

Calendar No. 497

112TH CONGRESS
2^D SESSION**H. R. 915****[Report No. 112–206]**

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2012

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AUGUST 28, 2012

Reported, under authority of the order of the Senate of August 2, 2012, by
Mr. LIEBERMAN, with an amendment[Strike out all after the enacting clause and insert the part printed in *italie*]**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 trans-national 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.

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 “Jaime Zapata Border
3 Enforcement Security Task Force Act”.

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

5 Congress finds the following:

6 (1) The Department of Homeland Security’s
7 (DHS) overriding mission is to lead a unified na-
8 tional effort to protect the United States. United
9 States Immigration and Customs Enforcement
10 (ICE) is the largest investigative agency within DHS
11 and is charged with enforcing a wide array of laws,
12 including laws related to securing the border and
13 combating criminal smuggling.

14 (2) Mexico’s northern border with the United
15 States has experienced a dramatic surge in border
16 crime and violence in recent years due to intense
17 competition between Mexican drug cartels and crimi-
18 nal smuggling organizations that employ predatory
19 tactics to realize their profits.

20 (3) Law enforcement agencies at the United
21 States northern border face similar challenges from
22 transnational smuggling organizations.

23 (4) In response, DHS has partnered with Fed-
24 eral, State, local, tribal, and foreign law enforcement
25 counterparts to create the Border Enforcement Se-
26 curity Task Force (BEST) initiative as a com-

1 prehensive approach to addressing border security
2 threats. These multi-agency teams are designed to
3 increase information-sharing and collaboration
4 among the participating law enforcement agencies.

5 (5) BEST teams incorporate personnel from
6 ICE, United States Customs and Border Protection
7 (CBP), the Drug Enforcement Administration
8 (DEA), the Bureau of Alcohol, Tobacco, Firearms
9 and Explosives (ATFE), the Federal Bureau of In-
10 vestigation (FBI), the United States Coast Guard
11 (USCG), and the U.S. Attorney's Office (USAO),
12 along with other key Federal, State and local law
13 enforcement agencies.

14 (6) Foreign law enforcement agencies include
15 Mexico's Secretaria de Seguridad Publica (SSP), the
16 Canada Border Services Agency (CBSA), the On-
17 tario Provincial Police (OPP), and the Royal Cana-
18 dian Mounted Police (RCMP).

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

20 (a) ESTABLISHMENT.—There is established in
21 United States Immigration and Customs Enforcement
22 (ICE) a program known as a Border Enforcement Secu-
23 rity Task Force (referred to as “BEST”).

1 (b) PURPOSE.—The purpose of the BEST program
2 is to establish units to enhance border security by address-
3 ing and reducing border security threats and violence by—

4 (1) facilitating collaboration among Federal,
5 State, local, tribal, and foreign law enforcement
6 agencies to execute coordinated activities in further-
7 ance of 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 DESIGNATION.—

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

14 (A) United States Immigration and Cus-
15 toms Enforcement;

16 (B) United States Customs and Border
17 Protection;

18 (C) the United States Coast Guard;

19 (D) other Federal agencies, as appropriate;

20 (E) appropriate State law enforcement
21 agencies;

22 (F) foreign law enforcement agencies, as
23 appropriate;

24 (G) local law enforcement agencies from
25 affected border cities and communities; and

1 (H) appropriate tribal law enforcement
2 agencies.

3 (2) DESIGNATION.—The Secretary of Home-
4 land Security, acting through the Assistant Sec-
5 retary for ICE, is authorized to establish BEST
6 units in jurisdictions where such units can con-
7 tribute to the BEST program's missions, as appro-
8 priate. Prior to establishing a BEST unit, the As-
9 sistant Secretary shall consider the following factors:

10 (A) Whether the area where 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
19 to be established, and other jurisdictions of the
20 country.

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

24 (d) OPERATION.—After making a designation under
25 subsection (c)(2), and in order to provide Federal assist-

1 ance to the area so designated, the Secretary of Homeland
2 Security may—

3 (1) obligate such sums as are appropriated for
4 the BEST program;

5 (2) direct the assignment of Federal personnel
6 to the BEST program, subject to the approval of the
7 head of the department or agency that employs such
8 personnel; and

9 (3) take other actions to assist State, local,
10 tribal, and foreign jurisdictions to participate in the
11 BEST program.

12 (c) REPORT.—Not later than 180 days after the date
13 of the establishment of the BEST program under sub-
14 section (a) and annually thereafter, the Secretary of
15 Homeland Security shall submit to Congress a report on
16 the effectiveness of the BEST program in enhancing bor-
17 der security and reducing the drug trafficking, arms
18 smuggling, illegal alien trafficking and smuggling, vio-
19 lence, and kidnapping along and across the international
20 borders of the United States as measured by crime statis-
21 tics, including violent deaths, incidents of violence, and
22 drug-related arrests.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Home-

1 land Security \$10,000,000 for each of fiscal years 2012
 2 through 2016 to—

3 (1) establish and operate the BEST program,
 4 including to provide for operational, administrative,
 5 and technological costs to Federal, State, local, trib-
 6 al and foreign law enforcement agencies partici-
 7 pating in the BEST program; and

8 (2) investigate, apprehend, and prosecute indi-
 9 viduals engaged in drug trafficking, arms smuggling,
 10 illegal alien trafficking and smuggling, violence, and
 11 kidnapping along and across the international bor-
 12 ders of the United States.

13 **SECTION 1. SHORT TITLE.**

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

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

17 *Congress finds the following:*

18 (1) *The Department of Homeland Security’s*
 19 *(DHS) overriding mission is to lead a unified na-*
 20 *tional effort to protect the United States. United*
 21 *States Immigration and Customs Enforcement (ICE)*
 22 *is the largest investigative agency within DHS and is*
 23 *charged with enforcing a wide array of laws, includ-*
 24 *ing laws related to securing the border and combating*
 25 *criminal smuggling.*

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

7 (3) *Law enforcement agencies at the United*
8 *States northern border also face challenges from*
9 *transnational smuggling organizations.*

10 (4) *In response, DHS has partnered with Fed-*
11 *eral, State, local, tribal, and foreign law enforcement*
12 *counterparts to create the Border Enforcement Secu-*
13 *rity Task Force (BEST) initiative as a comprehen-*
14 *sive approach to addressing border security threats.*
15 *These multi-agency teams are designed to increase in-*
16 *formation-sharing and collaboration among the par-*
17 *ticipating law enforcement agencies.*

18 (5) *BEST teams incorporate personnel from*
19 *ICE, United States Customs and Border Protection*
20 *(CBP), the Drug Enforcement Administration (DEA),*
21 *the Bureau of Alcohol, Tobacco, Firearms and Explo-*
22 *sives (ATFE), the Federal Bureau of Investigation*
23 *(FBI), the United States Coast Guard (USCG), and*
24 *the U.S. Attorney's Office (USAO), along with other*

1 *key Federal, State and local law enforcement agen-*
 2 *cies.*

3 *(6) Foreign law enforcement agencies partici-*
 4 *parting in BEST include Mexico’s Secretaria de*
 5 *Seguridad Publica (SSP), the Canada Border Serv-*
 6 *ices Agency (CBSA), the Ontario Provincial Police*
 7 *(OPP), and the Royal Canadian Mounted Police*
 8 *(RCMP).*

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

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

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

14 *“(a) ESTABLISHMENT.—There is established within*
 15 *the Department a program to be known as the Border En-*
 16 *forcement Security Task Force (referred to in this section*
 17 *as ‘BEST’).*

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

21 *“(1) facilitating collaboration among Federal,*
 22 *State, local, tribal, and foreign law enforcement agen-*
 23 *cies to execute coordinated activities in furtherance of*
 24 *border security, and homeland security; and*

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

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

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

7 “(A) *U.S. Immigration and Customs En-*
 8 *forcement;*

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

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

11 “(D) *other Department personnel, as appro-*
 12 *priate*

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

14 “(F) *appropriate State law enforcement*
 15 *agencies;*

16 “(G) *foreign law enforcement agencies, as*
 17 *appropriate;*

18 “(H) *local law enforcement agencies from*
 19 *affected border cities and communities; and*

20 “(I) *appropriate tribal law enforcement*
 21 *agencies.*

22 “(2) *ESTABLISHMENT OF UNITS.—The Secretary*
 23 *is authorized to establish BEST units in jurisdictions*
 24 *in which such units can contribute to BEST mis-*

1 *sions, as appropriate. Before establishing a BEST*
2 *unit, the Secretary shall consider—*

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

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

9 *“(C) the extent to which border security*
10 *threats are having a significant harmful impact*
11 *in the jurisdiction in which the BEST unit is to*
12 *be established, and other jurisdictions in the*
13 *country; and*

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

17 *“(3) DUPLICATION OF EFFORTS.—In deter-*
18 *mining whether to establish a new BEST unit or to*
19 *expand an existing BEST unit in a given jurisdic-*
20 *tion, the Secretary shall ensure that the BEST unit*
21 *under consideration does not duplicate the efforts of*
22 *other existing interagency task forces or centers with-*
23 *in that jurisdiction.*

24 *“(d) OPERATION.—After determining the jurisdictions*
25 *in which to establish BEST units under subsection (c)(2),*

1 *and in order to provide Federal assistance to such jurisdic-*
2 *tions, the Secretary may—*

3 “(1) *direct the assignment of Federal personnel*
4 *to BEST, subject to the approval of the head of the*
5 *department or agency that employs such personnel;*
6 *and*

7 “(2) *take other actions to assist Federal, State,*
8 *local, and tribal entities to participate in BEST, in-*
9 *cluding providing financial assistance, as appro-*
10 *priate, for operational, administrative, and techno-*
11 *logical costs associated with the participation of Fed-*
12 *eral, State, local, and tribal law enforcement agencies*
13 *in BEST.*

14 “(e) *REPORT.—Not later than 180 days after the date*
15 *on which BEST is established under this section, and annu-*
16 *ally thereafter for the following 5 years, the Secretary shall*
17 *submit a report to Congress that describes the effectiveness*
18 *of BEST in enhancing border security and reducing the*
19 *drug trafficking, arms smuggling, illegal alien trafficking*
20 *and smuggling, violence, and kidnapping along and across*
21 *the international borders of the United States, as measured*
22 *by crime statistics, including violent deaths, incidents of*
23 *violence, and drug-related arrests.”.*

24 “(b) *CLERICAL AMENDMENT.—The table of contents*
25 *under section 1(b) of the Homeland Security Act of 2002*

- 1 *(6 U.S.C. 101(b)) is amended by inserting after the item*
- 2 *relating to section 431 the following:*

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

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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 trans-national 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.

AUGUST 28, 2012

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