

In the Senate of the United States,

September 22 (legislative day, September 21), 2012.

Resolved, That the bill from the House of Representatives (H.R. 915) entitled “An Act to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Jaime Zapata Border*
3 *Enforcement Security Task Force Act”.*

4 ***SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.***

5 *Congress finds the following:*

1 (1) *The Department of Homeland Security's*
2 *(DHS) overriding mission is to lead a unified na-*
3 *tional effort to protect the United States. United*
4 *States Immigration and Customs Enforcement (ICE)*
5 *is the largest investigative agency within DHS and is*
6 *charged with enforcing a wide array of laws, includ-*
7 *ing laws related to securing the border and combating*
8 *criminal smuggling.*

9 (2) *Mexico's northern border with the United*
10 *States has experienced a dramatic surge in border*
11 *crime and violence in recent years due to intense*
12 *competition between Mexican drug cartels and crimi-*
13 *nal smuggling organizations that employ predatory*
14 *tactics to realize their profits.*

15 (3) *Law enforcement agencies at the United*
16 *States northern border also face challenges from*
17 *transnational smuggling organizations.*

18 (4) *In response, DHS has partnered with Fed-*
19 *eral, State, local, tribal, and foreign law enforcement*
20 *counterparts to create the Border Enforcement Secu-*
21 *rity Task Force (BEST) initiative as a comprehen-*
22 *sive approach to addressing border security threats.*
23 *These multi-agency teams are designed to increase in-*
24 *formation-sharing and collaboration among the par-*
25 *ticipating law enforcement agencies.*

1 (5) *BEST* teams incorporate personnel from
2 *ICE, United States Customs and Border Protection*
3 *(CBP), the Drug Enforcement Administration (DEA),*
4 *the Bureau of Alcohol, Tobacco, Firearms and Explo-*
5 *sives (ATFE), the Federal Bureau of Investigation*
6 *(FBI), the United States Coast Guard (USCG), and*
7 *the U.S. Attorney’s Office (USAO), along with other*
8 *key Federal, State and local law enforcement agen-*
9 *cies.*

10 (6) *Foreign law enforcement agencies partici-*
11 *pating in BEST include Mexico’s Secretaria de*
12 *Seguridad Publica (SSP), the Canada Border Serv-*
13 *ices Agency (CBSA), the Ontario Provincial Police*
14 *(OPP), and the Royal Canadian Mounted Police*
15 *(RCMP).*

16 **SEC. 3. BORDER ENFORCEMENT SECURITY TASK FORCE.**

17 (a) *IN GENERAL.*—*Subtitle C of title IV of the Home-*
18 *land Security Act of 2002 (6 U.S.C. 231 et seq.) is amended*
19 *by adding at the end the following:*

20 **“SEC. 432. BORDER ENFORCEMENT SECURITY TASK FORCE.**

21 “(a) *ESTABLISHMENT.*—*There is established within*
22 *the Department a program to be known as the Border En-*
23 *forcement Security Task Force (referred to in this section*
24 *as ‘BEST’).*”

1 “(b) *PURPOSE.*—*The purpose of BEST is to establish*
2 *units to enhance border security by addressing and reduc-*
3 *ing border security threats and violence by—*

4 “(1) *facilitating collaboration among Federal,*
5 *State, local, tribal, and foreign law enforcement agen-*
6 *cies to execute coordinated activities in furtherance of*
7 *border security, and homeland security; and*

8 “(2) *enhancing information-sharing, including*
9 *the dissemination of homeland security information*
10 *among such agencies.*

11 “(c) *COMPOSITION AND ESTABLISHMENT OF UNITS.*—

12 “(1) *COMPOSITION.*—*BEST units may be com-*
13 *prised of personnel from—*

14 “(A) *U.S. Immigration and Customs En-*
15 *forcement;*

16 “(B) *U.S. Customs and Border Protection;*

17 “(C) *the United States Coast Guard;*

18 “(D) *other Department personnel, as appro-*
19 *priate*

20 “(E) *other Federal agencies, as appropriate;*

21 “(F) *appropriate State law enforcement*
22 *agencies;*

23 “(G) *foreign law enforcement agencies, as*
24 *appropriate;*

1 “(H) local law enforcement agencies from
2 affected border cities and communities; and

3 “(I) appropriate tribal law enforcement
4 agencies.

5 “(2) *ESTABLISHMENT OF UNITS.*—The Secretary
6 is authorized to establish *BEST* units in jurisdictions
7 in which such units can contribute to *BEST* mis-
8 sions, as appropriate. Before establishing a *BEST*
9 unit, the Secretary shall consider—

10 “(A) whether the area in which the *BEST*
11 unit would be established is significantly im-
12 pacted by cross-border threats;

13 “(B) the availability of Federal, State,
14 local, tribal, and foreign law enforcement re-
15 sources to participate in the *BEST* unit;

16 “(C) the extent to which border security
17 threats are having a significant harmful impact
18 in the jurisdiction in which the *BEST* unit is to
19 be established, and other jurisdictions in the
20 country; and

21 “(D) whether or not an *Integrated Border*
22 *Enforcement Team* already exists in the area in
23 which the *BEST* unit would be established.

24 “(3) *DUPLICATION OF EFFORTS.*—In deter-
25 mining whether to establish a new *BEST* unit or to

1 *expand an existing BEST unit in a given jurisdic-*
2 *tion, the Secretary shall ensure that the BEST unit*
3 *under consideration does not duplicate the efforts of*
4 *other existing interagency task forces or centers with-*
5 *in that jurisdiction.*

6 “(d) *OPERATION.*—*After determining the jurisdictions*
7 *in which to establish BEST units under subsection (c)(2),*
8 *and in order to provide Federal assistance to such jurisdic-*
9 *tions, the Secretary may—*

10 “(1) *direct the assignment of Federal personnel*
11 *to BEST, subject to the approval of the head of the*
12 *department or agency that employs such personnel;*
13 *and*

14 “(2) *take other actions to assist Federal, State,*
15 *local, and tribal entities to participate in BEST, in-*
16 *cluding providing financial assistance, as appro-*
17 *priate, for operational, administrative, and techno-*
18 *logical costs associated with the participation of Fed-*
19 *eral, State, local, and tribal law enforcement agencies*
20 *in BEST.*

21 “(e) *REPORT.*—*Not later than 180 days after the date*
22 *on which BEST is established under this section, and annu-*
23 *ally thereafter for the following 5 years, the Secretary shall*
24 *submit a report to Congress that describes the effectiveness*
25 *of BEST in enhancing border security and reducing the*

1 *drug trafficking, arms smuggling, illegal alien trafficking*
2 *and smuggling, violence, and kidnapping along and across*
3 *the international borders of the United States, as measured*
4 *by crime statistics, including violent deaths, incidents of*
5 *violence, and drug-related arrests.”.*

6 (b) *CLERICAL AMENDMENT.—The table of contents*
7 *under section 1(b) of the Homeland Security Act of 2002*
8 *(6 U.S.C. 101(b)) is amended by inserting after the item*
9 *relating to section 431 the following:*

“Sec. 432. Border Enforcement Security Task Force.”.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

H.R. 915

AMENDMENT