

111TH CONGRESS
2D SESSION

S. 3273

To establish a program to provide southern border security assistance grants, to authorize the appointment of additional Federal judges in States along the southern border, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2010

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

A BILL

To establish a program to provide southern border security assistance grants, to authorize the appointment of additional Federal judges in States along the southern border, 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 “Southern Border Secu-
5 rity Assistance Act”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) The United States and Mexico have recently
2 experienced a significant increase in violence along
3 the international border between the 2 countries.

4 (2) The international border between the
5 United States and Mexico is being used as a gate-
6 way for drug cartels and criminal enterprises that
7 are illegally trafficking guns, people, and drugs.

8 (3) The partnership between the United States
9 and Mexican governments is critical—

10 (A) to address recent border violence; and

11 (B) to ensure the continued flow of legiti-
12 mate cross-border commerce, traffic and trade.

13 (4) The national security of the United States
14 is paramount.

15 (5) While it is the job of the Federal Govern-
16 ment to protect national security by securing our
17 Nation’s borders, State, local, and tribal law enforce-
18 ment entities also provide the first line of defense on
19 the border and are critical first responders to na-
20 tional security or public safety threats.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) providing financial assistance for law en-
24 forcement initiatives with our Mexican partners is
25 important; and

1 (2) in addition to such assistance, Congress
2 must provide immediate resources and equipment to
3 State and local law enforcement entities that are
4 currently responding to border violence and criminal
5 activities on a daily basis.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) **LAW ENFORCEMENT ENTITY.**—The term
9 “law enforcement entity” means an entity that—

10 (A) is a State, county, or city agency, a
11 State or local police or sheriff department or
12 association, or a subdivision thereof;

13 (B) operates within 100 miles of the inter-
14 national border between the United States and
15 Mexico; and

16 (C) employs personnel on a full- or part-
17 time basis to engage in the prevention, detec-
18 tion, or investigation of violations of the crimi-
19 nal laws of the United States.

20 (2) **SOUTHERN BORDER REGION.**—The term
21 “Southern Border Region” refers to counties that
22 are located—

23 (A) within 100 miles of the international
24 border between the United States and Mexico;
25 and

1 (B) in the States of Arizona, California,
2 New Mexico, and Texas.

3 **SEC. 4. BORDER SECURITY ASSISTANCE GRANTS.**

4 (a) **AUTHORITY.**—

5 (1) **IN GENERAL.**—The Secretary of Homeland
6 Security, in consultation with State and local law en-
7 forcement entities, is authorized to award border se-
8 curity assistance grants to law enforcement entities
9 located in the Southern Border Region for the pur-
10 poses described in subsection (b).

11 (2) **PRIORITY.**—In awarding grants under this
12 section, the Secretary shall give priority to law en-
13 forcement agencies located in a county that is lo-
14 cated within 25 miles of the international border be-
15 tween United States and Mexico.

16 (b) **PURPOSES.**—To address drug trafficking, smug-
17 gling, and border violence, a grant awarded under sub-
18 section (a) shall be used—

19 (1) to obtain law enforcement equipment and
20 tools, including secure 2-way communication devices,
21 portable laptops and office computers, license plate
22 readers, unmanned aerial vehicles, unmanned air-
23 craft systems (UAS), manned aircraft, cameras with
24 night viewing capabilities, and any other appropriate
25 law enforcement equipment;

(2) to hire additional personnel, including administrative support personnel, dispatchers, and jailers, and to provide overtime funding for such personnel;

(3) to purchase law enforcement vehicles;

(4) to provide for high performance aircrafts and helicopters for border surveillance and other critical mission applications and operational and maintenance costs associated with such craft;

(5) to provide for critical power generation systems, infrastructure, and technological upgrades to support State and local data management systems and fusion centers; or

(6) to provide for specialized training and for direct operating expenses associated with detecting and prosecuting drug trafficking, human smuggling, and other illegal activity or violence that occurs at or near the international border between the United States and Mexico.

(c) APPLICATION.—

(1) REQUIREMENT.—A law enforcement entity seeking a grant under subsection (a), or a nonprofit organization or coalition acting as an agent for 1 or more such law enforcement entities, shall submit an application to the Secretary that includes the infor-

1 mation described in paragraph (2) at such time and
2 in such manner as the Secretary may require.

3 (2) CONTENT.—An application submitted under
4 paragraph (1) shall include—

5 (A) a description of the activities to be car-
6 ried out with a grant awarded under subsection
7 (a);

8 (B) if equipment will be purchased with
9 the grant, a detailed description of the type and
10 quantity of such equipment and of the per-
11 sonnel who will receive such equipment;

12 (C) a description of the need of the law en-
13 forcement entity for the grant, including a de-
14 scription of the inability of the entity to carry
15 out the proposed activities without the grant;
16 and

17 (D) an assurance that the entity will, to
18 the extent practicable, seek, recruit, and hire
19 members of racial and ethnic minority groups
20 and women in the entity's law enforcement po-
21 sitions.

22 (d) REVIEW AND AWARD.—

23 (1) REVIEW.—Not later than 90 days after the
24 date an application submitted under subsection (c) is

1 received by the Secretary, the Secretary shall review
2 and approve or reject the application.

3 (2) AWARD OF FUNDS.—Subject to the avail-
4 ability of appropriations, not later than 45 days
5 after the date an application is approved under
6 paragraph (1), the Secretary shall provide the grant
7 funds to the applicant.

8 (3) PRIORITY.—In distributing grant funds
9 under this subsection, priority shall be given to high-
10 intensity areas for drug trafficking, smuggling, and
11 border violence.

12 **SEC. 5. ADDITIONAL DISTRICT JUDGES FOR BORDER**
13 **STATES.**

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

16 (1) 4 additional district judges for the district
17 of Arizona;

18 (2) 4 additional district judges for the central
19 district of California;

20 (3) 4 additional district judges for the eastern
21 district of California;

22 (4) 2 additional district judges for the northern
23 district of California;

24 (5) 1 additional district judge for the district of
25 New Mexico;

1 (6) 1 additional district judge for the eastern
2 district of Texas;

3 (7) 2 additional district judges for the southern
4 district of Texas; and

5 (8) 1 additional district judge for the western
6 district of Texas.

7 (b) TEMPORARY JUDGESHIPS.—The President shall
8 appoint, by and with the advice and consent of the Sen-
9 ate—

10 (1) 1 additional district judge for the district of
11 Arizona;

12 (2) 1 additional district judge for the central
13 district of California;

14 (3) 1 additional district judge for the northern
15 district of California; and

16 (4) 1 additional district judge for the district of
17 New Mexico.

18 (c) VACANCIES.—For each of the judicial districts
19 named in subsection (b), the first vacancy arising on the
20 district court at least 10 years after a judge is first con-
21 firmed to fill the temporary district judgeship created in
22 that district pursuant to subsection (b) shall not be filled.

23 (d) EXISTING JUDGESHIPS.—The existing judgeships
24 for the district of Arizona and the district of New Mexico
25 authorized under section 312(c) of the 21st Century De-

1 partment of Justice Appropriations Authorization Act
2 (Public Law 107–273, 116 Stat. 1758), as of the effective
3 date of this Act, shall be authorized under section 133
4 of title 28, United States Code, and the incumbents in
5 those offices shall hold the office under section 133 of title
6 28, United States Code.

7 (e) CONFORMING AMENDMENTS.—The table con-
8 tained in section 133(a) of title 28, United States Code,
9 is amended—

10 (1) in the item relating to the district of Ari-
11 zona, by striking “12” and inserting “17”;

12 (2) in the item relating to the central district
13 of California, by striking “27” and inserting “31”;

14 (3) in the item relating to the eastern district
15 of California, by striking “6” and inserting “10”;

16 (4) in the item relating to the northern district
17 of California, by striking “14” and inserting “16”;

18 (5) in the item relating to the district of New
19 Mexico, by striking “6” and inserting “8”;

20 (6) in the item relating to the eastern district
21 of Texas, by striking “7” and inserting “8”;

22 (7) in the item relating to the southern district
23 of Texas, by striking “19” and inserting “21”; and

24 (8) in the item relating to the western district
25 of Texas, by striking “13” and inserting “14”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GRANT FUNDING.—There is authorized to be ap-
3 propriated \$300,000,000 for the 2-year period ending on
4 September 30, 2012, for grants issued under section 4.

5 (b) JUDICIAL FUNDING.—There are authorized to be
6 appropriated to the Attorney General for each of the fiscal
7 years 2011 through 2013 such sums as may be necessary
8 to carry out section 5, including the hiring of necessary
9 attorney and administrative support staff.

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