

JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK
FORCE ACT

NOVEMBER 4, 2011.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. KING of New York, from the Committee on Homeland Security,
submitted the following

R E P O R T

[To accompany H.R. 915]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 915) 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, 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. SHORT TITLE.

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

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

Congress finds the following:

(1) The Department of Homeland Security’s (DHS) overriding mission is to lead a unified national effort to protect the United States. United States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

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

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

(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney’s Office (USAO), along with other key Federal, State and local law enforcement agencies.

(6) Foreign law enforcement agencies include Mexico’s Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).

SEC. 3. BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) **ESTABLISHMENT.**—There is established in United States Immigration and Customs Enforcement (ICE) a program known as a Border Enforcement Security Task Force (referred to as “BEST”).

(b) **PURPOSE.**—The purpose of the BEST program is to establish units to enhance border security by addressing and reducing border security threats and violence by—

(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

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

(c) **COMPOSITION AND DESIGNATION.**—

(1) **COMPOSITION.**—BEST units may be comprised of personnel from—

(A) United States Immigration and Customs Enforcement;

(B) United States Customs and Border Protection;

(C) the United States Coast Guard;

(D) other Federal agencies, as appropriate;

(E) appropriate State law enforcement agencies;

(F) foreign law enforcement agencies, as appropriate;

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

(H) appropriate tribal law enforcement agencies.

(2) **DESIGNATION.**—The Secretary of Homeland Security, acting through the Assistant Secretary for ICE, is authorized to establish BEST units in jurisdictions where such units can contribute to the BEST program’s missions, as appropriate. Prior to establishing a BEST unit, the Assistant Secretary shall consider the following factors:

(A) Whether the area where the BEST unit would be established is significantly impacted by cross-border threats.

(B) The availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit.

(C) The extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions of the country.

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

(d) OPERATION.—After making a designation under subsection (c)(2), and in order to provide Federal assistance to the area so designated, the Secretary of Homeland Security may—

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

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

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

(e) REPORT.—Not later than 180 days after the date of the establishment of the BEST program under subsection (a) and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the effectiveness of the BEST program in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security \$10,000,000 for each of fiscal years 2012 through 2016 to—

(1) establish and operate the BEST program, including to provide for operational, administrative, and technological costs to Federal, State, local, tribal and foreign law enforcement agencies participating in the BEST program; and

(2) investigate, apprehend, and prosecute individuals engaged in drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States.

PURPOSE AND SUMMARY

The purpose of H.R. 915 is 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.

BACKGROUND AND NEED FOR LEGISLATION

Immigration and Customs Enforcement (ICE) has partnered with Federal, State, local, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative, a series of multi-agency teams developed to identify, disrupt, and dismantle criminal organizations posing significant threats to border security.

The teams are designed to increase information sharing and collaboration among the agencies combating this threat by bringing all of the relevant stakeholders together to facilitate planning and operations to disrupt criminal organizations with a nexus to the border.

BEST teams incorporate personnel from ICE; Customs and Border Protection; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Federal Bureau of Investigation; the U.S. Coast Guard; and the U.S. Attorney's Office along with other key Federal, State, local and foreign law enforcement agencies. The Mexican law enforcement agency Secretaria de Seguridad Publica participates in southwest border BESTs, while the Canada Border Services Agency, and the Royal

Canadian Mounted Police participate in BEST teams along the northern border.

This legislation is named in honor of ICE agent Jaime Zapata, who was killed in the line of the duty while serving on a BEST team in Mexico.

The Committee believes that the Border Enforcement Security Task Forces are important interagency forums for cooperation and collaboration and should be authorized. The authorization level of \$10 million included in the bill is consistent with appropriated funding for BEST in FY2011.

HEARINGS

No hearings were held on H.R. 915 in the 112th Congress, however, the Committee held oversight hearings listed below.

The Subcommittee on Border and Maritime Security examined this issue in a May 3, 2011, hearing entitled "Border Security and Enforcement—Department of Homeland Security's Cooperation with State and Local Law Enforcement Stakeholders." The Subcommittee received testimony from Mr. Kumar Kibble, Deputy Director, U.S. Immigration and Customs Enforcement, Department of Homeland Security; Mr. Ronald Vitiello, Deputy Chief, U.S. Customs and Border Protection, Department of Homeland Security; Sheriff Larry Dever, Cochise County Sheriff's Office, Arizona; Sheriff Todd Entrekin, Etowah County Sheriff's Office, Alabama; and Mr. Gomecindo Lopez, Commander, Special Operations Bureau, El Paso County Sheriff's Office, Texas.

COMMITTEE CONSIDERATION

The Subcommittee on Border and Maritime Security met on June 2, 2011, to consider H.R. 915, and ordered the measure to be reported to the Full Committee with a favorable recommendation, as amended.

The Subcommittee agreed to H.R. 915, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 915 offered by MR. CUELLAR (#1); was AGREED TO by voice vote.

The Committee met on September 21, 2011, to consider H.R. 915, and ordered the measure to be reported to the House with a favorable recommendation, amended, by voice vote. The Committee took the following actions:

The Committee adopted H.R. 915, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by MR. CUELLAR (#1); was AGREED TO by voice vote.

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. 915.

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. 915, the Jaime Zapata Border Enforcement Security Task Force Act, 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.

SEPTEMBER 29, 2011.

Hon. PETER T. KING,
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. 915, the Jaime Zapata Border Enforcement Security Task Force Act.

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.

H.R. 915—Jaime Zapata Border Enforcement Security Task Force Act

Summary: H.R. 915 would authorize the appropriation of \$10 million for each of fiscal years 2012 through 2016 for the Border Enforcement Security Task Force (BEST) program in the Department of Homeland Security. Under the BEST program, personnel from federal, state, local, tribal, and foreign law-enforcement agencies share information and carry out law-enforcement operations to combat criminal activity near United States borders.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost \$48 million over the 2012–2016 period. Enacting H.R. 915 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 915 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 915 is shown in the following table. CBO assumes that the authorized amounts will be appropriated near the start of each fiscal year and that outlays will follow the historical rate of spending for similar activities. The costs of this legislation fall within budget function 750 (administration of justice).

	By fiscal year, in millions of dollars—					
	2012	2013	2014	2015	2016	2012– 2016
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	10	10	10	10	10	50
Estimated Outlays	8	10	10	10	10	48

Pay-as-You-Go considerations: none.

Intergovernmental and private-sector impact: H.R. 915 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or Tribal governments.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy 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. 915 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

The performance goal and objective of H.R. 915 is to authorize the Border Enforcement Security Task Forces within United States Immigration and Customs Enforcement.

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.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law, the Committee finds that H.R. 915 does not preempt any State, local, or Tribal law.

ADVISORY COMMITTEE STATEMENT

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

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. Short title

This section provides that bill may be cited as the “Jaime Zapata Border Enforcement Security Task Force Act.”

Section 2. Findings and declaration of purposes

(a) FINDINGS.

Section 3. Border Enforcement Security Task Force

This section establishes Border Enforcement Security Task Forces (BEST) within United States Immigration and Customs Enforcement (ICE).

(b) PURPOSE.

The purpose of the BEST program is to establish units to enhance border security by addressing and reducing border security threats and violence.

(c) COMPOSITION AND DESIGNATION.

BEST units may be comprised of personnel from the United States Immigration and Customs Enforcement; United States Customs and Border Protection; the United States Coast Guard, other Federal agencies, State, local and tribal law enforcement agencies; and where appropriate foreign law enforcement partners.

The Secretary of Homeland Security is authorized to establish BEST units in jurisdictions where such units can contribute to the BEST program’s missions.

(e) REPORT.

Not later than 180 days after the date of the establishment of the BEST program, and annually thereafter, the Secretary of Homeland Security shall submit to Congress a report on the effectiveness of the BEST program.

(f) AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Homeland Security \$10,000,000 for each of Fiscal Years 2012 through 2016.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 915 makes no changes to existing law.