

115TH CONGRESS
1ST SESSION

H. R. 3526

To amend title 28, United States Code, to allow the use of the Department of Justice Asset Forfeiture Fund to finance United States border security measures, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. ROTHFUS (for himself and Mr. PETERSON) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to allow the use of the Department of Justice Asset Forfeiture Fund to finance United States border security measures, 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 Protection
5 Fund Act”.

1 **SEC. 2. DEPARTMENT OF JUSTICE ASSET FORFEITURE**
2 **FUND.**

3 Section 524(e) of title 28, United States Code, is
4 amended by adding at the end the following:

5 “(12) Notwithstanding any other provision of
6 this subsection the Attorney General shall by rule
7 provide for the following:

8 “(A) The Attorney General will deposit
9 any unobligated balance of forfeited cash, mon-
10 etary instruments, or commodity money derived
11 from civil forfeitures, or criminal judgements,
12 relating to the illicit trafficking of weapons,
13 persons, or narcotics, from the Department of
14 Justice Asset Forfeiture Fund in to a special
15 subfund, to be known as the Border Protection
16 Fund and hereinafter in this paragraph re-
17 ferred to as the ‘BP Fund.’ Half of any deposit
18 into the BP Fund shall be allocated to the
19 agencies listed in subparagraph (B). The re-
20 maining half shall be allocated to the Depart-
21 ment of Health and Human Services as listed
22 in subparagraph (C).

23 “(B) Upon request by the head of the De-
24 partment of Homeland Security, the Federal
25 Bureau of Investigation, or the Drug Enforce-
26 ment Agency, the Attorney General may provide

1 money from the BP fund for any of the fol-
2 lowing purposes:

3 “(i) Construction and maintenance of
4 physical barriers along the United States
5 border.

6 “(ii) Construction and maintenance of
7 virtual fencing measures along the border
8 as cited in the Secure Fence Act as
9 amended.

10 “(iii) Purchase, maintenance, and op-
11 eration of unmanned aircraft systems to
12 monitor national boundaries.

13 “(iv) Compensation to Federal law en-
14 forcement for any overtime work conducted
15 during the course of their work.

16 “(v) Compensation to foreign govern-
17 ments for any expenses incurred while as-
18 sisting the United States during joint bor-
19 der protection endeavors.

20 “(C) Upon request by the head of the De-
21 partment of Health and Human Services, the
22 Attorney General may provide money from the
23 BP fund for purposes of combating drug addic-
24 tion through Federal treatment and recovery
25 programs and initiatives.

1 “(D) The presiding Federal trial court
2 judge, in their discretion, of any criminal case
3 relating to the illicit trafficking of weapons,
4 persons, or narcotics, may order that any fines
5 imposed during sentencing be directed to the
6 Secretary of the Treasury for deposit into the
7 BP Fund.

8 “(E) Notwithstanding subsections
9 524(c)(12)(B)(iv) and (v), funds released from
10 the BP Fund may not be used for reimburse-
11 ment purposes.”.

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