

115TH CONGRESS
1ST SESSION

H. R. 1477

To prohibit the use of Federal funds to build a wall along the southern border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2017

Ms. MOORE (for herself, Mr. MCGOVERN, Ms. JACKSON LEE, Mr. JEFFRIES, Mr. SOTO, Ms. MCCOLLUM, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. POCAN, Mr. FOSTER, Ms. CLARK of Massachusetts, Mr. VELA, Mrs. TORRES, Mr. HASTINGS, Mr. RUSH, Ms. CLARKE of New York, Mr. POLIS, Mr. GUTIÉRREZ, Mr. RASKIN, Ms. SÁNCHEZ, Ms. BROWNLEY of California, Ms. LEE, Ms. WILSON of Florida, Mr. TAKANO, Ms. BASS, Ms. WASSERMAN SCHULTZ, Mr. CLEAVER, Ms. SPEIER, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, 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 prohibit the use of Federal funds to build a wall along the southern border, 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 “No Taxpayer Funding
5 for the Wall Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The construction of a wall along the south-
4 ern border is estimated to cost tens of billions of
5 taxpayer dollars.

6 (2) On June 16, 2015, in New York, NY, while
7 announcing his candidacy for President of the
8 United States, Mr. Donald Trump stated “I would
9 build a great wall, and nobody builds walls better
10 than me, believe me, and I’ll build them very inex-
11 pensively. I will build a great, great wall on our
12 southern border. And I will have Mexico pay for that
13 wall. Mark my words.”.

14 (3) On July 31, 2015 in Turnberry, Scotland,
15 during an interview on CNN, Mr. Donald Trump
16 stated “I will build the wall and Mexico’s going to
17 pay for it and they will be happy to pay for it. Be-
18 cause Mexico is making so much money from the
19 United States that that’s going to be peanuts and all
20 these other characters say, ‘Oh, they won’t pay, they
21 won’t pay.’ They don’t know the first thing about
22 how to negotiate. Trust me, Mexico will pay for it.”.

23 (4) On February 25, 2016, in Houston, TX,
24 during a Republican Presidential Debate, Mr. Don-
25 ald Trump stated, “We have a trade deficit with
26 Mexico of \$58 billion dollars a year, and that doesn’t

1 include all the drugs that are pouring across and de-
2 stroying our country. We're going to make them pay
3 for that wall.”.

4 (5) On August 23, 2015, during an interview
5 on Justice with Judge Jeanine, Mr. Donald Trump
6 stated, “We're going to build a wall. It's going to be
7 a great wall. Mexico is going to pay for it.”.

8 (6) On August 31, 2016, in Phoenix, AZ, dur-
9 ing a rally, Mr. Donald Trump stated, “We will
10 build a great wall along the southern border and
11 Mexico will pay for the wall. One hundred percent.
12 They don't know it yet, but they're going to pay for
13 the wall.”.

14 (7) On January 10, 2017, General John Kelly,
15 President-elect Trump's nominee for Secretary of
16 Homeland Security, stated during his Senate con-
17 firmation hearing, “A physical barrier in and of
18 itself—certainly as a military person that under-
19 stands defense and defenses—a physical barrier in
20 and of itself will not do the job, it has to be really
21 a layered defense.”.

22 **SEC. 3. PROHIBITION ON USE OF CERTAIN FEDERAL**
23 **FUNDS.**

24 (a) IN GENERAL.—

1 (1) FEDERAL PROHIBITION.—Notwithstanding
2 any other provision of law, no Federal department
3 or agency, including the Department of Homeland
4 Security, may obligate or expend any Federal funds
5 (including any funds previously appropriated for
6 such purpose or any fee revenue generated by the
7 Department of Homeland Security or any other Fed-
8 eral department or agency) to carry out section 102
9 of the Illegal Immigration Reform and Immigrant
10 Responsibility Act of 1996 (8 U.S.C. 1103 note) or
11 any other related provision of law, or to otherwise
12 build a border fence, related physical barriers or in-
13 frastructure, or wall along the southern border of
14 the United States, including to carry out any activi-
15 ties related to such construction.

16 (2) STATE PROHIBITION.—Notwithstanding any
17 other provision of law, a State that has received or
18 receives any Federal funding in the form of a grant
19 from the Department of Homeland Security or any
20 other Federal department or agency may not use
21 such funding to carry out section 102 of the Illegal
22 Immigration Reform and Immigrant Responsibility
23 Act of 1996 (8 U.S.C. 1103 note) or any other re-
24 lated provision of law, or to otherwise build a border
25 fence, related physical barriers or infrastructure, or

1 wall along the southern border of the United States,
2 including to carry out any activities related to such
3 construction.

4 (3) FOREIGN PAYMENT REQUIRED.—The Presi-
5 dent is authorized to enter into a binding, written,
6 and enforceable treaty, approved by the Senate, with
7 a foreign country to pay for the costs associated
8 with carrying out section 102 of the Illegal Immigra-
9 tion Reform and Immigrant Responsibility Act of
10 1996 (8 U.S.C. 1103 note) or any other related pro-
11 vision of law, or otherwise building a border fence,
12 related physical barriers or infrastructure, or wall
13 along the southern border of the United States, in-
14 cluding carrying out any activities related to such
15 construction.

16 (b) AUDIT AND PENALTY.—

17 (1) AUDIT.—Not later than 180 days after the
18 end of each fiscal year, the Comptroller General of
19 the United States shall conduct an audit of each
20 Federal department and agency under subsection
21 (a)(1) and each State that has received or is receiv-
22 ing any Federal funding under subsection (a)(2) to
23 assess compliance with the prohibition under such
24 subsections for such preceding fiscal year.

1 (2) PENALTY.—If the Comptroller General of
2 the United States is unable to confirm the compli-
3 ance with the prohibitions under subsection (a) by a
4 Federal department or agency or by a State pursu-
5 ant to an audit conducted under paragraph (1), not-
6 withstanding any other provision of law—

7 (A) in the case of Federal department or
8 agency, the Office of Management and Budget
9 may not obligate or expend more than 25 per-
10 cent of funds authorized to be appropriated for
11 such Office for the fiscal year during which
12 such audit is conducted, until such time as the
13 Comptroller General is able to confirm such
14 compliance; and

15 (B) in the case of a State, the heads of ap-
16 propriate Federal departments and agencies
17 shall take such steps as may be necessary to re-
18 duce the amount of Federal funds that are
19 made available to such State and to require
20 such State to repay such amounts previously
21 made available, as appropriate, until such time
22 as the Comptroller General is able to confirm
23 such compliance.

24 (c) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the funding prohibition under this section

1 should not interfere with the responsibility of the Sec-
2 retary of Homeland Security to take actions as may be
3 required to secure the southern border of the United
4 States.

5 **SEC. 4. OVERSIGHT.**

6 The Inspector General of the Federal department or
7 agency responsible for carrying out the treaty referred to
8 in section 3(a)(3) shall oversee the use of funds received
9 and expended pursuant to such treaty to carry out the
10 Secure Fence Act of 2006, section 102 of the Illegal Immi-
11 gration Reform and Immigrant Responsibility Act of 1996
12 (8 U.S.C. 1103 note), or any other related provision of
13 law, or to otherwise build a border fence, related physical
14 barriers or infrastructure, or wall along the southern bor-
15 der of the United States, including to carry out any activi-
16 ties related to such construction. Such oversight shall in-
17 clude oversight regarding the use of high risk contractor
18 practices, including limited or sole source contracting, any
19 cost overruns, significant delays in contract execution, and
20 departmental contract management and oversight of such
21 funds.

22 **SEC. 5. BUDGETARY IMPACT.**

23 (a) IN GENERAL.—The Director of the Office of
24 Management and Budget shall include a statement of
25 budgetary impact, including costs, benefits, and revenues,

1 as a result of and related to any executive order or presi-
2 dential memorandum issued relating to border security
3 during the period of fiscal year 2017 through fiscal year
4 2021.

5 (b) CONTENTS.—Any statement under subsection (a)
6 shall include—

7 (1) a narrative summary of the budgetary im-
8 pact of such order or memorandum on the Federal
9 Government;

10 (2) the impact on mandatory and discretionary
11 obligations and outlays as the result of such order
12 or memorandum, listed by Federal department and
13 agency, for each year in the 5-fiscal-year period be-
14 ginning in fiscal year 2017; and

15 (3) the impact on revenues of the Federal Gov-
16 ernment as the result of such order or memorandum
17 over the 5-fiscal-year period beginning in fiscal year
18 2017.

19 **SEC. 6. WEBSITE.**

20 The Director of the Office of Management and Budg-
21 et shall establish a publicly available website to track and
22 display funds received from other non-Federal sources, in-
23 cluding foreign governments, to carry out the Secure
24 Fence Act of 2006, section 102 of the Illegal Immigration
25 Reform and Immigrant Responsibility Act of 1996 (8

1 U.S.C. 1103 note), or any other related provision of law,
2 or to otherwise build a border fence, related physical bar-
3 riers or infrastructure, or wall along the southern border,
4 including to carry out any activities related to such con-
5 struction. Such website shall be updated at least monthly
6 to accurately reflect data on funds received by source and
7 by date and on the obligation and expenditure of such
8 funds.

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