

AMENDMENT TO H.R. 8038
OFFERED BY MR. CRENSHAW OF TEXAS

At the end of division C add the following:

1 SEC. 2. BORDER BARRIER GRANTS.

2 (a) AUTHORIZATION.—Notwithstanding any other
3 provision of law, not later than 30 days after the President
4 receives from the Governor of a southwest border State
5 a certification that the Governor intends to use a grant
6 under this section for a purpose set forth in subsection
7 (b), the President shall—

8 (1) acting through the Secretary of the Treas-
9 ury, disburse the amount determined with respect to
10 the State under subsection (c); and

11 (2) ensure that all relevant Federal entities
12 take such actions as may be necessary to allow for
13 the use of grant funds in accordance with subsection
14 (b).

15 (b) USE OF GRANT FUNDS.—A grant under this sec-
16 tion shall be used for the construction of a southwest bor-
17 der barrier, including continuing the construction of or re-
18 pairs to portions of existing border barrier sufficient to
19 prevent vehicular and pedestrian crossings across the
20 southwest border from Mexico into the United States, and

1 associated infrastructure, including physical barriers and
2 associated detection technology, roads, and lighting.

3 (c) DETERMINATION OF GRANT AMOUNT.—

4 (1) IN GENERAL.—The amount disbursed to a
5 southwest border State under this section shall be
6 equal to the amount determined with respect to the
7 State under paragraph (2).

8 (2) RATIO.—Of the total amount appropriated
9 under section 4(c)(1), the amount disbursed to a
10 southwest border State shall be in an amount that
11 bears the same ratio of—

12 (A) the number of miles along the south-
13 west border of the United States located in that
14 State where there is no border barrier to—

15 (B) the total number of miles along the
16 southwest border of the United States where
17 there is no border barrier.

18 (3) DETERMINATIONS.—Not later than 30 days
19 after the date of enactment of this Act, the Sec-
20 retary of Homeland Security shall make the deter-
21 minations under paragraph (2).

22 **SEC. 3. LAW ENFORCEMENT REIMBURSEMENT GRANTS.**

23 (a) AUTHORIZATION.—Notwithstanding any other
24 provision of law, not later than 30 days after the President
25 receives from the Governor of a southwest border State

1 a certification that the Governor intends to use a grant
2 under this section for a purpose set forth in subsection
3 (b), the President shall acting through the Secretary of
4 the Treasury, disburse the amount determined with re-
5 spect to the State under subsection (c).

6 (b) USE OF GRANT FUNDS.—A grant under this sec-
7 tion may be used for the reimbursement of expenditures
8 related to the deployment of law enforcement or the Na-
9 tional Guard at the southwest border of the United States,
10 in furtherance of any law enforcement operation related
11 to border security or immigration enforcement conducted
12 by a Governor of a southwest border State (such as Texas
13 Governor Greg Abbott’s Operational Lone Star), to—

14 (1) enforce the law of that State;

15 (2) secure that border;

16 (3) combat international criminal activity, in-
17 cluding human trafficking, illicit narcotics traf-
18 ficking (including fentanyl trafficking), and cartel or
19 gang activity;

20 (4) detect and deter the unlawful entry of any
21 alien; or

22 (5) arrest and detain any alien who unlawfully
23 enters the United States or who is present in the
24 United States without lawful status under the immi-

1 gration laws (as such term is defined in section 101
2 of the Immigration and Nationality Act).

3 (c) DETERMINATION OF GRANT AMOUNT.—

4 (1) INITIAL GRANT.—Of the total amount ap-
5 propriated under section 4(c)(2), the amount dis-
6 bursed to a southwest border State shall be in an
7 amount that bears the same ratio of—

8 (A) the number border encounters along
9 the southwest border of the United States in
10 that State, as reported in the statistics for fis-
11 cal year 2023 compiled by U.S. Customs and
12 Border Protection entitled “Southwest Land
13 Border Encounters”, to—

14 (B) the total number of border encounters
15 along the southwest border of the United States
16 for fiscal year 2023.

17 (2) SUBSEQUENT GRANT.—Of the total amount
18 reallocated under section 4(d), the amount disbursed
19 to a southwest border State shall be in an amount
20 that bears the same ratio of—

21 (A) the amount of expenditures that are el-
22 igible for reimbursement under this section for
23 which the State has not been reimbursed to—

24 (B) the total amount of expenditures that
25 are eligible for reimbursement under this sec-

1 tion for which all southwest border States have
2 not been reimbursed.

3 (d) PERIOD OF EXPENDITURES.—

4 (1) INITIAL GRANT.—An initial grant under
5 this section may be used for expenditures incurred
6 during the period beginning on January 20, 2021
7 and ending on the date on which the State receives
8 the grant.

9 (2) SUBSEQUENT GRANT.—A subsequent grant
10 under this section may be used for expenditures in-
11 curred on or after January 20, 2021.

12 (e) QUALIFICATION.—Notwithstanding any other
13 provision of law, States that have expended more than
14 \$2,500,000,000 on border security and immigration en-
15 forcement for the purpose defined in subsection (b) in the
16 10 years prior to the date of enactment of this Act shall
17 be eligible for the grants defined in this section.

18 **SEC. 4. BORDER EMERGENCY AND STATE SECURITY FUND.**

19 (a) ESTABLISHMENT.—There is established in the
20 general fund of the Treasury a separate account which
21 shall be known as the “Border Emergency and State Secu-
22 rity Fund” (referred to in this section as the “Fund”).

23 (b) APPROPRIATIONS.—There is hereby appropriated
24 to the Fund \$15,000,000,000 to remain available until ex-
25 pendent.

1 (c) ALLOCATION.—Of the amounts appropriated
2 under subsection (b)—

3 (1) \$5,000,000,000 is for grants under section
4 2; and

5 (2) \$10,000,000,000 is for grants under section
6 3.

7 (d) REALLOCATION.—

8 (1) IN GENERAL.—On October 1, 2024, any
9 covered funds shall be made available to southwest
10 border States, or used by such States, as applicable,
11 for grants under section 3.

12 (2) COVERED FUNDS DEFINED.—In this sub-
13 section, the term “covered funds” means—

14 (A) funds allocated under subsection (c)(1)
15 that have not been obligated for grants under
16 section 2 or that a southwest border State cer-
17 tifies will not be used for a grant received under
18 such section 2; and

19 (B) funds allocated under subsection (c)(2)
20 that have not been obligated for grants under
21 section 3 or that a southwest border State cer-
22 tifies will not be used for a grant received under
23 such section 3.

24 (e) RESCISSION.—The total amount of unobligated
25 funds made available by section 101(e) of the Fiscal Re-

1 sponsibility Act of 2023 (Public Law 118–5) for the De-
2 partment of Commerce Nonrecurring Expenses Fund are
3 hereby permanently rescinded.

4 **SEC. 5. DEFINITIONS.**

5 In this division:

6 (1) The term “alien” has the meaning given
7 such term in section 101 of the Immigration and
8 Nationality Act (8 U.S.C. 1101)

9 (2) The term “southwest border State” means
10 Texas, New Mexico, Arizona, or California.

