

**Calendar No. 553**

112TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
112-240 }

SAFEGUARDING AMERICAN AGRICULTURE  
ACT OF 2012

---

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS  
UNITED STATES SENATE

TO ACCOMPANY

S. 1673

TO ESTABLISH THE OFFICE OF AGRICULTURE INSPECTION WITH-  
IN THE DEPARTMENT OF HOMELAND SECURITY, WHICH SHALL  
BE HEADED BY THE ASSISTANT COMMISSIONER FOR AGRI-  
CULTURE INSPECTION, AND FOR OTHER PURPOSES



NOVEMBER 26, 2012.—Ordered to be printed

---

U.S. GOVERNMENT PRINTING OFFICE

29-010

WASHINGTON : 2012

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan

DANIEL K. AKAKA, Hawaii

THOMAS R. CARPER, Delaware

MARK L. PRYOR, Arkansas

MARY L. LANDRIEU, Louisiana

CLAIRE McCASKILL, Missouri

JON TESTER, Montana

MARK BEGICH, Alaska

SUSAN M. COLLINS, Maine

TOM COBURN, Oklahoma

SCOTT P. BROWN, Massachusetts

JOHN McCain, Arizona

RON JOHNSON, Wisconsin

ROB PORTMAN, Ohio

RAND PAUL, Kentucky

JERRY MORAN, Kansas

MICHAEL L. ALEXANDER, *Staff Director*

BETH M. GROSSMAN, *Deputy Staff Director and Chief Counsel*

BLAS NUNEZ-NETO, *Professional Staff Member*

CARLY A. COVIEO, *Professional Staff Member*

CHRISTINE K. WEST, *Staff Director, Subcommittee on Oversight of Government*

*Management, the Federal Workforce, and the District of Columbia*

JESSICA K. NAGASAKO, *Professional Staff Member, Subcommittee on Oversight of Government*

*Management, the Federal Workforce, and the District of Columbia*

NICHOLAS A. ROSSI, *Minority Staff Director*

MARK B. LEDUC, *Minority General Counsel*

RYAN M. KALDAHL, *Minority Director of Homeland Security Policy*

CHRISTOPHER J. BURFORD, *Minority CBP Detailee*

TRINA DRIESSNACK TYRER, *Chief Clerk*

# Calendar No. 553

112TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 112-240

---

## SAFEGUARDING AMERICAN AGRICULTURE ACT OF 2012

---

NOVEMBER 26, 2012.—Ordered to be printed

---

Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, submitted the following

### R E P O R T

[To accompany S. 1673]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1673) 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, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill do pass.

#### CONTENTS

	Page
I. Purpose and Summary .....	1
II. Background and Need for the Legislation .....	2
III. Legislative History .....	6
IV. Section-by-Section Analysis of the Bill .....	7
V. Estimated Cost of Legislation .....	8
VI. Evaluation of Regulatory Impact .....	9
VII. Changes in Existing Law Made by the Bill .....	9

#### I. PURPOSE AND SUMMARY

S. 1673, the Safeguarding American Agriculture Act of 2012, seeks to improve the oversight and administration of a Department of Homeland Security (DHS) program charged with inspecting all agricultural and biological products entering the United States that safeguards America against the accidental or deliberate introduction of harmful non-native pests and disease from other countries. It does so by strengthening the Customs and Border Protection (CBP) agriculture specialist workforce and its capabilities, and authorizing interagency rotations with the U.S. Department of Agri-

culture (USDA) to improve the program’s efficiency and effectiveness.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

Over the past several decades, there has been increasing integration of the world’s economies and significant growth in international commerce and travel. While these changes have brought enormous benefits to the United States, the increased number of travelers and goods coming to the United States have also sometimes brought with them unwanted and harmful stowaways—in the form of non-native animals and plants as well as disease agents and other biological products—that can have the potential to wreak havoc on our existing ecosystems or spread disease. Failure to detect and intercept non-native pests and disease agents that enter the United States can impose serious economic and social costs on all Americans.<sup>1</sup> USDA estimates that foreign pests and diseases cost the U.S. economy tens of billions of dollars annually in lower crop values, eradication programs, emergency payments to farmers, and increased costs for food and natural resources.<sup>2</sup> For instance, invasive wood-boring pests, such as the Emerald Ash Borer and the Asian Longhorned Beetle, cost homeowners an estimated \$830 million a year in lost property values and cost local governments an estimated \$1.7 billion a year as a result of damaged trees and woodlands.<sup>3</sup> Furthermore, the potential for a disease or a biological weapon to be smuggled across the border by a terrorist represents a serious threat to our homeland security. These high costs highlight the importance of ensuring that invasive species and other biological threats are detected during agricultural import and entry inspection operations at ports of entry.

Federal inspection of agriculture products at ports of entry has a long history, dating back a century to the Plant Quarantine Act of 1912.<sup>4</sup> Currently, the Agricultural Quarantine Inspection (AQI) program is the primary Federal program aimed at preventing invasive species from entering the U.S., by inspecting arriving international cargo and goods transported by passengers. Intercepted pests and disease agents are quarantined, identified, and the cargo is either destroyed or returned to its country of origin.

Prior to 2002, USDA’s Animal and Plant Health Inspection Service (APHIS) had sole responsibility for inspecting agricultural goods entering the U.S. The Homeland Security Act of 2002, which cre-

<sup>1</sup> U.S. Department of Homeland Security, Customs and Border Protection and U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Report of the APHIS-CBP Joint Task Force on Improved Agriculture Inspection, at 1 (June 2007). Available at: [http://www.aphis.usda.gov/plant\\_health/downloads/aphis\\_cbp\\_taskforce/FinalReport.pdf](http://www.aphis.usda.gov/plant_health/downloads/aphis_cbp_taskforce/FinalReport.pdf).

<sup>2</sup> Statement of Lisa Shames, Director of Natural Resources and Environment, U.S. Government Accountability Office (GAO), Agricultural Quarantine Inspection Program: Management Problems May Increase Vulnerability of U.S. Agriculture to Foreign Pests and Diseases, Hearing to Examine the Joint Performance of APHIS, U.S. Department of Agriculture, and CBP, U.S. Department of Homeland Security in Protecting U.S. Agriculture From Foreign Pests and Diseases before the Subcommittee on Horticulture and Organic Agriculture, Committee on Agriculture, U.S. House of Representatives, GAO-08-96T, at 1 (October 3, 2007). Available at: <http://www.gao.gov/new.items/d0896t.pdf>.

<sup>3</sup> J.E. Aukema, B. Leung, K. Kovacs, C. Chivers, K.O. Britton, et al. Economic Impacts of Non-Native Forest Insects in the Continental United States, *PLoS One* 6(9): e24587, at 1, 5 (September 9, 2011). Available at: <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0024587>.

<sup>4</sup> 37 Stat. 315, codified at 7 U.S.C. §§ 151–164a (1912).

ated the Department of Homeland Security,<sup>5</sup> transferred AQI import and entry agriculture inspection responsibilities to DHS, while USDA's APHIS retained responsibility for setting agriculture quarantine and inspection policies and procedures. In addition to agriculture inspection responsibilities, the Homeland Security Act also gave responsibility to DHS for customs, immigration, and border security functions.<sup>6</sup> Previously, federal customs, immigration and agriculture inspections responsibilities at ports of entry—though they might all come into play with respect to an individual traveler—were distributed among three different departments—Treasury, Justice and Agriculture, respectively. The reorganization mandated by the Homeland Security Act was intended to enhance coordination and information sharing at our ports of entry by consolidating these functions and their associated personnel within a single new agency.<sup>7</sup>

Nonetheless, and perhaps unsurprisingly, the consolidation efforts brought challenges as well as benefits, as the new Department sought to integrate previously separate workforces and cultures. In the years immediately following the creation of CBP, several reports identified issues with the efficiency and effectiveness of agricultural inspection activities that had been transferred from USDA. For example, in 2005, the USDA Office of Inspector General (OIG) concluded that APHIS could not effectively assess whether CBP was implementing adequate safeguards to protect U.S. agriculture. The OIG cited several challenges, including CBP's submission of inadequate risk assessments to APHIS, APHIS personnel being denied adequate access to ports, CBP failing to provide APHIS with data on the staffing levels and deployment of agricultural inspectors, and CBP and APHIS having differing viewpoints on the roles of each agency in the agricultural inspection process, among others.<sup>8</sup> The USDA OIG recommended that APHIS establish better ways to coordinate with CBP.<sup>9</sup>

The following year, in May 2006, the Government Accountability Office (GAO) observed that CBP and USDA faced management and coordination problems that increased U.S. vulnerability to foreign pests and diseases. GAO found that CBP had not developed a risk-based staffing model to determine necessary staffing levels and that it had not developed sufficient performance measures for agricultural inspections or used the inspection and interception data CBP did have to evaluate the performance of the AQI program. GAO also concluded that CBP and APHIS continued to experience information sharing problems, including APHIS not being notified by CBP of changes to inspections policies and urgent inspection

<sup>5</sup> Pub. L. No. 107-296, 116 Stat. 2135 (2002).

<sup>6</sup> *Id.* Section 421 of the Act transferred agricultural inspection functions from USDA to DHS; section 403 transferred Customs functions from the U.S. Department of Treasury's U.S. Customs Service to DHS; and section 44 transferred the Border Patrol from the U.S. Department of Justice's Immigration and Naturalization Service to DHS.

<sup>7</sup> Committee on Governmental Affairs, U.S. Senate, Report of the Committee on Governmental Affairs, United States Senate Together with Additional Views to Accompany S. 2452, To Establish the Department of National Homeland Security and the National Office for Combating Terrorism, S. Report 107-175, at 9-10 (June 24, 2002). Available at: <http://www.gpo.gov/fdsys/pkg/CRPT-107srpt175/pdf/CRPT-107srpt175.pdf>.

<sup>8</sup> USDA Office of Inspector General (OIG), Animal and Plant Health Inspection Service: Transition and Coordination of Inspection Activities between USDA and DHS, Report No. 33601-0005-Ch, at i-v (March 2005). Available at: <http://www.usda.gov/oig/webdocs/33601-05-CH.pdf>.

<sup>9</sup> *Id.* at i.

alerts.<sup>10</sup> GAO made seven recommendations, including that the Secretaries of Homeland Security and Agriculture adopt meaningful performance measures, establish a process to identify and assess major risks, develop a staffing model to determine adequate staffing levels at ports, and improve information sharing between the departments and to the field.<sup>11</sup>

In November 2006, GAO published the results of a survey of CBP's agriculture specialists on their work experiences before and after the transfer to DHS. GAO's survey revealed that approximately 60 percent of agriculture specialists who responded said they were performing fewer inspections and making fewer interceptions. The same number expressed the view that CBP managers did not respect their work.<sup>12</sup> In addition, the second most frequent response to the question on what is going well was "nothing is going well."<sup>13</sup> GAO concluded that the results of the survey "suggested morale issues among CBP agriculture specialists."<sup>14</sup>

In February 2007, the DHS OIG and the USDA OIG released the findings of a follow-up joint review to the 2005 USDA OIG report. The joint review revealed that CBP still had not developed an agriculture specialist staffing model and that CBP did not have adequate performance measures.<sup>15</sup> The report recommended that CBP develop a staffing model and comprehensive nationwide staffing plan, as well as comprehensive performance measures.<sup>16</sup>

To address some of these findings and recommendations, APHIS and CBP established a Joint Task Force to examine the state of the agriculture mission and organizations. In June 2007, a Report of the APHIS-CBP Joint Task Force on Improved Agriculture Inspection made several recommendations to address key issue areas, such as establishing a career ladder for agriculture specialists, developing tools to evaluate agriculture risk and staffing criteria, identifying and creating training opportunities, and ensuring that those staffing the agricultural mission have adequate equipment and supplies to do their jobs.<sup>17</sup> The Joint Task Force recognized the importance of building and maintaining institutional knowledge by providing opportunities for agriculture specialists to advance their careers, as well as the need for effective joint planning efforts.<sup>18</sup> The Joint Task Force developed implementation action plans for each key issue area and is overseeing the implementation of these plans.

On October 27, 2011, the CBP Honolulu Area Port Director testified before this Committee's Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia. He reported that the agency had taken steps to address its

<sup>10</sup> GAO, Homeland Security: Management and Coordination Problems Increase the Vulnerability of U.S. Agriculture to Foreign Pests and Disease, GAO-06-644, at 4-5 (May 19, 2006). Available at: <http://www.gao.gov/new.items/d06644.pdf>.

<sup>11</sup> *Id.* at 38-39.

<sup>12</sup> GAO, Agriculture Specialists' Views of Their Work Experiences After Transfer to DHS, GAO-07-209R, at 2, 23-24 (November 14, 2006). Available at: <http://www.gao.gov/assets/100/94532.pdf>.

<sup>13</sup> *Id.* at 2.

<sup>14</sup> *Id.*

<sup>15</sup> DHS OIG and USDA OIG, Review of Customs and Border Protection's Agriculture Inspection Activities, OIG-07-32, at 5-6 (February 2007). Available at: [http://www.oig.dhs.gov/assets/Mgmt/OIG\\_07-32\\_Feb07.pdf](http://www.oig.dhs.gov/assets/Mgmt/OIG_07-32_Feb07.pdf).

<sup>16</sup> *Id.* at 6-7.

<sup>17</sup> *Supra* note 1, at 3-4.

<sup>18</sup> *Id.* at 5.

agriculture specialist workforce challenges and improve coordination with APHIS. For instance, he described CBP plans to improve recruitment and retention for agriculture specialists. Additionally, he stated that CBP was in the process of creating a comprehensive agriculture specialists career track for entry-level specialists and working to establish a formal interagency rotation program with APHIS.<sup>19</sup>

Most recently, in September 2012, GAO released a report following up on the recommendations that it made in its 2006 report.<sup>20</sup> In the new report, GAO concludes that DHS fully implemented the 2006 recommendations to improve information sharing between DHS and USDA on concerns and urgent alerts.<sup>21</sup> GAO also identified training as an area of improvement since 2006.<sup>22</sup> And, encouragingly, GAO found some improvement in the morale of agriculture specialists.<sup>23</sup>

At the same time, GAO notes a number of remaining challenges. Agriculture specialists, for example, continued to voice concerns about CBP's management of the agricultural inspections process as well as the perceived lack of prioritization of the agriculture mission.<sup>24</sup> In addition, not all of GAO's 2006 recommendations have been fully implemented. GAO found, for example, that while CBP and APHIS have expanded the use of existing performance measures, these measures are not sufficient to assess all aspects of their performance.<sup>25</sup> Further, while efforts have been undertaken to implement a risk-based staffing model, the staffing model is not yet complete. According to GAO, this is in part due to anticipation that the model would call for significant staff increases, and resources are not available for such an increase in this fiscal environment. GAO recommended that DHS create a plan to address resource constraints.<sup>26</sup>

The Committee believes that these continuing concerns make legislative action appropriate. To address some of the recommendations made by these various reports, and to reinforce the efforts of the APHIS–CBP Joint Task Force, S. 1673 seeks to further develop CBP's agriculture specialist workforce, to ensure that needed equipment is provided, and to strengthen the partnership between CBP and APHIS. To maintain a highly skilled and motivated agriculture specialist workforce, S.1673 would require CBP to identify appropriate career paths for CBP agriculture specialists and to provide them the opportunity to acquire the education, training, and experience necessary to qualify for promotion within CBP. S. 1673 would also require CBP to develop plans to improve agriculture specialist recruitment and retention, and to ensure agriculture specialists have the necessary equipment and resources to effectively

<sup>19</sup> Safeguarding Hawaii's Ecosystem and Agriculture Against Invasive Species before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs (October 27, 2011) (statement of Bruce W. Murley, Area Port Director, Honolulu, CBP, DHS), at 5.

<sup>20</sup> GAO, Homeland Security: Agriculture Inspection Program Has Made Some Improvements, but Management Challenges Persist, GAO-12-885 (September 27, 2012). Available at: <http://www.gao.gov/assets/650/648921.pdf>

<sup>21</sup> *Id.* at 8

<sup>22</sup> *Id.* at 23–25

<sup>23</sup> *Id.* at 22–23. In one small sign of improvement from the 2006 survey, “nothing is going well” was one of the least common responses reported in 2012.

<sup>24</sup> *Id.* 26–29

<sup>25</sup> *Id.* at 11

<sup>26</sup> *Id.* 13–14

carry out their mission. Additionally, S. 1673 directs the Secretaries of Homeland Security and Agriculture to establish an inter-agency rotation program for CBP and APHIS personnel in order to strengthen critical working relationships and to promote inter-agency experience. The Committee believes that the bill, as amended, will ensure that CBP and APHIS enhance their processes for ensuring that dangerous biological pests and agricultural products do not enter the country.

A broad range of organizations have endorsed S. 1673. Those supporting the bill include the National Association of State Departments of Agriculture, National Treasury Employees Union, Dole Fresh Fruit Company, Sunkist Growers, Western Growers, Louisville Slugger, California Association of Nurseries and Garden Centers, The Nature Conservancy, National Farmers Union, Hawaii Farm Bureau Federation, California Farm Bureau Federation, San Diego Farm Bureau, Coordinating Group on Alien Pests Species, American Forest Foundation, American Nursery and Landscape Association, Department of Natural Resources at Cornell University, The Davey Institute, Greenspace-the Cambria Land Trust, International Maple Syrup Institute, Massachusetts Association of Campground Owners, National Association of Exotic Pest Plant Councils, North American Maple Syrup Council, Inc. Oregon Invasive Species Council, Society of American Florists, Society of Municipal Arborists, Department of Plant Science and Landscape Architecture at the University of Maryland, Virginia Native Plant Society, and Nisei Farmers League.<sup>27</sup>

### III. LEGISLATIVE HISTORY

Senators Akaka and Feinstein introduced S. 1673 on October 6, 2011. The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senator Gillibrand joined as a cosponsor on March 8, 2012, and Senator Carper joined as a cosponsor on July 18, 2012.

On October 27, 2011, the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia held a hearing on the ways that government agencies and stakeholders are collaborating to prevent invasive species from entering the United States. Witnesses at the hearing included the Honorable Neil Abercrombie, Governor of the State of Hawaii; the Honorable Clifton K. Tsuji, Chairman of the House Committee on Agriculture of the Hawaii State Legislature; the Honorable Clarence K. Nishihara, Chairman of the Senate Committee on Agriculture of the Hawaii State Legislature; Dr. Lyle Wong, Plant Industry Administrator of the Hawaii Department of Agriculture; Bruce W. Murley, Area Port Director for Honolulu in the Office of Field Operations at CBP; Vernon Harrington, State Plant Health Director of Plant Protection and Quarantine at APHIS; and George Phocas, Resident-Agent-in-Charge of the Office of Law Enforcement, Fish and Wildlife Service, at the U.S. Department of the Interior.

On April 25, 2012, the Committee considered the measure, and Senator Akaka offered an amendment in the nature of a substitute and an amendment to amend the bill title. The substitute amend-

<sup>27</sup>These letters of endorsement are on file in the offices of the Committee.

ment deleted a provision in the introduced version of S. 1673 that would have created a new Office of Agricultural Inspection within CBP. The Committee concluded that the bill's other provisions ensured adequate emphasis on the importance of CBP's agricultural mission. The other amendment altered the bill title to reflect the fact that this new office was no longer included in the bill.

The Committee adopted both amendments by voice vote on April 25, 2012. The Committee then adopted S. 1673, as amended, by voice vote, and ordered it reported favorably to the Senate on April 25, 2012. Members present for the vote on the substitute amendment were Senators Lieberman, Akaka, Carper, McCaskill, Begich, Collins, Coburn and Johnson. Members present for the vote on the amendment changing the bill title, and reporting S. 1673 favorably were Senators Lieberman, Levin, Akaka, Carper, McCaskill, Begich, Collins, Coburn, Brown, and Johnson.

#### IV. SECTION-BY-SECTION ANALYSIS OF THE BILL

##### *Section 1. Short title*

This section provides that the short title of the bill is the "Safeguarding American Agriculture Act of 2012."

##### *Section 2. Enhanced Agricultural Inspection Functions*

*Section 2* adds a new section 421a (6 U.S.C. § 231a) to the Homeland Security Act of 2002. The following descriptions refer to the subsections of the new statutory section.

*Subsection (a)—Agriculture Specialist Career Track.* This subsection requires the Secretary of Homeland Security, acting through the Commissioner of CBP, to identify appropriate career paths for CBP agriculture specialists, including identifying the education, training, experience, and assignments necessary for career progression within CBP. The Secretary is to publish information on these career paths and may establish criteria by which appropriately qualified CBP technicians may be promoted to agriculture specialists.

*Subsection (b)—Education, Training, and Experience.* This subsection requires the Secretary, acting through the Commissioner, to provide agriculture specialists opportunities to gain education, training, and experience that are necessary for promotion within CBP.

*Subsection (c)—Agriculture Specialist Recruitment and Retention.* This subsection requires the Secretary, acting through the Commissioner, to develop a plan to improve agriculture specialist recruitment and retention. The plan must address numerical recruitment and retention goals and the use of recruitment incentives.

*Subsection (d)—Equipment Support.* This subsection requires the Secretary, acting through the Commissioner, to determine the minimum equipment and other resources necessary to enable agriculture specialists to fully and effectively carry out their mission; inventory the equipment and other resources available; identify needed equipment and other resources that are not available; and develop a plan to address any resource deficiencies.

*Subsection (e)—Interagency Rotation.* This subsection authorizes the Secretary of Homeland Security and the Secretary of Agriculture to enter into an agreement establishing interagency rota-

tions between APHIS and CBP to strengthen working relationships and promote interagency experience.

*Section 3. Report*

This section requires the Secretary, acting through the CBP Commissioner, within 270 days of enactment, to submit a report to this Committee and the Committee on Homeland Security of the House of Representatives that describes the implementation status of the action plans developed by the APHIS–CBP Joint Task Force; the findings and plans required under section 421a of the Homeland Security Act (as created by section 2 of this bill); and any additional legal authority the Secretary of Homeland Security determines is necessary to effectively carry out the agriculture inspection mission of DHS.

V. ESTIMATED COST OF LEGISLATION

JUNE 1, 2012.

Hon. JOSEPH I. LIEBERMAN,  
*Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1673, the Safeguarding American Agriculture Act of 2012.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*S. 1673—Safeguarding American Agriculture Act of 2012*

CBO estimates that implementing S. 1673 would cost about \$1 million from appropriated funds in fiscal year 2013 and negligible amounts in subsequent years. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 1673 would direct the Department of Homeland Security (DHS) to provide opportunities for promotion of agriculture specialists working for Customs and Border Protection (CBP). The bill also would require DHS to develop plans to better recruit and retain agriculture specialists and to upgrade equipment and other resources available to such employees. In addition, S. 1673 would authorize DHS and the U.S. Department of Agriculture (USDA) to rotate personnel in CBP and the Animal and Plant Health Inspection Service (in USDA) to promote interagency experience.

Based on information from DHS, we estimate that it would cost about \$1 million in 2013 to carry out the bill's activities. CBO anticipates that S. 1673 would not require implementing the plan to acquire upgraded equipment or other resources for agriculture specialists. If DHS sought appropriated funds to acquire additional equipment, the cost to implement this legislation would be greater.

S. 1673 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.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### VI. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. The Committee concurs with the Congressional Budget Office, which states that S. 1673, as amended, 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. The legislation would have no other regulatory impact.

#### VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the following changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### **HOMELAND SECURITY ACT OF 2002 (6 U.S.C. §§ 101, et seq.)**

### **TITLE IV—DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY (6 U.S.C. 201, et seq.)**

#### **Subtitle C—Miscellaneous Provisions**

#### **SEC. 421. TRANSFER OF CERTAIN AGRICULTURAL INSPECTION FUNC- TIONS OF THE DEPARTMENT OF AGRICULTURE. (6 U.S.C. 231)**

\* \* \* \* \*

#### **SEC. 421a. AGRICULTURE SPECIALISTS.**

##### *(a) AGRICULTURE SPECIALIST CAREER TRACK.—*

*(1) IN GENERAL.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection—*

*(A) shall identify appropriate career paths for customs and border protection agriculture specialists, including the education, training, experience, and assignments necessary for career progression within U.S. Customs and Border Protection;*

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

*(C) may establish criteria by which appropriately qualified customs and border technicians may be promoted to customs and border protection agriculture specialists.*

*(b) EDUCATION, TRAINING, AND EXPERIENCE.—The Secretary, acting through the Commissioner of U.S. Customs and Border Protection, shall provide customs and border protection agriculture spe-*

*cialists the opportunity to acquire the education, training, and experience necessary to qualify for promotion within U.S. Customs and Border Protection.*

*(c) AGRICULTURE SPECIALIST RECRUITMENT AND RETENTION.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2012, the Secretary, acting through the Commissioner of U.S. Customs and Border Protection, shall develop a plan to more effectively recruit and retain qualified customs and border protection agriculture specialists. The plan shall include—*

- (1) numerical goals for recruitment and retention; and*
- (2) the use of recruitment incentives, as appropriate and permissible under existing laws and regulations.*

*(d) EQUIPMENT SUPPORT.—Not later than 270 days after the date of the enactment of the Safeguarding American Agriculture Act of 2012, the Commissioner of U.S. Customs and Border Protection shall—*

- (1) determine the minimum equipment and other resources that are necessary at U.S. Customs and Border Protection agriculture inspection stations and facilities to enable customs and border protection agriculture specialists to fully and effectively carry out their mission;*
- (2) complete an inventory of the equipment and other resources available at each U.S. Customs and Border Protection agriculture inspection station and facility;*
- (3) identify the necessary equipment and other resources that are not currently available at agriculture inspection stations and facilities; and*
- (4) develop a plan to address any resource deficiencies identified under paragraph (3).*

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

- (1) establishes an interagency rotation; and*
- (2) provides for personnel of the Animal and Plant Health Inspection Service of the Department of Agriculture to take rotational assignments within U.S. Customs and Border Protection and vice versa for the purposes of strengthening working relationships between agencies and promoting interagency experience.”.*

\* \* \* \* \*

