

110TH CONGRESS
1ST SESSION

H. R. 2542

To authorize the Secretary of Homeland Security to make grants to hire, train, and equip local law enforcement officials on and near the southern border of the United States, as well as to reimburse the costs of paying overtime to such officials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Mr. RODRIGUEZ (for himself, Mr. CUELLAR, Mr. CULBERSON, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. FILNER, Mr. GRIJALVA, and Mr. ORTIZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Secretary of Homeland Security to make grants to hire, train, and equip local law enforcement officials on and near the southern border of the United States, as well as to reimburse the costs of paying overtime to such officials, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border Law Enforce-
5 ment Enhancement Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) It is the obligation of the Federal Govern-
4 ment of the United States to adequately secure the
5 Nation's borders and prevent the flow of undocu-
6 mented persons and illegal drugs into the United
7 States.

8 (2) Despite the fact that the United States
9 Border Patrol apprehends over 1,000,000 people
10 each year trying to illegally enter the United States,
11 according to the Congressional Research Service, the
12 net growth in the number of unauthorized aliens has
13 increased by approximately 500,000 each year. The
14 southwest border accounts for approximately 94 per-
15 cent of all migrant apprehensions each year. Cur-
16 rently, there are an estimated 11,000,000 unauthor-
17 ized aliens in the United States.

18 (3) The border region is also a major corridor
19 for the shipment of drugs. According to the El Paso
20 Intelligence Center, 65 percent of the narcotics that
21 are sold in the markets of the United States enter
22 the country through the Southwest Border.

23 (4) Border communities continue to incur sig-
24 nificant costs due to the lack of adequate border se-
25 curity. A 2001 study by the United States-Mexico
26 Border Counties Coalition found that law enforce-

1 ment and criminal justice expenses associated with
2 illegal immigration exceed \$89,000,000 annually for
3 the Southwest border counties.

4 (5) In August 2005, the States of New Mexico
5 and Arizona declared states of emergency in order to
6 provide local law enforcement immediate assistance
7 in addressing criminal activity along the Southwest
8 border.

9 (6) While the Federal Government provides
10 States and localities assistance in covering costs re-
11 lated to the detention of certain criminal aliens and
12 the prosecution of Federal drug cases, local law en-
13 forcement along the border are provided no assist-
14 ance in covering such expenses and must use their
15 limited resources to combat drug trafficking, human
16 smuggling, kidnappings, the destruction of private
17 property, and other border-related crimes.

18 (7) The United States shares 5,525 miles of
19 border with Canada and 1,989 miles with Mexico.
20 Many of the local law enforcement agencies located
21 along the border are small, rural departments
22 charged with patrolling large areas of land. Counties
23 along the Southwest United States-Mexico border
24 are some of the poorest in the country and lack the
25 financial resources to cover the additional costs asso-

1 ciated with illegal immigration, drug trafficking, and
2 other border-related crimes.

3 (8) Federal assistance is required to help local
4 law enforcement operating along the border address
5 the unique challenges that arise as a result of their
6 proximity to an international border and the lack of
7 overall border security in the region.

8 **SEC. 3. BORDER RELIEF GRANT PROGRAM.**

9 (a) IN GENERAL.—From amounts made available
10 under section 4, the Secretary of Homeland Security may
11 make grants to—

12 (1) sheriffs' offices of counties any part of
13 which is within 25 miles of the southern border of
14 the United States; and

15 (2) police departments serving a city, town, or
16 other political subdivision in a county any part of
17 which is within 25 miles of the southern border of
18 the United States (including tribal police depart-
19 ments serving a community any part of which is
20 within 25 miles of such border).

21 (b) USE OF FUNDS.—

22 (1) IN GENERAL.—Grant funds received under
23 subsection (a) may be used for the following:

24 (A) To conduct law enforcement operations
25 in order to enforce criminal laws, prevent and

1 punish criminal activity, and protect the lives,
2 property, and security of the people within the
3 jurisdiction of the grant recipient.

4 (B) To transfer aliens detained or in the
5 custody of the grant recipient who are not law-
6 fully present in the United States to appro-
7 priate Federal law enforcement officials.

8 (C) To enforce State and Federal laws re-
9 lating to controlled substance trafficking and
10 enforce other State and Federal criminal laws.

11 (2) PAYMENT OF COSTS.—Use of funds under
12 paragraph (1) shall include payment for costs of—

13 (A) hiring, equipping, training, and other-
14 wise controlling the operations and deployment
15 of, law enforcement officials engaged in duties
16 described in paragraph (1), as well as the costs
17 of paying overtime to such officials; and

18 (B) detaining, housing, and transporting
19 aliens who are not lawfully present in the
20 United States, and who are taken into custody
21 by the grant recipient, until the aliens are
22 transferred to appropriate Federal law enforce-
23 ment officials.

24 (3) DETENTION FACILITIES.—In accordance
25 with paragraph (2)(B), grant funds received under

1 subsection (a) may be used for the construction,
2 maintenance, and operation of detention facilities to
3 detain aliens who are unlawfully present in the
4 United States, except that not more than 20 percent
5 of such funds may be used for the construction or
6 renovation of detention or similar facilities.

7 (c) APPLICATION.—

8 (1) IN GENERAL.—Each eligible law enforce-
9 ment agency seeking a grant under this section shall
10 submit an application to the Secretary of Homeland
11 Security at such time, in such manner, and accom-
12 panied by such information as the Secretary of
13 Homeland Security may reasonably require.

14 (2) CONTENTS.—Each application submitted
15 pursuant to paragraph (1) shall—

16 (A) describe the activities for which assist-
17 ance under this section is sought; and

18 (B) provide such additional assurances as
19 the Secretary of Homeland Security determines
20 to be essential to ensure compliance with the re-
21 quirements of this section.

22 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Sec-
24 retary of Homeland Security to carry out this Act

1 \$150,000,000 for fiscal year 2008 and each succeeding
2 fiscal year.

3 **SEC. 5. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

4 Nothing in this Act shall be construed to authorize
5 State or local law enforcement agencies or their officers
6 to exercise Federal immigration law enforcement author-
7 ity.

8 **SEC. 6. REGULATIONS.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of Homeland Security shall
11 issue regulations to carry out this Act.

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