

Calendar No. 553

112TH CONGRESS
2D SESSION

S. 1673

[Report No. 112-240]

To establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2011

Mr. AKAKA (for himself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, and Mr. CARPER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 26, 2012

Reported by Mr. LIEBERMAN, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italics]

A BILL

To establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safeguarding Amer-
3 ican Agriculture Act of 2011”.

4 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF AGRICULTURE**
5 **INSPECTION.**

6 Title IV of the Homeland Security Act of 2002 (6
7 U.S.C. 201 et seq.) is amended by inserting after section
8 421 the following:

9 **“SEC. 421A. OFFICE OF AGRICULTURE INSPECTION.**

10 **“(a) ESTABLISHMENT.—**There is established within
11 U.S. Customs and Border Protection an Office of Agri-
12 culture Inspection, which shall be headed by an Assistant
13 Commissioner.

14 **“(b) AGRICULTURE SPECIALIST CAREER TRACK.—**

15 **“(1) IN GENERAL.—**The Secretary, acting
16 through the Commissioner of U.S. Customs and
17 Border Protection, and in consultation with the As-
18 sistant Commissioner for Agriculture Inspection—

19 **“(A)** shall identify appropriate career
20 paths for customs and border protection agri-
21 culture specialists, including the education,
22 training, experience, and assignments necessary
23 for career progression within U.S. Customs and
24 Border Protection;

25 **“(B)** shall publish information on the ea-
26 rier paths identified under paragraph (1); and

1 “(C) may establish criteria by which ap-
2 propriately qualified customs and border protec-
3 tion technicians may be promoted to customs
4 and border protection agriculture specialists.

5 “(e) EDUCATION, TRAINING, AND EXPERIENCE.—
6 The Secretary, acting through the Commissioner of U.S.
7 Customs and Border Protection, and in consultation with
8 the Assistant Commissioner for Agriculture Inspection,
9 shall provide customs and border protection agriculture
10 specialists the opportunity to acquire the education, train-
11 ing, and experience necessary to qualify for promotion
12 within U.S. Customs and Border Protection.

13 “(d) AGRICULTURE SPECIALIST RECRUITMENT AND
14 RETENTION.—Not later than 270 days after the date of
15 the enactment of the Safeguarding American Agriculture
16 Act of 2011, the Secretary, acting through the Commis-
17 sioner of U.S. Customs and Border Protection, and in con-
18 sultation with the Assistant Commissioner for Agriculture
19 Inspection, shall develop a plan to more effectively recruit
20 and retain qualified customs and border protection agri-
21 culture specialists. The plan shall include—

22 “(1) numerical goals for recruitment and reten-
23 tion; and

1 “(2) the use of recruitment incentives, as ap-
2 propriate and permissible under existing laws and
3 regulations.

4 “(e) EQUIPMENT SUPPORT.—Not later than 270
5 days after the date of the enactment of the Safeguarding
6 American Agriculture Act of 2011, the Commissioner of
7 U.S. Customs and Border Protection, in consultation with
8 the Assistant Commissioner for Agriculture Inspection,
9 shall—

10 “(1) determine the minimum equipment and
11 other resources that are necessary at U.S. Customs
12 and Border Protection agriculture inspection sta-
13 tions and facilities to enable customs and border
14 protection agriculture specialists to fully and effec-
15 tively carry out their mission;

16 “(2) complete an inventory of the equipment
17 and other resources available at each U.S. Customs
18 and Border Protection agriculture inspection station
19 and facility;

20 “(3) identify the necessary equipment and other
21 resources that are not currently available at agri-
22 culture inspection stations and facilities; and

23 “(4) develop a plan to address any resource de-
24 ficiencies identified under paragraph (3).

1 “(f) INTERAGENCY ROTATION PROGRAM.—The Sec-
2 retary of Homeland Security and the Secretary of Agri-
3 culture are authorized to enter into an agreement that—

4 “(1) establishes an interagency rotation pro-
5 gram; and

6 “(2) provides for personnel of the Animal and
7 Plant Health Inspection Service of the Department
8 of Agriculture to take rotational assignments within
9 the Office of Agriculture Inspection and vice versa
10 for the purposes of strengthening working relation-
11 ships between agencies and promoting interagency
12 experience.”.

13 **SEC. 3. REPORT.**

14 Not later than 270 days after the date of the enact-
15 ment of this Act, the Secretary, acting through the Com-
16 missioner of U.S. Customs and Border Protection, and in
17 consultation with the Assistant Commissioner for Agri-
18 culture Inspection, shall submit a report to the Committee
19 on Homeland Security and Governmental Affairs of the
20 Senate and that Committee on Homeland Security of the
21 House of Representatives that describes—

22 (1) the status of the implementation of the ac-
23 tion plans developed by the Animal and Plant
24 Health Inspection Service—U.S. Customs and Border

1 Protection Joint Task Force on Improved Agri-
 2 culture Inspection;

3 ~~(2)~~ the findings of the Commissioner under
 4 paragraphs ~~(1)~~, ~~(2)~~, and ~~(3)~~ of section 421a(e) of
 5 the Homeland Security Act of 2002, as added by
 6 section 2; and

7 ~~(3)~~ the plan described in paragraph ~~(4)~~ of such
 8 section 421a(e).

9 ~~(4)~~ the implementation of the remaining re-
 10 quirements under such section 421a; and

11 ~~(5)~~ any additional legal authority that the Sec-
 12 retary determines to be necessary to effectively carry
 13 out the agriculture inspection mission of the Depart-
 14 ment of Homeland Security.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Safeguarding American*
 17 *Agriculture Act of 2012”.*

18 **SEC. 2. ENHANCED AGRICULTURAL INSPECTION FUNC-**
 19 **TIONS.**

20 *Title IV of the Homeland Security Act of 2002 (6*
 21 *U.S.C. 201 et seq.) is amended by inserting after section*
 22 *421 the following:*

23 **“SEC. 421a. AGRICULTURE SPECIALISTS.**

24 **“(a) AGRICULTURE SPECIALIST CAREER TRACK.—**

1 “(1) *IN GENERAL.*—*The Secretary, acting*
2 *through the Commissioner of U.S. Customs and Bor-*
3 *der Protection—*

4 “(A) *shall identify appropriate career paths*
5 *for customs and border protection agriculture*
6 *specialists, including the education, training, ex-*
7 *perience, and assignments necessary for career*
8 *progression within U.S. Customs and Border*
9 *Protection;*

10 “(B) *shall publish information on the career*
11 *paths identified under subparagraph (A); and*

12 “(C) *may establish criteria by which appro-*
13 *priately qualified customs and border protection*
14 *technicians may be promoted to customs and*
15 *border protection agriculture specialists.*

16 “(b) *EDUCATION, TRAINING, AND EXPERIENCE.*—*The*
17 *Secretary, acting through the Commissioner of U.S. Cus-*
18 *toms and Border Protection, shall provide customs and bor-*
19 *der protection agriculture specialists the opportunity to ac-*
20 *quire the education, training, and experience necessary to*
21 *qualify for promotion within U.S. Customs and Border*
22 *Protection.*

23 “(c) *AGRICULTURE SPECIALIST RECRUITMENT AND*
24 *RETENTION.*—*Not later than 270 days after the date of the*
25 *enactment of the Safeguarding American Agriculture Act*

1 *of 2012, the Secretary, acting through the Commissioner of*
2 *U.S. Customs and Border Protection, shall develop a plan*
3 *to more effectively recruit and retain qualified customs and*
4 *border protection agriculture specialists. The plan shall in-*
5 *clude—*

6 “(1) *numerical goals for recruitment and reten-*
7 *tion; and*

8 “(2) *the use of recruitment incentives, as appro-*
9 *priate and permissible under existing laws and regu-*
10 *lations.*

11 “(d) *EQUIPMENT SUPPORT.—Not later than 270 days*
12 *after the date of the enactment of the Safeguarding Amer-*
13 *ican Agriculture Act of 2012, the Commissioner of U.S.*
14 *Customs and Border Protection shall—*

15 “(1) *determine the minimum equipment and*
16 *other resources that are necessary at U.S. Customs*
17 *and Border Protection agriculture inspection stations*
18 *and facilities to enable customs and border protection*
19 *agriculture specialists to fully and effectively carry*
20 *out their mission;*

21 “(2) *complete an inventory of the equipment and*
22 *other resources available at each U.S. Customs and*
23 *Border Protection agriculture inspection station and*
24 *facility;*

1 “(3) identify the necessary equipment and other
2 resources that are not currently available at agri-
3 culture inspection stations and facilities; and

4 “(4) develop a plan to address any resource defi-
5 ciencies identified under paragraph (3).

6 “(e) *INTERAGENCY ROTATIONS*.—The Secretary of
7 Homeland Security and the Secretary of Agriculture are
8 authorized to enter into an agreement that—

9 “(1) establishes an interagency rotation; and

10 “(2) provides for personnel of the Animal and
11 Plant Health Inspection Service of the Department of
12 Agriculture to take rotational assignments within
13 U.S. Customs and Border Protection and vice versa
14 for the purposes of strengthening working relation-
15 ships between agencies and promoting interagency ex-
16 perience.”.

17 **SEC. 3. REPORT.**

18 Not later than 270 days after the date of the enactment
19 of this Act, the Secretary of Homeland Security, acting
20 through the Commissioner of U.S. Customs and Border Pro-
21 tection, shall submit a report to the Committee on Home-
22 land Security and Governmental Affairs of the Senate and
23 the Committee on Homeland Security of the House of Rep-
24 resentatives that describes—

1 (1) *the status of the implementation of the action*
2 *plans developed by the Animal and Plant Health In-*
3 *spection Service-U.S. Customs and Border Protection*
4 *Joint Task Force on Improved Agriculture Inspection;*

5 (2) *the findings of the Commissioner under para-*
6 *graphs (1), (2), and (3) of section 421a(d) of the*
7 *Homeland Security Act of 2002, as added by section*
8 *2; and*

9 (3) *the plan described in paragraph (4) of such*
10 *section 421a(d).*

11 (4) *the implementation of the remaining require-*
12 *ments under such section 421a; and*

13 (5) *any additional legal authority that the Sec-*
14 *retary determines to be necessary to effectively carry*
15 *out the agriculture inspection mission of the Depart-*
16 *ment of Homeland Security.*

Amend the title so as to read: “A bill to enhance agricultural import and entry inspection functions, and for other purposes.”.

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To establish the Office of Agricutture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agricutture Inspection, and for other purposes.

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