

REPORT ON MERIDA INITIATIVE

MARCH 9, 2010.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON of Mississippi, from the Committee on Homeland Security, submitted the following

R E P O R T

[To accompany H.R. 3239]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 3239) to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security 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. REPORT ON MERIDA INITIATIVE.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to Congress a report on the effects of the Merida Initiative on the following:

- (1) Enhancing border security.
- (2) Reducing the potential for border violence.
- (3) Preventing the illicit flow of arms, bulk cash, human trafficking and smuggling, and illegal narcotics across the border between the United States and Mexico.
- (4) Improving cooperation between officials and agencies of the Department of Homeland Security and the foreign counterparts of such officials and agencies participating in the Merida Initiative, including a detailed description of how cooperation has or has not improved under the Merida Initiative.

(b) MERIDA INITIATIVE DEFINED.—In this section, the term “Merida Initiative” means the program announced by the United States and Mexico on October 22, 2007, to fight illicit narcotics trafficking and criminal organizations throughout the Western Hemisphere.

PURPOSE AND SUMMARY

The purpose of H.R. 3239 is to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purpose

BACKGROUND AND NEED FOR LEGISLATION

The Merida Initiative, a \$1.4 billion multiyear, multinational proposal, was developed to combat rising trafficking and organized crime. The Department of Homeland Security, the federal agency with the largest presence on the U.S.–Mexico border, plays a significant role in the implementation of the Merida Initiative by building on existing relationships with Mexican, Central American, and Caribbean law enforcement agencies. In light of increasing border violence, it is important to take steps to maximize effective interagency coordination of the Initiative. H.R. 3239 will provide Congress with a useful tool to gauge the impact of border security activities and acknowledge the Department’s contributions.

HEARINGS

No hearings were held on H.R. 3239.

COMMITTEE CONSIDERATION

The Subcommittee on Border, Maritime and Global Counterterrorism met on Thursday, July 23, 2009, to consider H.R. 3239, and forwarded H.R. 3239 to the Full Committee for consideration with the recommendation that it pass, amended, by voice vote. The Subcommittee adopted the bill by unanimous consent.

A unanimous consent request by Ms. Sanchez to adopt H.R. 3239, and the amendments prefiled thereto; was not objected to.

The following amendments were offered:

An amendment offered by Mr. Souder to H.R. 3239 (#1); Page 2, beginning line 5, strike “arms and bulk cash” and insert “arms, bulk cash, human trafficking and smuggling, and illegal narcotics”; was AGREED TO by unanimous consent.

An amendment offered by Mr. Souder to H.R. 3239 (#2); Page 2, beginning line 8, insert the following: “(4) Improving cooperation between officials and agencies of the Department

of Homeland Security and the foreign counterparts of such officials and agencies participating in the Merida Initiative, including a detailed description of how cooperation has or has not improved under the Merida Initiative.”; was AGREED TO by unanimous consent.

The Committee met on November 17, 2009, to consider H.R. 3239, 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 the measure, as amended, by unanimous consent.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mrs. Kirkpatrick (#1); was AGREED TO by unanimous consent.

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. 3239.

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. 3239, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes, 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.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 23, 2009.

Hon. BENNIE G. THOMPSON,
*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. 3239, a bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes.

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. 3239—A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes

H.R. 3239 would require the Department of Homeland Security to prepare a report for the Congress on the effects of the Merida Initiative on the incidence of human trafficking and other crimes near the United States border and on other issues relating to border security. The Merida Initiative is a partnership among the United States, Mexico, and other countries to combat drug trafficking and organized crime in the Western Hemisphere. CBO estimates that implementing H.R. 3239 would have no significant cost to the federal government. Enacting the bill would not affect revenues or direct spending.

H.R. 3239 contains no intergovernmental or private-sector as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was 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. 3239 contains the following general performance goals, and objectives, including outcome related goals and objectives authorized.

This legislation will give the Congress a meaningful tool to track investment of human and capital resources into the Merida Initiative. Moreover, this bill will provide the Committee with a report needed to complete its oversight work with respect to border security along the Southern Border and allow the Committee to have a more meaningful oversight role with respect to Department of Homeland Security resources to ensure they are being used effectively.

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.

ADVISORY COMMITTEE STATEMENT

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

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

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. Report on Merida Initiative

Subsection A requires the Secretary of Homeland Security, with consultation from the Secretary of State, to submit a report within 12 months of enactment describing the effects of the Merida Initiative on:

1. Enhancing border security;
2. Reducing border violence;
3. Preventing the illicit flow of weapons, cash, human trafficking and smuggling and narcotics; and
4. Improving cooperation between Department of Homeland Security officials and agencies and corresponding counterparts in participating countries.

Subsection B defines "Merida Initiative" to mean the program announced by the United States and Mexico on October 22, 2007, to combat drug trafficking and criminal organizations in the Western Hemisphere.

The Committee intends for the report established by H.R. 3239 to examine the Merida Initiative's impact in enhancing various aspects of border security. It will underscore the Department's integral role by highlighting the significant border security personnel, assets, and expertise involved in the Initiative.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 3239 makes no changes to existing law.

COMMITTEE CORRESPONDENCE

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March 5, 2010

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Ranking Republican Member

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Director, Europe and European Affairs
 DOUGLAS C. ANDERSON
Republican Chief Counsel

The Honorable Bennie G. Thompson
 Chairman
 Committee on Homeland Security
 H2-176 Ford House Office Building
 Washington, D.C. 20515

Dear Chairman Thompson:

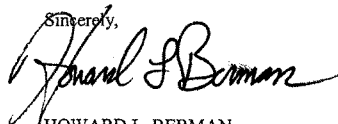
I am writing to you concerning H.R. 3239, a bill "To require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes," introduced by Congresswoman Ann Kirkpatrick on July 16, 2009.

As you know, this measure was referred to the Committee on Homeland Security and, in addition, to the Committee on Foreign Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

This bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Please include a copy of this letter and your response in the *Congressional Record* during consideration of the measure on the House floor.

Sincerely,



HOWARD L. BERMAN
 Chairman

HLB:ds/mco

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

PETER T. KING, NEW YORK
RANKING MEMBER



One Hundred Eleventh Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

March 5, 2010

The Honorable Howard L. Berman
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
2170 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Berman:

Thank you for your letter regarding H.R. 3239, a bill "To require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes," introduced by Congresswoman Ann Kirkpatrick on July 16, 2009.

I acknowledge that H.R. 3239 contains provisions within the jurisdictional interest of the Committee on Foreign Affairs. I appreciate your agreement to forgo further consideration or action on this legislation to ensure the timely consideration of this legislation, and acknowledge that your decision to do so does not affect the jurisdiction of the Committee on Foreign Affairs.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within the jurisdiction of the Committee on Foreign Affairs, and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 3239 and in the *Congressional Record* during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

cc: The Honorable Nancy Pelosi, Speaker
The Honorable Peter T. King, Ranking Member
The Honorable John Sullivan, Parliamentarian

