

111TH CONGRESS  
1ST SESSION

# S. 339

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

JANUARY 28, 2009

Mr. BINGAMAN (for himself and Mrs. HUTCHISON) 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 2009”.

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 section on a com-  
5 petitive basis.

6 (b) USE OF FUNDS.—Grants awarded under this sec-  
7 tion may only be used to provide additional resources for  
8 an eligible law enforcement agency, including resources  
9 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.

1           (2) CONTENTS.—Each application submitted  
2 under 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 Attorney General determines to be essential  
7 to ensure compliance with the requirements  
8 under this section.

9 (d) DEFINITIONS.—In 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 lo-  
13 cated or performing duties in—

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

16                   (i) Canada; or

17                   (ii) Mexico; or

18           (B) a county that is more than 100 miles  
19 from each of the borders described in subpara-  
20 graph (A), if such county has been designated  
21 by the Attorney General as a High Impact  
22 Area.

23           (2) HIGH IMPACT AREA.—The term “High Im-  
24 pact Area” means any county designated by the At-

1 torney General as a High Impact Area, taking into  
2 consideration—

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

7 (B) whether the county has been des-  
8 ignated as a “High Intensity Drug Trafficking  
9 Area” by the National Drug Control Program  
10 under section 707 of the Office of National  
11 Drug Control Policy Reauthorization Act of  
12 1998 (21 U.S.C. 1706);

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

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

20 (e) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There are authorized to be  
22 appropriated \$100,000,000 for each of the fiscal  
23 years 2010 through 2014 to carry out the provisions  
24 of this section.

1           (2) ALLOCATION OF AUTHORIZED FUNDS.—Of  
2           the amounts appropriated pursuant to paragraph  
3           (1), 33 percent shall be set aside for counties des-  
4           ignated by the Attorney General as High Impact  
5           Areas.

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

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

12          Nothing in this Act may be construed to authorize  
13          tribal, State, or local law enforcement agencies or officers  
14          of such agencies to exercise Federal immigration law en-  
15          forcement authority.

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