

BRIAN A. TERRY MEMORIAL ACT

DECEMBER 12, 2011.—Referred to the House Calendar and ordered to be printed

Mr. MICA, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2668]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 2668) to designate the station of the
United States Border Patrol located at 2136 South Naco Highway
in Bisbee, Arizona, as the “Brian A. Terry Border Patrol Station”,
having considered the same, report favorably thereon without
amendment and recommend that the bill do pass.

CONTENTS

	Page
Purpose of Legislation	1
Background and Need for Legislation	2
Summary of Legislation	2
Legislative History and Consideration	2
Hearings	2
Committee Votes	3
Committee Oversight Findings	3
New Budget Authority and Tax Expenditures	3
Performance Goals and Objectives	3
Congressional Budget Office Cost Estimate	3
Advisory of Earmarks	4
Federal Mandate Statement	4
Preemption Clarification	4
Advisory Committee Statement	4
Applicability of Legislative Branch	4
Changes in Existing Law made by the Bill, as Reported	4

PURPOSE OF LEGISLATION

H.R. 2668 would designate the station of the United States Bor-
der Patrol located at 2136 South Naco Highway in Bisbee, Arizona,
as the “Brian A. Terry Border Patrol Station”.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2668 is intended to recognize the sacrifice of Border Patrol Agent Brian A. Terry by designating the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the “Brian A. Terry Border Patrol Station.”

A native of Flat Rock, Michigan, Agent Brian A. Terry served in the United States Marine Corps and continued his service as a police officer with the cities of Ecorse and Lincoln Park, Michigan, prior to joining the United States Border Patrol. Agent Terry was a member of the 699th Session of the Border Patrol Academy assigned to the Naco Border Patrol Station within the Tucson Sector.

On December 14, 2010, Border Patrol Agent Brian A. Terry was conducting a Border Patrol Tactical Unit (BORTAC) operation in the area of “Peck Wells.” At 11:15 p.m., near Rio Rico, Arizona, and about 15 miles north of Nogales, Arizona, Agent Terry and his team spotted a group of individuals approaching their position. Officials later found the suspects to be exploiting illegal immigrants. Shortly thereafter, an encounter ensued and gunfire was exchanged that left Agent Terry mortally wounded by a bullet fired from an AK-47. Agent Terry died on December 15, 2010.

SUMMARY OF LEGISLATION

Section 1. Short title

Section 1 states that the Act may be cited as the ‘Brian A. Terry Memorial Act’.

Section 2. Findings

Section 2 includes findings of Congress.

Section 3. Designation

Section 3 designates the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the “Brian A. Terry Border Patrol Station”.

Section 4. References

Section 4 indicates that any reference in a law, map, regulation, document, paper, or other record of the United States to the station referred to in section 1 shall be deemed to be a reference to the ‘Brian A. Terry Border Patrol Station’.

LEGISLATIVE HISTORY AND CONSIDERATION

On July 27, 2011, Representative Darrell Issa introduced H.R. 2668, a bill to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the “Brian A. Terry Border Patrol Station”.

On October 13, 2011, the Committee on Transportation and Infrastructure met in open session, and ordered the bill reported favorably to the House by voice vote with a quorum present.

HEARINGS

No hearings were held on H.R. 2668.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no record votes taken in connection with consideration of H.R. 2668, or ordering the bill reported. A motion to order H.R. 2668 reported favorably to the House was agreed to by voice vote with a quorum present.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station".

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 2668 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 19, 2011.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2668, a bill to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the "Brian A. Terry Border Patrol Station," as ordered reported by the House Committee on Transportation and Infrastructure on October 13, 2011.

CBO estimates that enacting this legislation would have no significant impact on the federal budget and would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. The bill contains no intergovernmental or private-sector

mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CB0 staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

FEDERAL MANDATE 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” (P.L. 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires 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 states that H.R. 2668 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 are created by this legislation.

APPLICABILITY OF 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 (P.L. 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 2668 makes no changes in existing law.

○