

ESTABLISHING A CHIEF VETERINARY OFFICER IN THE
DEPARTMENT OF HOMELAND SECURITY, AND FOR
OTHER PURPOSES

NOVEMBER 30, 2010.—Ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland
Security, submitted the following

R E P O R T

[To accompany H.R. 5105]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5105) to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. CHIEF VETERINARY OFFICER OF DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

“SEC. 317. CHIEF VETERINARY OFFICER.

“(a) IN GENERAL.—There is in the Department a Chief Veterinary Officer, who shall be appointed by the Secretary. The Chief Veterinary Officer shall report directly to the Chief Medical Officer, unless an individual other than the Assistant Secretary for Health Affairs is serving as the Chief Medical Officer, in which case the Chief Veterinary Officer shall report directly to the Assistant Secretary for Health Affairs.

“(b) QUALIFICATIONS.—The individual appointed as Chief Veterinary Officer shall be a veterinarian who possesses a demonstrated ability in and knowledge of veterinary public health and emergency preparedness, and other professional experience as determined by the Secretary, such as in agriculture, food defense, and disaster medicine.

“(c) RESPONSIBILITIES.—The Chief Veterinary Officer shall be the head of the division of the Department with primary responsibility for veterinary issues, food defense, and agriculture security, and shall have primary responsibility within the Department for responsibilities relating to veterinary medicine and veterinary public health, including each of the following:

“(1) Serving as the principal authority in the Department responsible for advising the Secretary, in coordination with the Assistant Secretary for Health Affairs, on veterinary public health, food defense, and agricultural security issues.

“(2) Providing guidance for the health and welfare of the Department’s working animals, including those used to enhance transportation, border, and maritime security, and for other purposes.

“(3) Leading the Department’s policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health.

“(4) Leading the Department’s policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism.

“(5) Serving as the principal point of contact in the Office of Health Affairs for all veterinary preparedness and response research and development.

“(6) Serving as the principal point of contact in the Office of Health Affairs for sharing homeland security veterinary medical information with Department officials, including all components with veterinary, food, or agricultural interests.

“(7) Serving as the principal point of contact within the Department with respect to veterinary homeland security issues for the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, and other Federal departments and agencies.

“(8) Serving as the principal point of contact within the Department with respect to veterinary homeland security issues for State, local, and tribal governments, the veterinary community, and other entities within and outside the Department.

“(9) Performing such other duties relating to such responsibilities as the Secretary may require.

“(d) REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year, the Chief Veterinary Officer shall submit to Congress a report on the state of the Department’s working animals during that fiscal year. Each such report shall include—

“(1) the number of animals in service to the Department during the fiscal year, including the component and mission of each such animal and the homeland security activities conducted by such animal;

“(2) an assessment of the overall health and welfare of the Department’s working animals during the fiscal year; and

“(3) a description of the activities of the Office during the fiscal year, including a description of any animal initiative or program conducted during such fiscal year, and for each such initiative or program—

“(A) the objectives of the initiative or program;

“(B) the species or genus of animals that are subject of the initiative or program;

“(C) the amount of resources used (including capital and human resources) for such initiative or program;

“(D) when the initiative or program will conclude or terminate; and

“(E) the degree of completion of the initiative or program.

“(e) ADVANCE NOTICE OF REORGANIZATION REQUIRED.—Not later than 180 days before carrying out any reorganization within the Department that would affect any responsibility of the Chief Veterinary Officer, the Secretary shall submit to the appropriate congressional committees a report on the proposed reorganization.”

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title III the following new item:

“Sec. 317. Chief Veterinary Officer.”

PURPOSE AND SUMMARY

The purpose of H.R. 5105 is to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

With the issuance of Homeland Security Presidential Directive 9 on January 30, 2004, then-President George W. Bush required the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, the Attorney General, and the Administrator of the Environmental Protection Agency, to ensure that “the combined Federal, State, and local response capabilities are adequate to respond quickly and effectively to a terrorist attack, major disease outbreak, or other disaster affecting the national agriculture or food infrastructure.” Subsequently, pursuant to the Post-Katrina Emergency Reform Act (P.L. 109–295; October 4, 2006), an Office of Health Affairs, managed by the Chief Medical Officer, was established within the Department of Homeland Security (DHS). Until early 2010, DHS maintained a Chief Veterinary Officer (CVO) within the Office of Health Affairs to work on veterinary issues, food defense, and agriculture security on behalf of the Department. Concerned that DHS would lose needed capabilities with respect to veterinary issues, Rep. Mike Rogers (R–AL) and Rep. Mary Jo Kilroy (D–OH) introduced H.R. 5105 on April 21, 2010. As introduced, H.R. 5105 requires DHS to maintain a Chief Veterinary Officer, who is a veterinarian possessing a demonstrated ability in and knowledge of veterinary public health and emergency preparedness, to carry out related responsibilities within DHS.

HEARINGS

The Committee did not hold any hearings on H.R. 5105. However, during the 109th Congress, the Subcommittee on Management, Investigations, and Oversight conducted a related field hearing on July 9, 2007 in Tunkhannock, Pennsylvania entitled, “Farm to Fork: Partnerships to Protect the Food You Eat.” The Subcommittee received testimony from Dr. Thomas McGinn, Director, Veterinary & Agriculture Security, Office of Health Affairs, Department of Homeland Security; Mr. T. David Filson, Emergency Preparedness & Response Coordinator and Partnership, Expansion Leader Penn State Cooperative Extension; and Dr. Frederic J. Hoerr, Professor, College of Veterinary Medicine, Auburn University.

COMMITTEE CONSIDERATION

On June 23, 2010, the Committee on Homeland Security considered H.R. 5105 and ordered the bill to be reported to the House, amended, with a favorable recommendation, by voice vote.

The Committee adopted H.R. 5105, as amended, by unanimous consent.

A unanimous consent request by MR. THOMPSON that the Committee adopt H.R. 5105, as amended by the amendment listed in the roster; was AGREED TO without objection.

The following amendments were offered:

An amendment by MS. JACKSON LEE (#1); Page 4, after line 19, insert a new subparagraph entitled “(d) Report to Congress.”; Page 4, line 10 strike “(d)” and insert “(e)”.; was AGREED TO by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 5105.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 5105 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

JULY 13, 2010.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5105, a bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Daniel Hoople.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 5105—A bill to establish a Chief Veterinary Officer in the Department of Homeland Security, and for other purposes

H.R. 5105 would establish the position of Chief Veterinary Officer (CVO) within the Department of Homeland Security (DHS). CBO estimates that implementing this legislation would have no significant cost over the next five years. Enacting this legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

H.R. 5105 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 5105 would establish a CVO within the Office of Health Affairs (OHA) of DHS. The CVO would have responsibilities related to agricultural security and other security issues related to veterinary medicine and veterinary health. Based on information from DHS, CBO does not expect that implementing this legislation would increase the functions of the department or require additional staff. The responsibilities that would be associated with the CVO are currently handled by the Food, Agriculture, and Veterinary Defense branch of OHA; consequently, CBO estimates that this change would have no significant budgetary effect over the next five years.

The CBO staff contact for this estimate is Daniel Hoople. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5105 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

Section 1(d) of H.R. 5105 requires the Chief Veterinary Officer to submit an annual report to the Congress on the state of the Department's working animals during that fiscal year.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Chief Veterinary Officer of the Department of Homeland Security

This section adds Section 317 to Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 *et seq.*) entitled “Chief Veterinary Officer of the Department of Homeland Security.”

It authorizes the establishment of the Chief Veterinary Officer and requires that the Chief Veterinary Officer be appointed by the Secretary and report to the Chief Medical Officer, unless someone other than the Assistant Secretary for Health Affairs is serving as the Chief Medical Officer, in which case the Chief Veterinary Officer would report directly to the Assistant Secretary for Health Affairs (§ 317(a)). With respect to qualifications, it requires that the appointee be a veterinarian who possesses a demonstrated ability in and knowledge of veterinary public health and emergency preparedness, and other professional experience such as in agriculture, food defense, and disaster medicine (§ 317(b)). The Chief Veterinary Officer will be responsible for overseeing the division of the Department with primary responsibility for veterinary issues, food defense, and agriculture security. Additionally, as the official with the primary responsibility within the Department for veterinary medicine and veterinary public health issues, the Chief Veterinary Officer shall be responsible for: (1) Serving as the Department’s principal authority on veterinary public health, food defense, and agricultural security; (2) providing guidance for the health and welfare of the Department’s working animals, including those used to enhance transportation, border, and maritime security; (3) leading the Department’s policy initiatives relating to food, animal, and agricultural incidents; (4) leading the Department’s policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism; (5) serving as the principal point of contact in the Office of Health Affairs for all veterinary preparedness and response research and development; (6) serving as the principal point of contact in the Office of Health Affairs for sharing homeland security veterinary medical information with Department officials; (7) serving as the principal point of contact within the Department with respect to veterinary homeland security issues for the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, and other Federal departments and agencies; (8) serving as the principal

point of contact within the Department with respect to veterinary homeland security issues for State, local, and tribal governments, the veterinary community, and other entities within and outside the Department; and (9) performing such other duties relating to such responsibilities as the Secretary may require. (§317(c)).

Additionally, under this provision, the Chief Veterinary Officer is required to submit an annual report to Congress on the state of the Department's working animals during that fiscal year not later than 30 days after the last day of the fiscal year.

Should the Secretary of Homeland Security decide to execute a reorganization of the Department that would affect the responsibilities of the Chief Veterinary Officer, the Secretary would be required to notify appropriate Congressional committees within 180 days before carrying out such reorganization.

The Committee views the position of Chief Veterinary Officer in DHS as essential to DHS' capabilities and credibility on agro-terrorism and food security as well as its relationships with the other Federal and State agencies with which DHS partners to protect our Nation's agricultural interests.

The Committee does not intend for this legislation authorizing the Chief Veterinary Officer position within DHS to affect the existing authority of the Chief Veterinary Officer of the U.S. Department of Agriculture (USDA), the Animal and Plant Health Inspection Service, or any other USDA office or official. Moreover, the Committee notes that this legislation would simply authorize and codify within the Homeland Security Act of 2002 a position within DHS that had existed for three years in order to execute DHS' statutory missions with respect to veterinary issues. This legislation is very specific to DHS' mission, and it solely amends the Homeland Security Act of 2002. Further, the Department reported to the Congressional Budget Office that implementation of the legislation would not increase existing functions or authorities of the Department.

The Committee has heard concerns that the establishment, in statute, of a Chief Veterinary Officer, would in some way impact the activities of Chief Veterinary Officers in other Federal agencies. The Committee is aware of no instance where authorizing a position in one Department to help that agency execute its existing statutory responsibilities has impacted the ability of officials at other agencies to execute their authorities. In fact, the Committee notes that the statutorily-authorized Chief Medical Officer of the Department of Homeland Security functions successfully within the confines of its mission space and without detriment to Chief Medical Officers maintained in other Federal agencies or departments.

The Committee is concerned about the impact that DHS leadership's decision to eliminate the position will have on the Department's ability to carry out its critical role on agro-terrorism and food security, and to effectively oversee its own veterinary workforce, which is spread among multiple DHS components.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic

and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) * * *

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(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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**TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF
HOMELAND SECURITY**

* * * * *

Sec. 317. Chief Veterinary Officer.

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**TITLE III—SCIENCE AND TECHNOLOGY
IN SUPPORT OF HOMELAND SECURITY**

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SEC. 317. CHIEF VETERINARY OFFICER.

(a) *IN GENERAL.*—There is in the Department a Chief Veterinary Officer, who shall be appointed by the Secretary. The Chief Veterinary Officer shall report directly to the Chief Medical Officer, unless an individual other than the Assistant Secretary for Health Affairs is serving as the Chief Medical Officer, in which case the Chief Veterinary Officer shall report directly to the Assistant Secretary for Health Affairs.

(b) *QUALIFICATIONS.*—The individual appointed as Chief Veterinary Officer shall be a veterinarian who possesses a demonstrated ability in and knowledge of veterinary public health and emergency preparedness, and other professional experience as determined by the Secretary, such as in agriculture, food defense, and disaster medicine.

(c) *RESPONSIBILITIES.*—The Chief Veterinary Officer shall be the head of the division of the Department with primary responsibility for veterinary issues, food defense, and agriculture security, and shall have primary responsibility within the Department for responsibilities relating to veterinary medicine and veterinary public health, including each of the following:

(1) *Serving as the principal authority in the Department responsible for advising the Secretary, in coordination with the Assistant Secretary for Health Affairs, on veterinary public health, food defense, and agricultural security issues.*

(2) *Providing guidance for the health and welfare of the Department’s working animals, including those used to enhance transportation, border, and maritime security, and for other purposes.*

(3) *Leading the Department's policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health.*

(4) *Leading the Department's policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism.*

(5) *Serving as the principal point of contact in the Office of Health Affairs for all veterinary preparedness and response research and development.*

(6) *Serving as the principal point of contact in the Office of Health Affairs for sharing homeland security veterinary medical information with Department officials, including all components with veterinary, food, or agricultural interests.*

(7) *Serving as the principal point of contact within the Department with respect to veterinary homeland security issues for the Department of Agriculture, the Department of Defense, the Department of Health and Human Services, and other Federal departments and agencies.*

(8) *Serving as the principal point of contact within the Department with respect to veterinary homeland security issues for State, local, and tribal governments, the veterinary community, and other entities within and outside the Department.*

(9) *Performing such other duties relating to such responsibilities as the Secretary may require.*

(d) *REPORT TO CONGRESS.—Not later than 30 days after the last day of each fiscal year, the Chief Veterinary Officer shall submit to Congress a report on the state of the Department's working animals during that fiscal year. Each such report shall include—*

(1) *the number of animals in service to the Department during the fiscal year, including the component and mission of each such animal and the homeland security activities conducted by such animal;*

(2) *an assessment of the overall health and welfare of the Department's working animals during the fiscal year; and*

(3) *a description of the activities of the Office during the fiscal year, including a description of any animal initiative or program conducted during such fiscal year, and for each such initiative or program—*

(A) *the objectives of the initiative or program;*

(B) *the species or genus of animals that are subject of the initiative or program;*

(C) *the amount of resources used (including capital and human resources) for such initiative or program;*

(D) *when the initiative or program will conclude or terminate; and*

(E) *the degree of completion of the initiative or program.*

(e) *ADVANCE NOTICE OF REORGANIZATION REQUIRED.—Not later than 180 days before carrying out any reorganization within the Department that would affect any responsibility of the Chief Veterinary Officer, the Secretary shall submit to the appropriate congressional committees a report on the proposed reorganization.*

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