

111TH CONGRESS
1ST SESSION

H. R. 1448

To authorize the Secretary of Homeland Security and the Attorney General to increase resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations and for other unlawful activities by providing for border security grants to local law enforcement agencies and reinforcing Federal resources on the border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2009

Mr. RODRIGUEZ (for himself, Mr. TEAGUE, Ms. GIFFORDS, Mr. ORTIZ, Mr. HINOJOSA, Mr. GRIJALVA, Mr. FILNER, Mr. EDWARDS of Texas, Mr. GENE GREEN of Texas, Mr. CUELLAR, and Mr. REYES) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security and Foreign Affairs, 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 authorize the Secretary of Homeland Security and the Attorney General to increase resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations and for other unlawful activities by providing for border security grants to local law enforcement agencies and reinforcing Federal resources on the 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Border Reinforcement and Violence Reduction Act of
 6 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—BORDER LAW ENFORCEMENT ENHANCEMENT

Sec. 101. Short title.

Sec. 102. Findings.

Sec. 103. Border relief grant program.

Sec. 104. Authorization of appropriations.

Sec. 105. Enforcement of Federal immigration law.

Sec. 106. Regulations.

TITLE II—SOUTHWEST BORDER VIOLENCE REDUCTION

Sec. 201. Short title.

Sec. 202. Project Gunrunner.

Sec. 203. Enhanced international cooperation.

Sec. 204. Operation Armas Cruzadas.

Sec. 205. Vehicle inspections.

Sec. 206. Affirmation of Second Amendment.

9 **TITLE I—BORDER LAW**
 10 **ENFORCEMENT ENHANCEMENT**

11 **SECTION 101. SHORT TITLE.**

12 This Act may be cited as the “Border Law Enforce-
 13 ment Enhancement Act of 2009”.

14 **SEC. 102. FINDINGS.**

15 Congress finds the following:

16 (1) It is the obligation of the Federal Govern-
 17 ment to adequately secure the borders of the United

1 States and prevent the flow of undocumented per-
2 sons and illegal drugs into the United States in
3 order to better secure such borders.

4 (2) Border communities continue to incur sig-
5 nificant costs due to the lack of adequate border se-
6 curity. A 2001 study by the United States-Mexico
7 Border Counties Coalition found that law enforce-
8 ment and criminal justice expenses associated with
9 illegal immigration exceed \$89,000,000 annually for
10 the Southwest border counties.

11 (3) In August 2005, the States of New Mexico
12 and Arizona declared states of emergency in order to
13 provide local law enforcement immediate assistance
14 in addressing criminal activity along the Southwest
15 border.

16 (4) While the Federal Government provides
17 States and localities assistance in covering costs re-
18 lated to the detention of certain criminal aliens and
19 the prosecution of Federal drug cases, local law en-
20 forcement along the border are provided no assist-
21 ance in covering such expenses and must use their
22 limited resources to combat drug trafficking, human
23 smuggling, kidnappings, the destruction of private
24 property, and other border security related crimes.

1 (5) The United States shares 5,525 miles of
2 border with Canada and 1,989 miles with Mexico.
3 Many of the local law enforcement agencies located
4 along the border are small, rural departments
5 charged with patrolling large areas of land. Counties
6 along the Southwest United States-Mexico border
7 are some of the poorest in the country and lack the
8 financial resources to cover the additional costs asso-
9 ciated with border security, narcoterrorism, and
10 other border-related crimes.

11 (6) Federal assistance is required to help local
12 law enforcement operating along the border address
13 the unique challenges that arise as a result of their
14 proximity to an international border and the lack of
15 overall border security in the region.

16 **SEC. 103. BORDER RELIEF GRANT PROGRAM.**

17 (a) IN GENERAL.—From amounts made available
18 under section 104, the Secretary of Homeland Security
19 may make border security grants to—

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

23 (2) police departments serving a city, town, or
24 other political subdivision in a county any part of
25 which is within 25 miles of the southern border of

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

4 (b) USE OF FUNDS.—

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

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

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

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

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

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

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

3 (B) detaining, housing, and transporting
4 aliens who are unlawfully present in the United
5 States and who are taken into custody by the
6 grant recipient, until such aliens are transferred
7 to appropriate Federal law enforcement offi-
8 cials.

9 (3) DETENTION FACILITIES.—In accordance
10 with paragraph (2)(B), grant funds received under
11 subsection (a) may be used for the construction,
12 maintenance, and operation of detention facilities to
13 detain aliens who are unlawfully present in the
14 United States, except that not more than 20 percent
15 of such funds may be used for the construction or
16 renovation of detention or similar facilities.

17 (c) APPLICATION.—

18 (1) IN GENERAL.—Each eligible law enforce-
19 ment agency seeking a grant under this section shall
20 submit to the Secretary of Homeland Security an
21 application at such time, in such manner, and ac-
22 companied by such information as the Secretary may
23 require.

24 (2) CONTENTS.—Each application submitted
25 pursuant to paragraph (1) shall—

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

3 (B) provide such additional assurances as
4 the Secretary of Homeland Security determines
5 to be essential to ensure compliance with the re-
6 quirements of this section.

7 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to the Sec-
9 retary of Homeland Security to carry out this title
10 \$150,000,000 for fiscal year 2010 and each succeeding
11 fiscal year.

12 **SEC. 105. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

13 Nothing in this title shall be construed to authorize
14 State or local law enforcement agencies or their officers
15 to exercise Federal immigration law enforcement author-
16 ity.

17 **SEC. 106. REGULATIONS.**

18 Not later than 90 days after the date of the enact-
19 ment of this title, the Secretary of Homeland Security
20 shall issue regulations to carry out this title.

21 **TITLE II—SOUTHWEST BORDER**
22 **VIOLENCE REDUCTION**

23 **SEC. 201. SHORT TITLE.**

24 This Act may be cited as the “Southwest Border Vio-
25 lence Reduction Act of 2009”.

1 **SEC. 202. PROJECT GUNRUNNER.**

2 (a) IN GENERAL.—The Attorney General shall dedi-
3 cate and expand the resources provided for the Project
4 Gunrunner initiative of the Bureau of Alcohol, Tobacco,
5 Firearms, and Explosives to identify, investigate, and
6 prosecute individuals involved in the trafficking of fire-
7 arms across the international border between the United
8 States and Mexico.

9 (b) ACTIVITIES.—In carrying out this section, the At-
10 torney General shall—

11 (1) assign additional agents of the Bureau of
12 Alcohol, Tobacco, Firearms, and Explosives to the
13 area of the United States adjacent to the inter-
14 national border between the United States and Mex-
15 ico to support the expansion of Project Gunrunner
16 teams;

17 (2) establish not fewer than 1 Project Gun-
18 runner team in each State along the international
19 border between the United States and Mexico; and

20 (3) coordinate with the heads of other relevant
21 Federal law enforcement agencies and State and
22 local law enforcement agencies to address firearms
23 trafficking in a comprehensive manner.

24 (c) ADDITIONAL STAFF.—The Attorney General may
25 hire Bureau of Alcohol, Tobacco, Firearms, and Explo-

1 sives agents for, and otherwise expend additional resources
2 needed to adequately support, Project Gunrunner.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$15,000,000 for each of fis-
5 cal years 2010 and 2011 to carry out this section.

6 **SEC. 203. ENHANCED INTERNATIONAL COOPERATION.**

7 (a) IN GENERAL.—The Attorney General, in coopera-
8 tion with the Secretary of State, shall—

9 (1) assign agents of the Bureau of Alcohol, To-
10 bacco, Firearms, and Explosives to the United
11 States mission in Mexico, to work with Mexican law
12 enforcement agencies in conducting investigations
13 relating to firearms trafficking and other criminal
14 enterprises;

15 (2) provide the equipment and technological re-
16 sources necessary to support investigations and to
17 trace firearms recovered in Mexico; and

18 (3) support the training of Mexican law en-
19 forcement officers in serial number restoration tech-
20 niques, canine explosive detection, and
21 antitrafficking tactics.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$9,500,000 for each of fis-
24 cal years 2010 and 2011 to carry out this section.

1 **SEC. 204. OPERATION ARMAS CRUZADAS.**

2 (a) IN GENERAL.—In accordance with subsection (b),
3 the Secretary of Homeland Security shall dedicate and ex-
4 pand the resources provided for Operation Armas
5 Cruzadas of United States Immigration and Customs En-
6 forcement (ICE) to identify, investigate, and prosecute in-
7 dividuals involved in the trafficking and smuggling of fire-
8 arms and in other unlawful activities across the inter-
9 national border between the United States and Mexico.

10 (b) RESOURCES.—To achieve the goal described in
11 subsection (a), the Secretary of Homeland Security
12 shall—

13 (1) increase the number of ICE agents assigned
14 to Operation Armas Cruzadas over the number of
15 such agents who are so assigned as of the date of
16 the enactment of this section;

17 (2) increase the number of Border Enforcement
18 Security Task Force (BEST) teams stationed along
19 the border over the number of such teams so sta-
20 tioned as of the date of the enactment of this sec-
21 tion; and

22 (3) coordinate with the heads of other relevant
23 Federal, State, and local law enforcement agencies
24 to address firearms trafficking in a comprehensive
25 manner.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$15,000,000 for each of fis-
3 cal years 2010 and 2011 to carry out this section.

4 **SEC. 205. VEHICLE INSPECTIONS.**

5 The Secretary of Homeland Security shall coordinate
6 with the heads of other relevant Federal, State, and local
7 law enforcement agencies along the border to develop a
8 comprehensive and strategic plan for the inspection of ve-
9 hicles heading into Mexico.

10 **SEC. 206. AFFIRMATION OF SECOND AMENDMENT.**

11 Nothing in this title shall be construed to restrict or
12 limit the use and ownership of legal handguns and fire-
13 arms by law-abiding gun owners.

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