

110TH CONGRESS
2D SESSION

S. 3293

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

IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JULY 17), 2008

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mr. DOMENICI, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 2008”.

6 **SEC. 2. BORDER RELIEF GRANT PROGRAM.**

7 (a) GRANTS AUTHORIZED.—

8 (1) IN GENERAL.—The Attorney General is au-
9 thorized to award grants to an eligible law enforce-
10 ment agency to provide assistance to such agency to

1 address border-related criminal activity that occurs
2 in the jurisdiction of such agency.

3 (2) COMPETITIVE BASIS.—The Attorney Gen-
4 eral shall award grants under this subsection on a
5 competitive basis.

6 (b) USE OF FUNDS.—Grants awarded pursuant to
7 subsection (a) may only be used to provide additional re-
8 sources for an eligible law enforcement agency, including
9 resources to—

10 (1) obtain equipment;

11 (2) hire additional personnel;

12 (3) upgrade and maintain law enforcement
13 technology;

14 (4) cover the operational costs, including over-
15 time and transportation costs; and

16 (5) assist that agency in responding to border-
17 related criminal activity.

18 (c) APPLICATION.—

19 (1) IN GENERAL.—Each eligible law enforce-
20 ment agency seeking a grant under this section shall
21 submit an application to the Attorney General at
22 such time, in such manner, and accompanied by
23 such information as the Attorney General may rea-
24 sonably require.

(2) CONTENTS.—Each application submitted under 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 under this section.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term “eligible law enforcement agency” means a tribal, State, or local law enforcement agency located or performing duties in—

(A) a county that is not more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) a county that is more than 100 miles from each of the borders described in subparagraph (A), if such county has been certified by the Attorney General as a High Impact Area.

(2) HIGH IMPACT AREA.—The term “High Impact Area” means any county designated by the Attorney General as a High Impact Area, taking into consideration—

1 (A) whether an eligible law enforcement
2 agency in that county has the resources to pro-
3 tect the lives, property, safety, or welfare of the
4 residents of that county;

5 (B) whether the county has been des-
6 ignated as a “High Intensity Drug Trafficking
7 Area” by the National Drug Control Program
8 under section 707 of the Office of National
9 Drug Control Policy Reauthorization Act of
10 1998 (21 U.S.C. 1706);

11 (C) the relationship between any lack of
12 security along the United States border and the
13 rise, if any, of criminal activity in that county;
14 and

15 (D) any other unique challenges that eligi-
16 ble law enforcement agencies face due to a lack
17 of security along the United States border.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) IN GENERAL.—There are authorized to be
20 appropriated \$100,000,000 for each of the fiscal
21 years 2009 through 2013 to carry out the provisions
22 of this section.

23 (2) ALLOCATION OF AUTHORIZED FUNDS.—Of
24 the amounts appropriated pursuant to paragraph
25 (1), 33 percent shall be set aside for areas des-

1 ignated as High Impact Areas under subsection
2 (d)(2).

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

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

9 Nothing in this Act shall be construed to authorize
10 tribal, State, or local law enforcement agencies or their
11 officers to exercise Federal immigration law enforcement
12 authority.

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