H. R. 77

To provide for emergency deployments of United States Border Patrol agents and to increase the number of DEA and ATF agents along the international border of the United States to increase resources to identify and eliminate illicit sources of firearms into Mexico for use by violent drug trafficking organizations and for other lawful activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, 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.

A BILL

To provide for emergency deployments of United States Border Patrol agents and to increase the number of DEA and ATF agents along the international border of the United States to increase resources to identify and eliminate illicit sources of firearms into Mexico for use by violent drug trafficking organizations and for other lawful activities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Border Security, Cooperation, and Act Now Drug War Prevention Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

   Sec. 1. Short title; table of contents.
   Sec. 2. Findings.

   TITLE I—GENERAL PROVISIONS

   Sec. 102. Emergency deployment of DEA agents.
   Sec. 103. Emergency deployment of ATF agents.
   Sec. 104. Elimination of fixed deployment of United States Border Patrol agents.
   Sec. 105. Helicopters and power boats.
   Sec. 106. Control of United State Border Patrol assets.
   Sec. 107. Motor vehicles.
   Sec. 108. Portable computers.
   Sec. 109. Radio communications.
   Sec. 110. Hand-held global positioning system devices.
   Sec. 111. Night vision equipment.
   Sec. 112. Border armor.
   Sec. 113. Weapons.
   Sec. 114. Uniforms.
   Sec. 115. Task force.

   TITLE II—BORDER RELIEF

   Sec. 201. Border relief grant program.
   Sec. 203. Enforcement of Federal immigration law.
   Sec. 204. Regulations.

7 SEC. 2. FINDINGS.

   Congress finds the following:

   (1) In 2008, the violence between Mexican drug gangs fighting for trafficking routes to the United States killed approximately 6,000 people in Mexico, including more than 500 police officers and soldiers.
(2) In the first eight weeks of 2009, more than 1,000 people were killed as a result of the drug war.

(3) In March 2009, Mexico sent an additional 3,200 soldiers to the border, increasing the total number of Mexican soldiers combating drug cartels to more than 45,000.

(4) Over 200 United States citizens have been killed in the drug war, either because they were involved in the cartels or were innocent bystanders.

(5) The drug trade in Mexico include marijuana, heroin, cocaine, and methamphetamine (meth).

(6) Mexico is the conduit for most of the cocaine—approximately 90 percent—in the United States, the source for much of the heroin consumed in this country, and the largest foreign supplier of marijuana and meth to other markets.

(7) Estimates indicate a vast majority of the cocaine available in the United States market is smuggled by Mexican cartels across the United States-Mexico border.

(8) Cartels are becoming increasingly involved in the trafficking of meth because of the large profit margins they obtain from controlling the drug from manufacture to distribution.
(9) The drug cartels have criminal earnings in excess of $25 billion per year and physically send more than $10 billion a year in bulk cash back into Mexico from the United States.

(10) According to the 2009 National Drug Threat Assessment, Mexican drug trafficking organizations are the greatest drug trafficking threat to the United States.

(11) Mexico’s cartels have existed for some time, but have become increasingly powerful in recent years with the demise of once powerful cartels in Colombia and the closure of trafficking routes through Florida.

(12) The Colombian cartels still play a role in the United States drug trade.

(13) The Drug Enforcement Administration (DEA) maintains that the Mexican cartels now command and control the drug trade and show the hallmarks of organized crime, such as organizing into distinct cells with subordinate cells, including gangs, which operate throughout the United States.

(14) Mexican cartels control drug distribution in most United States cities, and they are gaining strength in markets that they do not yet control.

The 2009 National Drug Threat Assessment indi-
icates that Mexican cartels maintain drug distribution networks or supply drugs to distributors in at least 230 United States cities, including in Alaska and Hawaii.

(15) The Federal Government provides States and local governments with assistance in covering the costs related to the fight against the drug cartels and the prosecution of such drug cases, local law enforcement along the border is in need of assistance in covering expenses. Local law enforcement uses its limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border security related crimes.

The United States shares 1,989 miles along its border with Mexico. Federal assistance is required to help local law enforcement.

**TITLE I—GENERAL PROVISIONS**

**SEC. 101. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.**

(a) **In General.**—If the Governor of a State on an international border of the United States declares an international border security emergency, including actions involving Mexican drug gangs fighting for trafficking routes involved in violent drug wars, and requests additional United States Border Patrol agents from the Sec-
retary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (e), to provide the State with up to 500 additional United States Border Patrol agents for the purpose of patrolling and defending the international border in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) Consultation.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant such request to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security’s ability to provide border security for any other State.

e) Collective Bargaining.—Emergency deployments under this section shall be made in accordance with all collective bargaining agreements and obligations.

SEC. 102. EMERGENCY DEPLOYMENT OF DEA AGENTS.

(a) In General.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional Drug Enforcement Administration (DEA) agents from the Attorney General, the Attorney General is authorized, subject to subsections (b) and (e), to provide the
State with up to 500 additional DEA agents for the purpose of combating the inflow of drugs along trafficking routes to the United States.

(b) Consultation.—The Attorney General shall consult with the President upon receipt of a request under subsection (a), and shall grant such request to the extent that providing the requested assistance will not significantly impair the Attorney General’s ability to provide DEA agents for any other State.

(c) Collective bargaining.—Emergency deployments under this section shall be made in accordance with all collective bargaining agreements and obligations.

SEC. 103. EMERGENCY DEPLOYMENT OF ATF AGENTS.

(a) In General.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) agents from the Attorney General, the Attorney General is authorized, subject to subsections (b) and (c), to provide the State with up to 500 additional ATF agents for the purpose of combating the inflow of firearms, explosives, alcohol, and tobacco along smuggling routes to the United States.

(b) Consultation.—The Attorney General shall consult with the President upon receipt of a request under
subsection (a), and shall grant such request to the extent that providing the requested assistance will not significantly impair the Attorney General’s ability to provide ATF agents for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in accordance with all collective bargaining agreements and obligations.

SEC. 104. ELIMINATION OF FIXED DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

The Secretary of Homeland Security shall ensure that no United States Border Patrol agent is precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances where the temporary use of fixed deployment positions is necessary.

SEC. 105. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not fewer than 100 the number of United States Border Patrol helicopters, and shall increase by not fewer than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate
for both the waterways in which they are used and the
mission requirements.

(b) USE AND TRAINING.—The Secretary of Home-
land Security shall establish an overall policy on how the
helicopters and power boats described in subsection (a)
will be used and implement training programs for the
agents who use them, including safe operating procedures
and rescue operations.

SEC. 106. CONTROL OF UNITED STATES BORDER PATROL

ASSETS.

The United States Border Patrol shall have complete
and exclusive administrative and operational control over
all the assets utilized in carrying out its mission, includ-
ing, aircraft, watercraft, vehicles, detention space, trans-
portation, and all of the personnel associated with such
assets.

SEC. 107. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish
a fleet of motor vehicles appropriate for use by the United
States Border Patrol that will permit a ratio of at least
one police-type vehicle per every three United States Bor-
der Patrol agents. Additionally, the Secretary of Home-
land Security shall ensure that there are sufficient num-
ers and types of other motor vehicles to support the mis-
son of the United States Border Patrol. All vehicles will
be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a “panic button” and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every three years.

SEC. 108. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 109. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all law enforcement personnel working in every area where United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times. Each portable communications device shall be equipped with a “panic button” and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of the agent in distress.
SEC. 110. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 111. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. 112. BORDER ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. Officers shall be strongly encouraged, but not mandated, to wear such body armor whenever practicable. All body armor shall be replaced at least every five years.

SEC. 113. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped
with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons that are suited to the potential threats that they face.

SEC. 114. UNIFORMS.

The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

SEC. 115. TASK FORCE.

(a) In General.—There is established a task force to be known as the ATF, DEA, and Border Patrol Task Force. The task force shall be composed of members appointed by the President from among representatives of the United States Border Patrol, the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives. There shall be an equal number of representatives from each agency.
(b) Duties.—The task force shall meet not less than once per month during a two-year period in order to monitor and report to the Congress and to the President on the trade and sale of drugs, alcohol, tobacco, firearms, and explosives along the borders of the United States. Twice a year during such period, the task force shall submit a report to the Committee on the Judiciary and the Committee on Homeland Security of the United States House of Representatives and the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate.

c) Termination.—The task force shall terminate upon the expiration of the two-year period beginning on the date of the appointment of the last member appointed under this section.

**TITLE II—BORDER RELIEF**

**SEC. 201. BORDER RELIEF GRANT PROGRAM.**

(a) In General.—From amounts made available under section 202, the Attorney General may make border security grants to—

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

(2) police departments serving a city, town, or other political subdivision in a county any part of
which is within 25 miles of the southern border of the United States (including tribal police departments serving a community any part of which is within 25 miles of such border).

(b) USE OF FUNDS.—

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

(A) To conduct law enforcement operations to enforce criminal laws, prevent and punish criminal activity, and protect the lives, property, and security of the people within the jurisdiction of the grant recipient.

(B) To transfer to appropriate Federal law enforcement officials aliens unlawfully present in the United States who detained or in the custody of the grant recipient.

(C) To enforce State and Federal laws relating to securing the border and enforce other State and Federal criminal laws.

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

(A) hiring, equipping, training, and otherwise controlling the operations and deployment of law enforcement officials engaged in duties
described in paragraph (1), as well as the costs of paying overtime to such officials.

(c) Application.—

(1) In General.—Each eligible law enforcement agency seeking a grant under this section shall submit to the Attorney General an application at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) Contents.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Attorney General to carry out this title $150,000,000 for fiscal year 2011 and each succeeding fiscal year.

SEC. 203. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers
1 to exercise Federal immigration law enforcement author-
2 ity.

3 SEC. 204. REGULATIONS.

4 Not later than 90 days after the date of the enactment of this title, the Attorney General shall issue regula-
5 tions to carry out this title.