

MICHEL O. MACEDA MEMORIAL ACT

JUNE 7, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GREEN of Tennessee, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 5302]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 5302) to designate the Air and Marine Operations Marine Unit of the U.S. Customs and Border Protection located at 101 Km 18.5 in Cabo Rojo, Puerto Rico, as the “Michel O. Maceda Marine Unit”, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for Legislation	2
Hearings	2
Committee Consideration	2
Committee Votes	2
Committee Oversight Findings	3
Correspondence with Other Committees	3
C.B.O. Estimate, New Budget Authority, Entitlement Authority, and Tax Expenditures	4
Federal Mandates Statement	5
Duplicative Federal Programs	5
Statement of General Performance Goals and Objectives	5
Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits ...	5
Advisory Committee Statement	5
Applicability to Legislative Branch	5
Section-by-Section Analysis of the Legislation	5

PURPOSE AND SUMMARY

The “Michel O. Maceda Memorial Act” seeks to memorialize Agent Maceda’s heroism by requiring the Department of Homeland

Security to rename the Air and Marine Operations (AMO) facility in Puerto Rico as the “Michel O. Maceda Marine Unit”.

BACKGROUND AND NEED FOR LEGISLATION

Marine Interdiction Agent Michel O. Maceda started his career with U.S. Customs and Border Protection (CBP) in April 2016 as a Border Patrol agent. He transitioned to AMO in 2021 and was assigned to the Mayagüez Marine Unit in Cabo Rojo, Puerto Rico.

On November 17, 2022, Agent Maceda and two other AMO agents were conducting a maritime drug interdiction stop off the coast of Puerto Rico. During the interdiction, Agent Maceda was mortally wounded when one of the drug smugglers opened fire on the agents.

Agent Maceda’s death is a stark reminder of the dangers CBP officers and agents face every day. It is also a testament to their unwavering commitment to protect the nation’s borders and keep our communities safe.

H.R. 5302 would memorialize Agent Maceda’s heroism and be a reminder of the ultimate sacrifice he made while serving our nation.

HEARINGS

The Committee held the following hearings in the 118th Congress that informed H.R. 5302.

On March 15, 2023, the Committee held a full Committee field hearing entitled, “Failure By Design: Examining Secretary Mayorkas’ Border Crisis” in Pharr, Texas. The Committee received testimony from the Honorable Raul L. Ortiz, Chief of U.S. Border Patrol, U.S. Customs and Border Protection; Mr. Steven Cagan, Assistant Director, Countering Transnational Organized Crime, Homeland Security Investigations, U.S. Immigration and Customs Enforcement; Colonel Steven McCraw, Director, Texas Department of Public Safety; the Honorable Brad Coe, Sheriff, Kinney County, Texas; and Mr. Chris Cabrera, Vice President, National Border Patrol Council.

On September 13, 2023, the Committee held a hearing entitled, “An Unbearable Price: The Devastating Human Costs of the Biden-Mayorkas Border Crisis.” The Committee received testimony from Mr. Tim Ballard, former Special Agent, Homeland Security Investigations, U.S. Department of Homeland Security; Ms. Mayra Cantu, wife of a Border Patrol agent; Ms. Sandy Snodgrass, founder, Alaska Fentanyl Response; and Mr. Lee Gelernt, Deputy Director, ACLU Immigrants’ Rights Project, American Civil Liberties Union.

COMMITTEE CONSIDERATION

The Committee met on Wednesday, April 10, 2024, a quorum being present, to consider H.R. 5302 and ordered the measure to be favorably reported to the House by voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII 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. 5302.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

CORRESPONDENCE WITH OTHER COMMITTEES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 14, 2024.

Hon. MARK GREEN,
Chairman, Committee on Homeland Security,
Washington, DC.

DEAR CHAIRMAN GREEN: I am writing with respect to H.R. 5302, the “Michael O. Maceda Memorial Act.” As a result of your having consulted with us on provisions on which the Committee on Ways and Means has a jurisdictional interest, I will not request a sequential referral on this measure.

The Committee on Ways and Means takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for such request.

Finally, I would appreciate your response to this letter confirming this understanding and would ask that a copy of our exchange of letters on this matter be included in the *Congressional Record* during floor consideration of H.R. 5302.

Sincerely,

JASON SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 14, 2024.

Hon. JASON SMITH,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 5302, the “Michel O. Maceda Memorial Act,” of which the Committee on Ways and Means received an additional referral. I appreciate your support in bringing this legislation before the House of Representatives, and that the Committee on Ways and Means will forego further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing consideration of this bill at this time, the Committee on Ways and Means does not waive jurisdic-

tion over the subject matter contained in this legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Ways and Means represented on the conference committee.

I will include our letters on H.R. 5302 in the Committee report on this measure and in the *Congressional Record* during floor consideration of this bill. I look forward to working with you on this legislation and appreciate your cooperation on this matter.

Sincerely,

MARK E. GREEN, MD,
Chairman.

CONGRESSIONAL BUDGET OFFICE ESTIMATE, NEW BUDGET AUTHORITY,
ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

With respect to the requirements of clause 3(c) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and with respect to the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee adopts as its own the estimate of any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures contained in the cost estimate prepared by the Director of the Congressional Budget Office.

H.R. 5302, Michel O. Maceda Memorial Act			
As ordered reported by the House Committee on Homeland Security on April 10, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5302 would designate the Air and Marine Operations unit located at 101 Km 18.5 in Cabo Rojo, Puerto Rico, as the “Michel O. Maceda Marine Unit.” Based on the costs of similar activities, CBO estimates that the cost to revise regulations, maps, and other records would be less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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 of 1995.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of rule XIII, the Committee finds that H.R. 5302 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the objective of H.R. 5302 is to designate the Air and Marine Operations Unit of the U.S. Customs and Border Protection located at 101 Km 18.5 in Cabo Rojo, Puerto Rico, as the “Michel O. Maceda Marine Unit”.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED
TARIFF BENEFITS

In compliance with rule XXI, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act (5 U.S.C. § 1004) were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 5302 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 states that the Act may be cited as the “Michel O. Maceda Memorial Act.”

Section 2. Findings

This section states that Congress finds the following.

Marine Interdiction Agent Michel O. Maceda served honorably in the United States Army as a wheeled vehicle mechanic prior to joining the United States Border Patrol as an Agent in Douglas, Arizona, in April 2016.

Agent Maceda became a Marine Interdiction Agent with U.S. Customs and Border Protection, Air and Marine Operations in Mayagüez, Puerto Rico, in 2021.

On November 17, 2022, Agent Maceda and two other agents were conducting a drug interdiction stop off the coast of Puerto Rico, during which the agents boarded the target vessel. During the stop,

Agent Maceda was mortally wounded when one of the occupants of the vessel shot the boarding agents with a firearm.

Agent Maceda is survived by his daughter, brother, and parents.

Section 3. Designation

This section states that the Air and Marine Operations Marine Unit of the U.S. Customs and Border Protection located at 101 Km 18.5 in Cabo Rojo, Puerto Rico, shall forever be known and designated as the “Michel O. Maceda Marine Unit.”

Section 4. References

This section requires any reference in a law, map, regulation, document, paper, or other record of the United States to the marine unit shall be deemed to be a reference to the “Michel O. Maceda Marine Unit.”

