

Calendar No. 254

115TH CONGRESS
1ST SESSION

S. 1199

[Report No. 115–179]

To amend the Homeland Security Act of 2002 to reauthorize the Border Enforcement Security Task Force program within the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2017

Mrs. McCASKILL (for herself, Mr. TESTER, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 30, 2017

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Homeland Security Act of 2002 to reauthorize the Border Enforcement Security Task Force program within the Department of Homeland Security, 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 “Border Enforcement
3 Security Task Force Reauthorization Act of 2017”.

4 **SEC. 2. MODIFIED INSTRUCTIONS.**

5 (a) UPDATED CONSIDERATIONS FOR THE ESTAB-
6 LISHMENT OF UNITS.—Section 432(c)(2) of the Home-
7 land Security Act of 2002 (6 U.S.C. 240(c)) is amended—

8 (1) in the matter preceding subparagraph (A),
9 by striking “shall consider” and inserting “shall
10 apply risk-based criteria that takes into consider-
11 ation”;

12 (2) in subparagraph (A), by inserting “, includ-
13 ing threats posed by transnational criminal organi-
14 zations” before the semicolon at the end;

15 (3) in subparagraph (C), by striking “and” at
16 the end;

17 (4) in subparagraph (D), by striking the period
18 at the end and inserting a semicolon; and

19 (5) by adding at the end the following:

20 “(E) the extent to which the BEST unit
21 would advance the Department’s homeland and
22 border security strategic priorities and related
23 objectives; and

24 “(F) whether departmental Joint Task
25 Force operations established pursuant to sec-
26 tion 708 and other joint cross-border initiatives

1 would be enhanced, improved, or otherwise as-
2 sisted by the BEST unit.”.

3 (b) PORT SECURITY.—Section 432(c) of the Home-
4 land Security Act of 2002, as amended by subsection (a),
5 is further amended by adding at the end the following:

6 “(4) PORT SECURITY BEST UNITS.—A BEST
7 unit established pursuant to paragraph (2) with a
8 port security nexus shall be composed of at least 1
9 member of each of the following:

10 “(A) The Coast Guard Investigative Serv-
11 ice.

12 “(B) The geographically responsible Coast
13 Guard Sector Intelligence Office.”.

14 (c) UPDATED REPORT ELEMENTS.—Section 432(e)
15 of the Homeland Security Act of 2002 (6 U.S.C. 240(e))
16 is amended to read as follows:

17 “(e) REPORT.—Not later than 180 days after the
18 date of the enactment of this subsection, and annually
19 thereafter for the following 5 years, the Secretary shall
20 submit to Congress a report that includes—

21 “(1) a description of the effectiveness of BEST
22 in enhancing border security, disrupting and dis-
23 mantling transnational criminal organizations, and
24 reducing drug trafficking, arms smuggling, *child ex-*
25 *ploitation*, illegal alien trafficking and smuggling, vi-

1 olence, and kidnapping along and across the inter-
 2 national borders of the United States, as measured
 3 by crime statistics, including violent deaths, inci-
 4 dents of violence, and drug-related arrests;

5 “(2) an assessment of how BEST enhances in-
 6 formation-sharing, including the dissemination of
 7 homeland security information, among Federal,
 8 State, local, tribal, and foreign law enforcement
 9 agencies, *as well as BEST capability gaps relating to*
 10 *intelligence coordinating and sharing efforts;*

11 “(3) a description of how BEST advances the
 12 Department’s homeland and border security stra-
 13 tegic priorities and effectiveness of BEST in achiev-
 14 ing related objectives; ~~and~~

15 “(4) an assessment of BEST’s joint operational
 16 efforts with departmental Joint Task Force oper-
 17 ations established pursuant to section 708 and other
 18 joint cross-border initiatives;—

19 “(5) *An assessment of whether additional au-*
 20 *thorities are needed to accomplish the BEST mission;*

21 “(6) *An assessment of whether additional Memos*
 22 *of Understanding are needed to address intelligence*
 23 *and coordination gaps; and*

24 “(7) *An assessment of whether funding has an*
 25 *impact on the overall mission of BEST operations to*

1 *assist in advancing the Department’s homeland and*
2 *border security priorities and related objectives.”.*

3 **SEC. 3. AUTHORIZATION OF DANGER PAY ALLOWANCE FOR**
4 **ICE AGENTS STATIONED IN DANGEROUS**
5 **AREAS.**

6 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
7 *that providing personnel danger pay to U.S. Immigration*
8 *and Customs Enforcement (ICE) agents who are assigned*
9 *to dangerous overseas posts will—*

10 *(1) help modernize ICE’s overseas workforce com-*
11 *pensation system; and*

12 *(2) place ICE on equal footing with the law en-*
13 *forcement agencies of the Department of Justice.*

14 *(b) AUTHORIZATION.—Section 5928 of title 5, United*
15 *States Code, is amended by inserting “The Secretary of*
16 *State may not deny a request by the Administrator of the*
17 *Drug Enforcement Administration, the Director of the Fed-*
18 *eral Bureau of Investigation, or the Director of U.S. Immi-*
19 *gration and Customs Enforcement to authorize a danger*
20 *pay allowance under this section for any employee of any*
21 *such agency.” after the first sentence.*

22 *(c) CONFORMING AMENDMENT.—Section 151 of the*
23 *Foreign Relations Authorization Act, Fiscal Years 1990*
24 *and 1991 (Public Law 101–246) is repealed.*

1 (d) *REPORTING REQUIREMENT.*—Not later than 30
2 days after the date on which regulations are issued pursu-
3 ant to subsection (d), the Director of U.S. Immigration and
4 Customs Enforcement shall submit a report to the Com-
5 mittee on Foreign Relations of the Senate, the Committee
6 on Homeland Security and Governmental Affairs of the
7 Senate, the Committee on Foreign Affairs of the House of
8 Representatives, and the Committee on Homeland Security
9 of the House of Representatives that specifies—

10 (1) *the overseas posts that have been designated*
11 *by the Director as locations at which ICE agents will*
12 *receive a danger pay allowance; and*

13 (2) *the justification for each such designation.*

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