

112TH CONGRESS
1ST SESSION

H. R. 2124

To improve the safety, security, and operational control of the international border by providing the Department of Homeland Security with an accurate definition of the term “cross-border violence”, to require the Secretary of Homeland Security to develop measures to quantify cross-border violence data for reporting to Congress and other entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

Mr. CANSECO (for himself, Mr. McCAUL, and Mrs. MILLER of Michigan) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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 improve the safety, security, and operational control of the international border by providing the Department of Homeland Security with an accurate definition of the term “cross-border violence”, to require the Secretary of Homeland Security to develop measures to quantify cross-border violence data for reporting to Congress and other entities, 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.**

2 This Act may be cited as the “Southwest Cross-border
3 Violence Recognition Act of 2011”.

4 **SEC. 2. REDUCTION IN CROSS-BORDER VIOLENCE.**

5 (a) CREATION OF NEW REPORTING REQUIREMENTS
6 FOR A COMPREHENSIVE EVALUATION OF CROSS-BORDER
7 VIOLENCE.—In seeking to increase security and reduce
8 cross-border violence along the United States border, the
9 Secretary of Homeland Security shall, not later than 180
10 days after the date of the enactment of this Act, submit
11 to the Committee on Homeland Security of the House of
12 Representatives and the Committee on Homeland Security
13 and Governmental Affairs of the Senate a report on the
14 metrics, described in subsection (c), to be used to gauge
15 the incidents or occurrences of cross-border violence and
16 how the resulting findings shall be quantified for periodic
17 reporting in accordance with subsection (b).

18 (b) PERIODIC REPORTS.—Not later than 90 days
19 after the submission of the report required under sub-
20 section (a) and every 90 days thereafter, the Secretary of
21 Homeland Security shall submit to the Committee on
22 Homeland Security of the House of Representatives and
23 the Committee on Homeland Security and Governmental
24 Affairs of the Senate a report on the incidents or occur-
25 rences of cross-border violence during the immediately
26 preceding 90-day period, incorporating the metrics re-

1 ferred to in such subsection, and including information
2 and crime statistics from Federal, State, local, and tribal
3 sources.

4 (c) METRICS DESCRIBED.—The metrics referred to
5 in subsection (a) shall include such sources of information
6 as—

7 (1) border sheriff and State law enforcement
8 reports on crime, vandalism, theft, burglary, appre-
9 hensions, accidents, and capital crimes;

10 (2) reports from local hospitals in border States
11 regarding the number of individuals (whether citi-
12 zens, lawful permanent residents, or foreign nation-
13 als) treated for wounds obtained during acts of
14 cross-border violence;

15 (3) impact to property values and businesses
16 along the border as a result of factors such as acts
17 of vandalism, theft, burglary, destruction of prop-
18 erty, and intimidation;

19 (4) accounts of cross-border violence along the
20 border reported by U.S. Immigrations and Customs
21 Enforcement, U.S. Customs and Border Protection,
22 including the Border Patrol, and other Federal de-
23 partments and agencies determined appropriate by
24 the Secretary of Homeland Security.

25 (d) DEFINITIONS.—In this section:

1 (1) CROSS-BORDER VIOLENCE.—The term
2 “cross-border violence” means—

3 (A) any act of violence—

4 (i) carried out by a foreign national,
5 a citizen or lawful permanent resident of
6 the United States, entity (whether foreign
7 or domestic), or organization (whether for-
8 eign or domestic) (including a drug traf-
9 ficking or human trafficking organization)
10 acting in the interest of or on behalf of a
11 foreign national, foreign organization, or
12 foreign entity that occurs in the United
13 States not further than 100 miles from the
14 United States border; or

15 (ii) that benefits any foreign national,
16 citizen or lawful permanent resident of the
17 United States, or entity or organization re-
18 ferred to in clause (i) profiting from un-
19 lawful activity across the United States
20 border with a nexus to foreign organized
21 crime, Foreign Drug Trafficking Organiza-
22 tions (DTO), or Trans-national Criminal
23 Organization (TCO) (as such organizations
24 are described in the September 2009 De-

1 partment of Homeland Security Border
2 Task Force recommendations report); or

3 (B) any act of violence committed by a for-
4 eign national, entity (whether foreign or domes-
5 tic), organization (whether foreign or domestic),
6 or lawful permanent resident or citizen of the
7 United States acting in the interest, or on be-
8 half of, a foreign national, foreign organization,
9 or foreign entity referred to in subparagraph
10 (A) that is targeted at or occurs during an ac-
11 tivity that is unlawful under Federal, State, or
12 local law that is intentionally or unintentionally
13 inflicted upon any individual, property, entity,
14 or organization in the United States not further
15 than 100 miles from the United States border,
16 or occurring in the United States not further
17 than 100 miles from the United States border
18 but originating outside the United States.

19 (2) VIOLENCE.—The term “violence” in-
20 cludes—

21 (A) criminal violence, including the crimi-
22 nal use of force or threat of force occurring in
23 the United States, as reported by Federal,
24 State, local, or tribal law enforcement agencies;

1 (B) border-related organized crime vio-
2 lence, including any act of violence that takes
3 place in the United States with links to cross-
4 border crime, such as drug, arms, cash, or alien
5 smuggling or trafficking;

6 (C) violence against law enforcement
7 agents, including any act of violence carried out
8 against a Federal, State, local, or tribal law en-
9 forcement agent, in association with cross-bor-
10 der crime;

11 (D) border violence, including any act of
12 violence that takes place in the United States
13 not further than 100 miles from the United
14 States border that has links to cross-border
15 crime such as drug, arms, cash, or alien smug-
16 gling or trafficking or illegal migration; and

17 (E) spillover violence, including—

18 (i) violence that starts in Mexico as
19 part of a conflict among Trans-national
20 Criminal Organizations (TCOs) or between
21 TCOs and the Government of Mexico that
22 carries over into the United States or
23 threatens United States personnel or inter-
24 ests in Mexico; and

1 (ii) offensive violence organized or di-
2 rected by TCOs against United States per-
3 sonnel or interests in the United States or
4 Mexico.

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