

113TH CONGRESS
2D SESSION

H. R. 5400

To provide for State enforcement of border security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2014

Mr. YOHIO (for himself, Mr. LAMALFA, Mr. WEBER of Texas, and Mr. MCALLISTER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Appropriations, 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 provide for State enforcement of border security, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border State Protec-
5 tion Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

1 (1) it is the role of the Federal Government to
2 establish and enforce the immigration and natu-
3 ralization laws of the United States;

4 (2) under article IV, section 4 of the Constitu-
5 tion, the United States shall protect each State
6 against Invasion;

7 (3) the Federal Government has failed to secure
8 the border with Mexico;

9 (4) the border states are financially burdened
10 by having to use their own funds and resources to
11 deal with illegal immigrants entering their borders;
12 and

13 (5) the Federal Government has failed to pro-
14 tect the border states.

15 **SEC. 3. IN GENERAL.**

16 (a) STATES AUTHORIZED TO ACT.—The governor of
17 any State that is on an international border of the United
18 States is hereby authorized to take such actions as may
19 be necessary to establish operational control of that por-
20 tion of the international border that are within that State.

21 (b) OPERATIONAL CONTROL.—The term “oper-
22 ational control” has the meaning given such term in sec-
23 tion 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701
24 note).

1 (c) LIMITATION ON LIABILITY.—A State may not be
2 held liable in any Federal action for any act taken pursu-
3 ant to this Act that is otherwise in conformity with law.

4 **SEC. 4. COSTS OF CONTROLLING THE INTERNATIONAL**
5 **BORDER.**

6 (a) REPORT.—During fiscal year 2014 and each fis-
7 cal year thereafter, the governor of any State may submit
8 a report to Congress detailing the costs (expressed as a
9 dollar amount) incurred by such State in carrying out sec-
10 tion 3.

11 (b) CALCULATION.—On the last day of fiscal year
12 2014 and the last day of each fiscal year thereafter, Con-
13 gress shall calculate the total amount of costs detailed in
14 the reports submitted during such fiscal year under sub-
15 section (a).

16 (c) RESCISSION.—Consistent with the requirements
17 of subsections (d) and (e), on the first day of fiscal year
18 2015 and the first day of each fiscal year thereafter, there
19 is rescinded from unobligated amounts available for “Ex-
20 ecutive Office of the President and Funds Appropriated
21 to the President” an amount equal to the total dollar
22 amount (if any) calculated under subsection (b) for the
23 fiscal year ending immediately before such day.

24 (d) LIMITATION.—Any rescission under subsection
25 (c) may not rescind more than 50 percent of the fund

1 made available to the “Executive Office of the President
2 and Funds Appropriated to the President” in the fiscal
3 year in which such rescission occurs.

4 (e) RESCISSION FROM FOREIGN AID.—Any amount
5 that would be rescinded in a fiscal year from “Executive
6 Office of the President and Funds Appropriated to the
7 President” but for the application of subsection (d) shall
8 be rescinded from the discretionary appropriations made
9 available in such fiscal year for non-security foreign aid
10 to Mexico, El Salvador, Honduras, and Guatemala.

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