

111TH CONGRESS  
2D SESSION

# H. R. 6195

To provide for additional district court judges for certain judicial districts, and to provide for the cross-designation of special assistant United States attorneys to prosecute certain border-related offenses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2010

Mr. GARY G. MILLER of California introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for additional district court judges for certain judicial districts, and to provide for the cross-designation of special assistant United States attorneys to prosecute certain border-related offenses, 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 “Ensuring Justice  
5       Along the Southwest Border Act of 2010”.

1 **SEC. 2. ADDITIONAL JUDGEShips FOR CERTAIN JUDICIAL**  
2 **DISTRICTS.**

3 (a) IN GENERAL.—The President shall appoint, by  
4 and with the advice and consent of the Senate—

5 (1) 1 additional district judge for the district of  
6 Arizona;

7 (2) 4 additional district judges for the eastern  
8 district of California;

9 (3) 4 additional district judges for the central  
10 district of California;

11 (4) 4 additional district judges for the northern  
12 district of California;

13 (5) 1 additional district judge for the district of  
14 New Mexico;

15 (6) 2 additional district judges for the southern  
16 district of Texas;

17 (7) 1 additional district judge for the eastern  
18 district of Texas; and

19 (8) 4 additional district judges for the western  
20 district of Texas.

21 (b) EXISTING JUDGEShips.—The existing judgeships  
22 for the district of Arizona, the eastern district of Texas,  
23 and the district of New Mexico authorized by section  
24 312(c) of the 21st Century Department of Justice Appro-  
25 priations Authorization Act (Public Law 107–273, 116  
26 Stat. 1758), as of the effective date of this Act, shall be

1 authorized under section 133 of title 28, United States  
2 Code, and the incumbents in those offices shall hold the  
3 office under section 133 of title 28, United States Code,  
4 as amended by this Act.

5 (c) TEMPORARY JUDGESHIP.—

6 (1) The President shall appoint, by and with  
7 the advice and consent of the Senate—

8 (A) 1 additional judge for the district of  
9 Arizona;

10 (B) 1 additional judge for the eastern dis-  
11 trict of California;

12 (C) 1 additional judge for the central dis-  
13 trict of California; and

14 (D) 1 additional judge for the northern  
15 district of California.

16 (2) The first vacancy in the office of district  
17 judge in each judicial district to which a judge is ap-  
18 pointed under paragraph (1), occurring 10 years or  
19 more after the date of enactment of this Act, shall  
20 not be filled.

21 (d) TABLES.—In order that the table contained in  
22 section 133(a) of title 28, United States Code, will, with  
23 respect to each judicial district, reflect the changes in the  
24 total number of permanent district judgeships authorized

1 as a result of subsections (a) and (b) of this section, such  
 2 table is amended—

3 (1) by striking the item relating to Arizona and  
 4 inserting the following:

“Arizona ..... 14”;

5 (2) by striking the item relating to California  
 6 and inserting the following:

“California:  
     Northern ..... 18  
     Eastern ..... 10  
     Central ..... 31  
     Southern ..... 13”;

7 (3) by striking the item relating to New Mexico  
 8 and inserting the following:

“New Mexico ..... 8”;

9 and

10 (4) by striking the item relating to Texas and  
 11 inserting the following:

“Texas:  
     Northern ..... 12  
     Southern ..... 21  
     Eastern ..... 9  
     Western ..... 17”.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated such sums as may be  
 14 necessary to carry out this section, including such sums  
 15 as may be necessary to provide appropriate space and fa-  
 16 cilities for the judicial positions created by this section.

1 **SEC. 3. SPECIAL ASSISTANT UNITED STATES ATTORNEYS'**  
2 **PROGRAM.**

3 (a) IN GENERAL.—The Attorney General shall allo-  
4 cate any amounts appropriated pursuant to the authoriza-  
5 tion under subsection (c) for the hiring and training of  
6 special assistant United States attorneys.

7 (b) USE OF FUNDS.—The funds allocated under sub-  
8 section (a) shall be used to—

9 (1) train local prosecutors in techniques used to  
10 prosecute border-related offenses cases;

11 (2) train local prosecutors in Federal and State  
12 laws relating to border-related offenses;

13 (3) cross-designate local prosecutors as special  
14 assistant United States attorneys; and

15 (4) hire additional local prosecutors who—

16 (A) with the approval of the United States  
17 attorney, shall be cross-designated to prosecute  
18 both Federal and State border-related offenses  
19 cases; and

20 (B) shall be assigned a caseload, whether  
21 in State court or Federal court, that gives the  
22 highest priority to cases in which—

23 (i) charges of border-related offenses  
24 are submitted by law enforcement for con-  
25 sideration; and

1 (ii) the defendant has been previously  
2 convicted of a border-related offense.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums as may be  
5 necessary to carry out the provisions of this section.

6 (d) DEFINITION.—In this section, the term “border-  
7 related offense” means any of the following:

8 (1) Any offense under section 274(a), 274C(e),  
9 275, 276, 277, or 278 of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1324(a), 1324c(e), 1325,  
11 1326, 1327, 1328).

12 (2) Any offense under section 545 or 546 of  
13 title 18, United States Code, if the relevant mer-  
14 chandise is a controlled substance.

15 (3) Any offense under section 1010, 1012, or  
16 1013 of the Controlled Substances Act (21 U.S.C.  
17 960, 962, 963).

18 (4) Any offense under chapter 69 of title 18,  
19 United States Code.

20 (5) Any offense under section 2424 of title 18,  
21 United States Code.

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