

Rep. Irwin offered the following resolution:

House Resolution No. 70.

A resolution to urge the Congress of the United States to enact legislation that prohibits U.S. Customs and Border Protection from conducting stops and searches without probable cause outside the immediate vicinity of the border or its functional equivalent and that limits the scope of inquiries to border security purposes.

Whereas, U.S. Customs and Border Protection (CBP) asserts the authority to set up checkpoints and to conduct stops and searches without probable cause in border areas. Under federal law, the extended border area includes areas within a 100-mile distance of any external boundary of the United States; and

Whereas, The entire state of Michigan is located within the extended border area over which CBP asserts its powers. As a result, residents of Michigan are subject, at any time, to being stopped, questioned, or searched by CBP, anywhere in the state, without a warrant or probable cause; and

Whereas, The CBP has not confined the scope of the inquiries they conduct to matters relating to border security, instead conducting broad interviews and searches, including searching expressive materials and the contents of electronic devices; and

Whereas, The Fourth Amendment to the U.S. Constitution guarantees all Americans the right to be free of unreasonable searches and seizures. The application of extraordinary border security powers in areas far inland from the border and the failure to limit those powers to border security purposes are clear violations of Americans' constitutional rights and the freedoms upon which this country was founded; now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States to enact legislation that prohibits U.S. Customs and Border Protection from conducting stops and searches without probable cause outside the immediate vicinity of the border or its functional equivalent and that limits the scope of inquiries conducted by U.S. Customs and Border Protection to border security purposes, such as immigration control, customs enforcement, and the interdiction of prohibited imports; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.