



**Homeland
Security**

**ODP Information Bulletin
No. 135 October 1, 2004**

TO: State Administrative Agencies

FROM: C. Suzanne Mencer

SUBJECT: Enhancement of Border Security

The U.S. Department of Homeland Security (DHS) Office for Domestic Preparedness (ODP) is revising program guidance for operational overtime costs associated with providing enhanced law enforcement operations in support of federal agencies for increased border security and border crossing enforcement in selected states, during the pre-election and pre-inauguration period of heightened terrorist threat. Effective October 1, 2004, through January 21, 2005, northern and southern border jurisdictions may use available Critical Infrastructure Protection (CIP) funds received through the FY 2003 State Homeland Security Grant Program, Part II (SHSGP II) to support these activities.

Reimbursement for State, tribal, and local law enforcement participation in these operations will be contingent upon approved operational plans developed jointly between State, tribal and local law enforcement officials and Customs and Border Protection (CBP)/Border Patrol sectors. To ensure expedited implementation, States seeking to participate in this initiative must submit operational plans no later than October 22. Plans must be approved by Customs and Border Protection Headquarters. HQ-CBP will provide a nationally focused HQ structure to evaluate operational plans, which will delineate the goals and execution phases of the mission, including specific areas and activities to be targeted, which thereby ensures a homeland security focus.

Proposed operational activities should emphasize those measures that will increase border security in direct coordination with CBP personnel. State, tribal, and local law enforcement personnel may provide increased enforcement presence by generally increasing their patrol presence at the border; by providing additional traffic control support at the border and at border patrol traffic checkpoints; and by enhancing their participation in the Integrated Border Enforcement Teams (IBETs). This policy does not result in a change or extension of Federal authority to State, tribal, or local law enforcement agencies to enforce Federal immigration laws, though we anticipate the increased law enforcement presence will deter unauthorized entry into the United States. If Federal immigration violations are encountered, consistent with current practices, State, tribal, and local agencies may refer those violations to CBP authorities for appropriate action. Such referrals should be consistent with the policies of the referring agency.

No funds may be obligated or drawn down in support of these activities without HQ-CBP approval of operational plans and without submission to and approval by ODP of budget detail worksheets. State, tribal, and local law enforcement agencies shall not use this funding to supplant their inherent routine patrol and law enforcement operations or activities in order to perform other activities not directly

related to providing an enhanced law enforcement presence. Funding will only be provided to the extent that participating law enforcement agencies can demonstrate that the specific operations to be reimbursed were not being performed prior to October 1, 2004, and grant funds cannot be applied retroactively to costs incurred prior to the effective date of this revised policy. This bulletin applies only to the threat period running through January 21, 2005, after which the specific policy outlined in this bulletin shall expire.

Attached please find Border Patrol sector contacts for your state. These contacts will coordinate operational implementation of this bulletin. States will provide the appropriate budget detail worksheet to their Preparedness Officers for these expenditures as noted in the ODP program guidance.

For further information, please contact your Preparedness Officer or the ODP Helpline at 1-800-368-6498.