified in subsection (b).

(3) Effective administration

The Secretary, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as are necessary to ensure the effective use of personnel of the Department of Homeland Security to carry out the functions transferred pursuant to subsection (a).

(e) Transfer agreement

(1) Agreement required; revision

Before the end of the transition period, as defined in section 541 of this title, the Secretary of Agriculture and the Secretary shall enter into an agreement to effectuate the transfer of functions required by subsection (a) of this section. The Secretary of Agriculture and the Secretary may jointly revise the agreement as necessary thereafter.

(2) Required terms

The agreement required by this subsection shall specifically address the following:

- (A) The supervision by the Secretary of Agriculture of the training of employees of the Secretary to carry out the functions transferred pursuant to subsection (a).
- (B) The transfer of funds to the Secretary under subsection (f).

(3) Cooperation and reciprocity

The Secretary of Agriculture and the Secretary may include as part of the agreement the following:

- (A) Authority for the Secretary to perform functions delegated to the Animal and Plant Health Inspection Service of the Department of Agriculture regarding the protection of domestic livestock and plants, but not transferred to the Secretary pursuant to subsection (a).
- (B) Authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(f) Periodic transfer of funds to Department of Homeland Security

(1) Transfer of funds

Out of funds collected by fees authorized under sections 136 and 136a of title 21, the Secretary of Agriculture shall transfer, from time to time in accordance with the agreement under subsection (e), to the Secretary funds for activities carried out by the Secretary for which such fees were collected.

(2) Limitation

The proportion of fees collected pursuant to such sections that are transferred to the Sec-