

**AMENDMENT TO RULES COMMITTEE PRINT 118-**

**31**

**OFFERED BY MR. BURLISON OF MISSOURI**

Add at the end of the bill the following:

1           **TITLE IX—STATE BORDER**  
2                           **DEFENSE ACT**

3   **SEC. 901. SHORT TITLE.**

4           This title may be cited as the “State Border Defense  
5 Act”.

6   **SEC. 902. AUTHORIZATION OF STATE AND LOCAL LAW EN-**  
7                           **FORCEMENT OFFICERS TO ENFORCE CER-**  
8                           **TAIN FEDERAL IMMIGRATION LAWS.**

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 902(c) of the State Border De-  
15 fense 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 **SEC. 903. AUTHORIZATION OF STATES TO PLACE CERTAIN**  
21 **BARRIERS ON FEDERAL LAND.**

22 (a) IN GENERAL.—Notwithstanding any other provi-  
23 sion of law, it shall not be a violation of Federal law for  
24 the States of California, Arizona, New Mexico, and Texas,  
25 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.

