

TO DESIGNATE THE STATION OF THE UNITED STATES BORDER PATROL
LOCATED AT 25762 MADISON AVENUE IN MURRIETA, CALIFORNIA, AS
THE "THEODORE L. NEWTON, JR. AND GEORGE F. AZRAK BORDER PA-
TROL STATION"

SEPTEMBER 14, 2007.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H.R. 2728]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2728) to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station", having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

H.R. 2728 designates the United States Border Patrol station located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

BACKGROUND AND NEED FOR LEGISLATION

On June 17, 1967, United States Border Patrol Inspectors Theodore L. Newton, Jr. and George F. Azrak were killed in the line of duty while working the late night shift in southern California. While working at a checkpoint along the U.S.-Mexico border, Inspectors Newton and Azrak intercepted an ambulance that was carrying 800 pounds of marijuana. While the two patrol inspectors were checking the vehicle, they were overpowered by four men.

They were kidnapped from their post and taken to a nearby cabin where they were brutally murdered by the smugglers.

Inspector Theodore Newton was born on July 30, 1941. He served as a Border Patrol Inspector for one year before his death in 1967. He is survived by his wife, son, and daughter. Inspector George F. Azrak was born on June 30, 1945. He had only recently joined the United States Immigration and Naturalization Service when he was killed in the line of duty. He is survived by his wife and two children.

Since their deaths, the United States Border Patrol has established the Newton-Azrak Award for Heroism. This annual award is the highest honor that the Border Patrol can bestow on an agent for bravery. Eligibility for the award is based on the demonstration of unusual courage in the line of duty or a heroic or humane act during times of extreme stress or in an emergency. As a result of the deaths of the two inspectors, the Border Patrol now requires that a minimum of three to five agents, depending on a variety of factors, work each checkpoint along with a back-up unit. In addition to the increased manpower, the Border Patrol has also increased the amount of training and support that all Border Patrol agents now receive. The Customs Border and Protection Border Patrol Museum in El Paso, Texas, has a permanent memorial display in honor of the two Patrol Inspectors killed in the line of duty.

In honor of the service of Inspectors Newton and Azrak, it is appropriate to designate the United States Border Patrol Station located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station". Their valor in performing their roles has served as an inspiration for a generation of Border Patrol agents that have followed them in service to their country.

SUMMARY OF THE LEGISLATION

Section 1. Designation

Section 1 designates the United States Border Patrol station located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

Section 2. References

Section 2 declares that any reference in law, map, regulation, document, paper, or other record of the United States to the United States Border Patrol Station referred to in Section 1 shall be deemed to be a reference to the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

On June 14, 2007, Representative Issa introduced H.R. 2728.

On August 1, 2007, the Subcommittee on Economic Development, Public Buildings, and Emergency Management met in open session to consider H.R. 2728 and favorably recommended the bill to the Committee on Transportation and Infrastructure by voice vote.

On August 2, 2007, the Committee on Transportation and Infrastructure met in open session and ordered H.R. 2728 reported favorably to the House by voice vote.

RECORD 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 recorded votes taken in connection with ordering H.R. 2728 reported. A motion to order H.R. 2728 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.

COST OF LEGISLATION

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.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included in the report.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to designate the United States Border Patrol Station located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station".

3. 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. 2728 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 7, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following bills as ordered reported by the House Committee on Transportation and Infrastructure on August 2, 2007:

- H.R. 2728, a bill to designate the station of the United States Border Patrol located at 25762 Madison Avenue in Murrieta, California, as the "Theodore L. Newton, Jr. and George F. Azrak Border Patrol Station"; and

- H.R. 2671, a bill to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the “C. Clyde Atkins United States Courthouse.”

CBO estimates that enactment of those bills would have no significant impact on the federal budget and would not affect direct spending or revenues. Those bills contain no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

COMPLIANCE WITH HOUSE RULE XXI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2728, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

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 (Public Law 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. 2728 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 TO THE 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 (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED
H.R. 2728 makes no changes in existing law.

