

AMENDMENT TO H.R. _____
OFFERED BY MR. BURLISON OF MISSOURI

At the end of the bill (before the short title), insert
the following:

1 TITLE _____—STATE BORDER DEFENSE ACT

2 SHORT TITLE

3 SEC. _____1. This title may be cited as the “State
4 Border Defense Act”.

5 AUTHORIZATION OF STATE AND LOCAL LAW ENFORCE-
6 MENT OFFICERS TO ENFORCE CERTAIN FEDERAL
7 IMMIGRATION LAWS

8 SEC. _____2.

9 (a) IN GENERAL.—States may authorize State and
10 local law enforcement officers to enforce provisions of Fed-
11 eral immigration law that prohibit unlawful entry into the
12 United States, including sections 271 through 280 of the
13 Immigration and Nationality Act (8 U.S.C. 1321 through
14 1330).

15 (b) EFFECT OF AUTHORIZATION ON SUPREME
16 COURT RULING.—Subsection (a) effectively abrogates the
17 2012 decision of the United States Supreme Court in Ari-
18 zona v. United States (567 U.S. 387).

1 (c) PROSECUTION AUTHORITY.—Notwithstanding
2 any other provision of law, State prosecutors are author-
3 ized to initiate prosecutions for violations of Federal immi-
4 gration law referred to in subsection (a) in a United States
5 District Court that has jurisdiction over—

6 (1) the place at which any such violation oc-
7 curred; or

8 (2) the place at which the person charged for
9 any such violation is apprehended.

10 (d) CONFORMING AMENDMENT.—Section 279 of the
11 Immigration and Nationality Act (8 U.S.C. 1329) is
12 amended—

13 (1) by inserting “, or by a State prosecutor
14 pursuant to section 2(c) of the State Border Defense
15 Act,” before “that arise”; and

16 (2) by inserting “It shall be the duty of the
17 State prosecutor of the appropriate State to pros-
18 ecute every such suit when brought by a State.”
19 after “United States.”.

20 AUTHORIZATION OF STATES TO PLACE CERTAIN

21 BARRIERS ON FEDERAL LAND

22 SEC. _____ 3.

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, it shall not be a violation of Federal law for
25 the States of California, Arizona, New Mexico, and Texas,
26 or their designees, to construct barriers on Federal lands

1 or waters for the purpose of preventing unlawful entry into
2 the United States if—

3 (1) the barriers do not decrease the ability of
4 U.S. Customs and Border Patrol to patrol the bor-
5 der between the United States and Mexico, intercept
6 unlawful migrants, or deport unlawful migrants; and

7 (2) the barriers do not actually and substan-
8 tially impede lawful movement along any navigable
9 water, roadway, or other avenue of interstate com-
10 merce.

11 (b) **RULE OF CONSTRUCTION.**—Subsection (a) may
12 not be construed as a defense to any claim of unlawful
13 conduct unless the allegedly unlawful conduct consists of
14 constructing or maintaining barriers on Federal lands or
15 waters for the purpose of preventing unlawful entry into
16 the United States.

