

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

Mr. AKAKA (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on

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**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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF AGRICULTURE**  
2 **INSPECTION.**

3 Title IV of the Homeland Security Act of 2002 (6  
4 U.S.C. 201 et seq.) is amended by inserting after section  
5 421 the following:

6 **“SEC. 421a. OFFICE OF AGRICULTURE INSPECTION.**

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

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

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

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

22 “(B) shall publish information on the ca-  
23 reer paths identified under paragraph (1); and

24 “(C) may establish criteria by which ap-  
25 propriately qualified customs and border protec-

1           tion technicians may be promoted to customs  
2           and border protection agriculture specialists.

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

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

20           “(1) numerical goals for recruitment and reten-  
21           tion; and

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

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

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

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

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

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

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

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

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

10 **SEC. 3. REPORT.**

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

19           (1) the status of the implementation of the ac-  
20           tion plans developed by the Animal and Plant  
21           Health Inspection Service-U.S. Customs and Border  
22           Protection Joint Task Force on Improved Agri-  
23           culture Inspection;

24           (2) the findings of the Commissioner under  
25           paragraphs (1), (2), and (3) of section 421a(e) of

1 the Homeland Security Act of 2002, as added by  
2 section 2; and

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

5 (4) the implementation of the remaining re-  
6 quirements under such section 421a; and

7 (5) any additional legal authority that the Sec-  
8 retary determines to be necessary to effectively carry  
9 out the agriculture inspection mission of the Depart-  
10 ment of Homeland Security.