

112TH CONGRESS
1ST SESSION

H. R. 77

To provide for emergency deployments of United States Border Patrol agents and to increase the number of DEA and ATF agents along the international border of the United States to increase resources to identify and eliminate illicit sources of firearms into Mexico for use by violent drug trafficking organizations and for other lawful activities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Ms. JACKSON LEE of Texas introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for emergency deployments of United States Border Patrol agents and to increase the number of DEA and ATF agents along the international border of the United States to increase resources to identify and eliminate illicit sources of firearms into Mexico for use by violent drug trafficking organizations and for other lawful activities, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Border Security, Cooperation, and Act Now Drug War
 4 Prevention Act of 2011”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Emergency deployment of United States Border Patrol agents.
- Sec. 102. Emergency deployment of DEA agents.
- Sec. 103. Emergency deployment of ATF agents.
- Sec. 104. Elimination of fixed deployment of United States Border Patrol agents.
- Sec. 105. Helicopters and power boats.
- Sec. 106. Control of United State Border Patrol assets.
- Sec. 107. Motor vehicles.
- Sec. 108. Portable computers.
- Sec. 109. Radio communications.
- Sec. 110. Hand-held global positioning system devices.
- Sec. 111. Night vision equipment.
- Sec. 112. Border armor.
- Sec. 113. Weapons.
- Sec. 114. Uniforms.
- Sec. 115. Task force.

TITLE II—BORDER RELIEF

- Sec. 201. Border relief grant program.
- Sec. 202. Authorization of appropriations.
- Sec. 203. Enforcement of Federal immigration law.
- Sec. 204. Regulations.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

9 (1) In 2008, the violence between Mexican drug
 10 gangs fighting for trafficking routes to the United
 11 States killed approximately 6,000 people in Mexico,
 12 including more than 500 police officers and soldiers.

1 (2) In the first eight weeks of 2009, more than
2 1,000 people were killed as a result of the drug war.

3 (3) In March 2009, Mexico sent an additional
4 3,200 soldiers to the border, increasing the total
5 number of Mexican soldiers combating drug cartels
6 to more than 45,000.

7 (4) Over 200 United States citizens have been
8 killed in the drug war, either because they were in-
9 volved in the cartels or were innocent bystanders.

10 (5) The drug trade in Mexico include mari-
11 juana, heroin, cocaine, and methamphetamine
12 (meth).

13 (6) Mexico is the conduit for most of the co-
14 caine—approximately 90 percent—in the United
15 States, the source for much of the heroin consumed
16 in this country, and the largest foreign supplier of
17 marijuana and meth to other markets.

18 (7) Estimates indicate a vast majority of the
19 cocaine available in the United States market is
20 smuggled by Mexican cartels across the United
21 States-Mexico border.

22 (8) Cartels are becoming increasingly involved
23 in the trafficking of meth because of the large profit
24 margins they obtain from controlling the drug from
25 manufacture to distribution.

1 (9) The drug cartels have criminal earnings in
2 excess of \$25 billion per year and physically send
3 more than \$10 billion a year in bulk cash back into
4 Mexico from the United States.

5 (10) According to the 2009 National Drug
6 Threat Assessment, Mexican drug trafficking organi-
7 zations are the greatest drug trafficking threat to
8 the United States.

9 (11) Mexico's cartels have existed for some
10 time, but have become increasingly powerful in re-
11 cent years with the demise of once powerful cartels
12 in Colombia and the closure of trafficking routes
13 through Florida.

14 (12) The Colombian cartels still play a role in
15 the United States drug trade.

16 (13) The Drug Enforcement Administration
17 (DEA) maintains that the Mexican cartels now com-
18 mand and control the drug trade and show the hall-
19 marks of organized crime, such as organizing into
20 distinct cells with subordinate cells, including gangs,
21 which operate throughout the United States.

22 (14) Mexican cartels control drug distribution
23 in most United States cities, and they are gaining
24 strength in markets that they do not yet control.
25 The 2009 National Drug Threat Assessment indi-

1 cates that Mexican cartels maintain drug distribu-
2 tion networks or supply drugs to distributors in at
3 least 230 United States cities, including in Alaska
4 and Hawaii.

5 (15) The Federal Government provides States
6 and local governments with assistance in covering
7 the costs related to the fight against the drug cartels
8 and the prosecution of such drug cases, local law en-
9 forcement along the border is in need of assistance
10 in covering expenses. Local law enforcement uses its
11 limited resources to combat drug trafficking, human
12 smuggling, kidnappings, the destruction of private
13 property, and other border security related crimes.
14 The United States shares 1,989 miles along its bor-
15 der with Mexico. Federal assistance is required to
16 help local law enforcement.

17 **TITLE I—GENERAL PROVISIONS**

18 **SEC. 101. EMERGENCY DEPLOYMENT OF UNITED STATES**

19 **BORDER PATROL AGENTS.**

20 (a) IN GENERAL.—If the Governor of a State on an
21 international border of the United States declares an
22 international border security emergency, including actions
23 involving Mexican drug gangs fighting for trafficking
24 routes involved in violent drug wars, and requests addi-
25 tional United States Border Patrol agents from the Sec-

1 retary of Homeland Security, the Secretary is authorized,
2 subject to subsections (b) and (c), to provide the State
3 with up to 500 additional United States Border Patrol
4 agents for the purpose of patrolling and defending the
5 international border in order to prevent individuals from
6 crossing the international border and entering the United
7 States at any location other than an authorized port of
8 entry.

9 (b) CONSULTATION.—The Secretary of Homeland
10 Security shall consult with the President upon receipt of
11 a request under subsection (a), and shall grant such re-
12 quest to the extent that providing the requested assistance
13 will not significantly impair the Department of Homeland
14 Security’s ability to provide border security for any other
15 State.

16 (c) COLLECTIVE BARGAINING.—Emergency deploy-
17 ments under this section shall be made in accordance with
18 all collective bargaining agreements and obligations.

19 **SEC. 102. EMERGENCY DEPLOYMENT OF DEA AGENTS.**

20 (a) IN GENERAL.—If the Governor of a State on an
21 international border of the United States declares an
22 international border security emergency and requests ad-
23 ditional Drug Enforcement Administration (DEA) agents
24 from the Attorney General, the Attorney General is au-
25 thorized, subject to subsections (b) and (c), to provide the

1 State with up to 500 additional DEA agents for the pur-
2 pose of combating the inflow of drugs along trafficking
3 routes to the United States.

4 (b) CONSULTATION.—The Attorney General shall
5 consult with the President upon receipt of a request under
6 subsection (a), and shall grant such request to the extent
7 that providing the requested assistance will not signifi-
8 cantly impair the Attorney General’s ability to provide
9 DEA agents for any other State.

10 (c) COLLECTIVE BARGAINING.—Emergency deploy-
11 ments under this section shall be made in accordance with
12 all collective bargaining agreements and obligations.

13 **SEC. 103. EMERGENCY DEPLOYMENT OF ATF AGENTS.**

14 (a) IN GENERAL.—If the Governor of a State on an
15 international border of the United States declares an
16 international border security emergency and requests ad-
17 ditional Bureau of Alcohol, Tobacco, Firearms, and Explo-
18 sives (ATF) agents from the Attorney General, the Attor-
19 ney General is authorized, subject to subsections (b) and
20 (c), to provide the State with up to 500 additional ATF
21 agents for the purpose of combating the inflow of fire-
22 arms, explosives, alcohol, and tobacco along smuggling
23 routes to the United States.

24 (b) CONSULTATION.—The Attorney General shall
25 consult with the President upon receipt of a request under

1 subsection (a), and shall grant such request to the extent
2 that providing the requested assistance will not signifi-
3 cantly impair the Attorney General's ability to provide
4 ATF agents for any other State.

5 (c) COLLECTIVE BARGAINING.—Emergency deploy-
6 ments under this section shall be made in accordance with
7 all collective bargaining agreements and obligations.

8 **SEC. 104. ELIMINATION OF FIXED DEPLOYMENT OF UNITED**
9 **STATES BORDER PATROL AGENTS.**

10 The Secretary of Homeland Security shall ensure
11 that no United States Border Patrol agent is precluded
12 from performing patrol duties and apprehending violators
13 of law, except in unusual circumstances where the tem-
14 porary use of fixed deployment positions is necessary.

15 **SEC. 105. HELICOPTERS AND POWER BOATS.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-
17 rity shall increase by not fewer than 100 the number of
18 United States Border Patrol helicopters, and shall in-
19 crease by not fewer than 250 the number of United States
20 Border Patrol power boats. The Secretary of Homeland
21 Security shall ensure that appropriate types of helicopters
22 are procured for the various missions being performed.
23 The Secretary of Homeland Security also shall ensure that
24 the types of power boats that are procured are appropriate

1 for both the waterways in which they are used and the
2 mission requirements.

3 (b) USE AND TRAINING.—The Secretary of Home-
4 land Security shall establish an overall policy on how the
5 helicopters and power boats described in subsection (a)
6 will be used and implement training programs for the
7 agents who use them, including safe operating procedures
8 and rescue operations.

9 **SEC. 106. CONTROL OF UNITED STATES BORDER PATROL**
10 **ASSETS.**

11 The United States Border Patrol shall have complete
12 and exclusive administrative and operational control over
13 all the assets utilized in carrying out its mission, includ-
14 ing, aircraft, watercraft, vehicles, detention space, trans-
15 portation, and all of the personnel associated with such
16 assets.

17 **SEC. 107. MOTOR VEHICLES.**

18 The Secretary of Homeland Security shall establish
19 a fleet of motor vehicles appropriate for use by the United
20 States Border Patrol that will permit a ratio of at least
21 one police-type vehicle per every three United States Bor-
22 der Patrol agents. Additionally, the Secretary of Home-
23 land Security shall ensure that there are sufficient num-
24 bers and types of other motor vehicles to support the mis-
25 sion of the United States Border Patrol. All vehicles will

1 be chosen on the basis of appropriateness for use by the
2 United States Border Patrol, and each vehicle shall have
3 a “panic button” and a global positioning system device
4 that is activated solely in emergency situations for the
5 purpose of tracking the location of an agent in distress.
6 The police-type vehicles shall be replaced at least every
7 three years.

8 **SEC. 108. PORTABLE COMPUTERS.**

9 The Secretary of Homeland Security shall ensure
10 that each police-type motor vehicle in the fleet of the
11 United States Border Patrol is equipped with a portable
12 computer with access to all necessary law enforcement
13 databases and otherwise suited to the unique operational
14 requirements of the United States Border Patrol.

15 **SEC. 109. RADIO COMMUNICATIONS.**

16 The Secretary of Homeland Security shall augment
17 the existing radio communications system so all law en-
18 forcement personnel working in every area where United
19 States Border Patrol operations are conducted have clear
20 and encrypted two-way radio communication capabilities
21 at all times. Each portable communications device shall
22 be equipped with a “panic button” and a global posi-
23 tioning system device that is activated solely in emergency
24 situations for the purpose of tracking the location of the
25 agent in distress.

1 **SEC. 110. HAND-HELD GLOBAL POSITIONING SYSTEM DE-**
2 **VICES.**

3 The Secretary of Homeland Security shall ensure
4 that each United States Border Patrol agent is issued a
5 state-of-the-art hand-held global positioning system device
6 for navigational purposes.

7 **SEC. 111. NIGHT VISION EQUIPMENT.**

8 The Secretary of Homeland Security shall ensure
9 that sufficient quantities of state-of-the-art night vision
10 equipment are procured and maintained to enable each
11 United States Border Patrol agent working during the
12 hours of darkness to be equipped with a portable night
13 vision device.

14 **SEC. 112. BORDER ARMOR.**

15 The Secretary of Homeland Security shall ensure
16 that every United States Border Patrol agent is issued
17 high-quality body armor that is appropriate for the climate
18 and risks faced by the individual officer. Each officer shall
19 be allowed to select from among a variety of approved
20 brands and styles. Officers shall be strongly encouraged,
21 but not mandated, to wear such body armor whenever
22 practicable. All body armor shall be replaced at least every
23 five years.

24 **SEC. 113. WEAPONS.**

25 The Secretary of Homeland Security shall ensure
26 that United States Border Patrol agents are equipped

1 with weapons that are reliable and effective to protect
2 themselves, their fellow officers, and innocent third parties
3 from the threats posed by armed criminals. In addition,
4 the Secretary shall ensure that the policies of the Depart-
5 ment of Homeland Security allow all such officers to carry
6 weapons that are suited to the potential threats that they
7 face.

8 **SEC. 114. UNIFORMS.**

9 The Secretary of Homeland Security shall ensure
10 that all United States Border Patrol agents are provided
11 with all necessary uniform items, including outerwear suit-
12 ed to the climate, footwear, belts, holsters, and personal
13 protective equipment, at no cost to such agents. Such
14 items shall be replaced at no cost to such agents as they
15 become worn, unserviceable, or no longer fit properly.

16 **SEC. 115. TASK FORCE.**

17 (a) IN GENERAL.—There is established a task force
18 to be known as the ATF, DEA, and Border Patrol Task
19 Force. The task force shall be composed of members ap-
20 pointed by the President from among representatives of
21 the United States Border Patrol, the Drug Enforcement
22 Administration, and the Bureau of Alcohol, Tobacco, Fire-
23 arms, and Explosives. There shall be an equal number of
24 representatives from each agency.

1 (b) DUTIES.—The task force shall meet not less than
2 once per month during a two-year period in order to mon-
3 itor and report to the Congress and to the President on
4 the trade and sale of drugs, alcohol, tobacco, firearms, and
5 explosives along the borders of the United States. Twice
6 a year during such period, the task force shall submit a
7 report to the Committee on the Judiciary and the Com-
8 mittee on Homeland Security of the United States House
9 of Representatives and the Committee on the Judiciary
10 and the Committee on Homeland Security and Govern-
11 mental Affairs of the Senate.

12 (c) TERMINATION.—The task force shall terminate
13 upon the expiration of the two-year period beginning on
14 the date of the appointment of the last member appointed
15 under this section.

16 **TITLE II—BORDER RELIEF**

17 **SEC. 201. BORDER RELIEF GRANT PROGRAM.**

18 (a) IN GENERAL.—From amounts made available
19 under section 202, the Attorney General may make border
20 security grants to—

21 (1) sheriffs' offices of counties any part of
22 which is within 25 miles of the southern border of
23 the United States; and

24 (2) police departments serving a city, town, or
25 other political subdivision in a county any part of

1 which is within 25 miles of the southern border of
2 the United States (including tribal police depart-
3 ments serving a community any part of which is
4 within 25 miles of such border).

5 (b) USE OF FUNDS.—

6 (1) IN GENERAL.—Grant funds received under
7 subsection (a) may be used for the following activi-
8 ties:

9 (A) To conduct law enforcement operations
10 to enforce criminal laws, prevent and punish
11 criminal activity, and protect the lives, prop-
12 erty, and security of the people within the juris-
13 diction of the grant recipient.

14 (B) To transfer to appropriate Federal law
15 enforcement officials aliens unlawfully present
16 in the United States who detained or in the
17 custody of the grant recipient.

18 (C) To enforce State and Federal laws re-
19 lating to securing the border and enforce other
20 State and Federal criminal laws.

21 (2) PAYMENT OF COSTS.—Use of funds under
22 paragraph (1) shall include payment for costs of—

23 (A) hiring, equipping, training, and other-
24 wise controlling the operations and deployment
25 of law enforcement officials engaged in duties

1 described in paragraph (1), as well as the costs
2 of paying overtime to such officials.

3 (c) APPLICATION.—

4 (1) IN GENERAL.—Each eligible law enforce-
5 ment agency seeking a grant under this section shall
6 submit to the Attorney General an application at
7 such time, in such manner, and accompanied by
8 such information as the Attorney General may re-
9 quire.

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

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

14 (B) provide such additional assurances as
15 the Attorney General determines to be essential
16 to ensure compliance with the requirements of
17 this section.

18 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to the Attor-
20 ney General to carry out this title \$150,000,000 for fiscal
21 year 2011 and each succeeding fiscal year.

22 **SEC. 203. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

23 Nothing in this title shall be construed to authorize
24 State or local law enforcement agencies or their officers

1 to exercise Federal immigration law enforcement author-
2 ity.

3 **SEC. 204. REGULATIONS.**

4 Not later than 90 days after the date of the enact-
5 ment of this title, the Attorney General shall issue regula-
6 tions to carry out this title.

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