

109TH CONGRESS  
1ST SESSION

# S. 1875

To provide financial aid to local law enforcement officials along the Nation's borders, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2005

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide financial aid to local law enforcement officials along the Nation's borders, 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 Relief Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) It is the obligation of the Federal Govern-  
9       ment of the United States to adequately secure the  
10       Nation's borders and prevent the flow of undocu-

1 mented persons and illegal drugs into the United  
2 States.

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

13 (3) The border region is also a major corridor  
14 for the shipment of drugs. According to the El Paso  
15 Intelligence Center, 65 percent of the narcotics that  
16 are sold in the markets of the United States enter  
17 the country through the Southwest Border.

18 (4) Border communities continue to incur sig-  
19 nificant costs due to the lack of adequate border se-  
20 curity. A 2001 study by the United States-Mexico  
21 Border Counties Coalition found that law enforce-  
22 ment and criminal justice expenses associated with  
23 illegal immigration exceed \$89,000,000 annually for  
24 the Southwest border counties.

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

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

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

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

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

7           (a) GRANTS AUTHORIZED.—

8           (1) IN GENERAL.—The Secretary is authorized  
9 to award grants to an eligible law enforcement agen-  
10 cy to provide assistance to such agency to address—

11                   (A) criminal activity that occurs in the ju-  
12 risdiction of such agency by virtue of such  
13 agency's proximity to the United States border;  
14 and

15                   (B) the failure of the United States Gov-  
16 ernment to adequately secure its borders.

17           (2) DURATION.—Grants may be awarded under  
18 this subsection during fiscal years 2006 through  
19 2010.

20           (3) COMPETITIVE BASIS.—The Secretary shall  
21 award grants under this subsection on a competitive  
22 basis, except that the Secretary shall give priority to  
23 applications from any eligible law enforcement agen-  
24 cy serving a community—

1 (A) with a population of less than 50,000;

2 and

3 (B) located no more than 100 miles from

4 a United States border with—

5 (i) Canada; or

6 (ii) Mexico.

7 (b) USE OF FUNDS.—Grants awarded pursuant to  
8 subsection (a) may only be used to provide additional re-  
9 sources for an eligible law enforcement agency to address  
10 criminal activity occurring along any such border, includ-  
11 ing—

12 (1) to obtain equipment;

13 (2) to hire additional personnel;

14 (3) to upgrade and maintain law enforcement  
15 technology;

16 (4) to cover operational costs, including over-  
17 time and transportation costs; and

18 (5) such other resources as are available to as-  
19 sist that agency.

20 (c) APPLICATION.—

21 (1) IN GENERAL.—Each eligible law enforce-  
22 ment agency seeking a grant under this section shall  
23 submit an application to the Secretary at such time,  
24 in such manner, and accompanied by such informa-  
25 tion as the Secretary may reasonably require.

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

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

5           (B) provide such additional assurances as  
6 the Secretary determines to be essential to en-  
7 sure compliance with the requirements of this  
8 section.

9 (d) DEFINITIONS.—For the purposes of this section:

10           (1) ELIGIBLE LAW ENFORCEMENT AGENCY.—  
11 The term “eligible law enforcement agency” means  
12 a tribal, State, or local law enforcement agency—

13           (A) located in a county no more than 100  
14 miles from a United States border with—

15           (i) Canada; or

16           (ii) Mexico; or

17           (B) located in a county more than 100  
18 miles from any such border, but where such  
19 county has been certified by the Secretary as a  
20 High Impact Area.

21           (2) HIGH IMPACT AREA.—The term “High Im-  
22 pact Area” means any county designated by the Sec-  
23 retary as such, taking into consideration—

24           (A) whether local law enforcement agencies  
25 in that county have the resources to protect the

1 lives, property, safety, or welfare of the resi-  
2 dents of that county;

3 (B) the relationship between the failure of  
4 the United States to secure its borders and the  
5 rise, if any, of criminal activity in that county;  
6 and

7 (C) any other unique challenges that local  
8 law enforcement face due to a lack of security  
9 along the United States border.

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Department of Homeland Secu-  
12 rity.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be  
15 appropriated \$30,000,000 for each of fiscal years  
16 2006 through 2010 to carry out the provisions of  
17 this section.

18 (2) DIVISION OF AUTHORIZED FUNDS.—Of the  
19 amounts authorized under paragraph (1)—

20 (A)  $\frac{2}{3}$  shall be set aside for eligible law en-  
21 forcement agencies located in the 6 States with  
22 the largest number of undocumented alien ap-  
23 prehensions; and

1 (B)  $\frac{1}{3}$  shall be set aside for areas des-  
2 ignated as a High Impact Area under sub-  
3 section (d).

4 (f) SUPPLEMENT NOT SUPPLANT.—Amounts appro-  
5 priated for grants under this section shall be used to sup-  
6 plement and not supplant other State and local public  
7 funds obligated for the purposes provided under this Act.

8 **SEC. 4. REPORT REQUIREMENT.**

9 Not later than 180 days after the date of enactment  
10 of this Act, the Comptroller General of the United States  
11 shall submit a written report to Congress describing the  
12 costs incurred by State and local law enforcement agencies  
13 in connection with—

14 (1) criminal activity related to such agencies'  
15 proximity to the United States border with—

16 (A) Canada; or

17 (B) Mexico; and

18 (2) the failure of the Federal Government to se-  
19 cure the borders of the United States.

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

21 Nothing in this Act shall be construed to authorize  
22 State or local law enforcement agencies or their officers  
23 to exercise Federal immigration law enforcement author-  
24 ity.

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