

Union Calendar No. 360

118TH CONGRESS
2^D SESSION

H. R. 7322

[Report No. 118-435]

To amend the Immigration and Nationality Act with respect to enforcement
by an attorney general of a State.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2024

Mr. BISHOP of North Carolina (for himself, Mr. ROY, Mr. OGLES, and Mr. TIFFANY) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 2, 2024

Additional sponsors: Ms. HAGEMAN, Mr. BRECHEEN, Mr. GOSAR, Mr. POSEY, Mr. HIGGINS of Louisiana, Mr. ROSENDALE, Mr. DAVIDSON, Mrs. SPARTZ, Mr. GREEN of Tennessee, and Mr. CRANE

APRIL 2, 2024

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 13, 2024]

A BILL

To amend the Immigration and Nationality Act with respect
to enforcement by an attorney general of a State.

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 “Standing Up to the Ex-*
5 *ecutive branch for Immigration Enforcement Act of 2024”*
6 *or the “SUE for Immigration Enforcement Act of 2024”.*

7 **SEC. 2. ENFORCEMENT BY ATTORNEY GENERAL OF A**
8 **STATE.**

9 *(a) INSPECTION OF APPLICANTS FOR ADMISSION.—*
10 *Section 235(b) of the Immigration and Nationality Act (8*
11 *U.S.C. 1225(b)) is amended—*

12 *(1) by redesignating paragraph (3) as para-*
13 *graph (4); and*

14 *(2) by inserting after paragraph (2) the fol-*
15 *lowing:*

16 *“(3) ENFORCEMENT BY ATTORNEY GENERAL OF*
17 *A STATE.—The attorney general of a State, or other*
18 *authorized State officer, alleging a violation of the de-*
19 *tention and removal requirements under paragraphs*
20 *(1) or (2) that harms such State or its residents shall*
21 *have standing to bring an action against the Sec-*
22 *retary of Homeland Security on behalf of such State*
23 *or the residents of such State in an appropriate dis-*
24 *trict court of the United States to obtain appropriate*
25 *injunctive relief. The court shall advance on the dock-*

1 *et and expedite the disposition of a civil action filed*
2 *under this paragraph to the greatest extent prac-*
3 *ticable. For purposes of this paragraph, a State or its*
4 *residents shall be considered to have been harmed if*
5 *the State or its residents experience harm, including*
6 *financial harm in excess of \$100.”.*

7 *(b) APPREHENSION AND DETENTION OF ALIENS.—*
8 *Section 236 of the Immigration and Nationality Act (8*
9 *U.S.C. 1226) is amended—*

10 *(1) in subsection (e)—*

11 *(A) by striking “or release”; and*

12 *(B) by striking “grant, revocation, or de-*
13 *nia]” and insert “revocation or denial”; and*

14 *(2) by adding at the end the following:*

15 *“(f) ENFORCEMENT BY ATTORNEY GENERAL OF A*
16 *STATE.—The attorney general of a State, or other author-*
17 *ized State officer, alleging an action or decision by the At-*
18 *torney General or Secretary of Homeland Security under*
19 *this section to release any alien or grant bond or parole*
20 *to any alien that harms such State or its residents shall*
21 *have standing to bring an action against the Attorney Gen-*
22 *eral or Secretary of Homeland Security on behalf of such*
23 *State or the residents of such State in an appropriate dis-*
24 *trict court of the United States to obtain appropriate in-*
25 *junction relief. The court shall advance on the docket and*

1 expedite the disposition of a civil action filed under this
2 subsection to the greatest extent practicable. For purposes
3 of this subsection, a State or its residents shall be considered
4 to have been harmed if the State or its residents experience
5 harm, including financial harm in excess of \$100.”.

6 (c) *PENALTIES*.—Section 243 of the Immigration and
7 Nationality Act (8 U.S.C. 1253) is amended by adding at
8 the end the following:

9 “(e) *ENFORCEMENT BY ATTORNEY GENERAL OF A*
10 *STATE*.—The attorney general of a State, or other author-
11 ized State officer, alleging a violation of the requirement
12 to discontinue granting visas to citizens, subjects, nationals,
13 and residents as described in subsection (d) that harms such
14 State or its residents shall have standing to bring an action
15 against the Secretary of State on behalf of such State or
16 the residents of such State in an appropriate district court
17 of the United States to obtain appropriate injunctive relief.
18 The court shall advance on the docket and expedite the dis-
19 position of a civil action filed under this subsection to the
20 greatest extent practicable. For purposes of this subsection,
21 a State or its residents shall be considered to have been
22 harmed if the State or its residents experience harm, includ-
23 ing financial harm in excess of \$100.”.

1 (d) *CERTAIN CLASSES OF ALIENS.—Section 212(d)(5)*
2 *of the Immigration and Nationality Act (8 U.S.C.*
3 *1182(d)(5)) is amended—*

4 (1) *by striking “Attorney General” each place it*
5 *appears and inserting “Secretary of Homeland Secu-*
6 *rity”; and*

7 (2) *by adding at the end the following:*

8 “(C) *The attorney general of a State, or other author-*
9 *ized State officer, alleging a violation of the limitation*
10 *under subparagraph (A) that parole solely be granted on*
11 *a case-by-case basis and solely for urgent humanitarian*
12 *reasons or a significant public benefit, that harms such*
13 *State or its residents shall have standing to bring an action*
14 *against the Secretary of Homeland Security on behalf of*
15 *such State or the residents of such State in an appropriate*
16 *district court of the United States to obtain appropriate*
17 *injunctive relief. The court shall advance on the docket and*
18 *expedite the disposition of a civil action filed under this*
19 *subparagraph to the greatest extent practicable. For pur-*
20 *poses of this subparagraph, a State or its residents shall*
21 *be considered to have been harmed if the State or its resi-*
22 *dents experience harm, including financial harm in excess*
23 *of \$100.”.*

1 (e) *DETENTION*.—Section 241(a)(2) of the Immigra-
2 *tion and Nationality Act* (8 U.S.C. 1231(a)(2)) is amend-
3 *ed—*

4 (1) *by striking “During the removal period,”*
5 *and inserting the following:*

6 “(A) *IN GENERAL*.—*During the removal pe-*
7 *riod,”; and*

8 (2) *by adding at the end the following:*

9 “(B) *ENFORCEMENT BY ATTORNEY GEN-*
10 *ERAL OF A STATE*.—*The attorney general of a*
11 *State, or other authorized State officer, alleging*
12 *a violation of the detention requirement under*
13 *subparagraph (A) that harms such State or its*
14 *residents shall have standing to bring an action*
15 *against the Secretary of Homeland Security on*
16 *behalf of such State or the residents of such State*
17 *in an appropriate district court of the United*
18 *States to obtain appropriate injunctive relief.*
19 *The court shall advance on the docket and expe-*
20 *dite the disposition of a civil action filed under*
21 *this subparagraph to the greatest extent prac-*
22 *ticable. For purposes of this subparagraph, a*
23 *State or its residents shall be considered to have*
24 *been harmed if the State or its residents experi-*

1 ence harm, including financial harm in excess of
2 \$100.”.

3 (f) *LIMIT ON INJUNCTIVE RELIEF.*—Section 242(f) of
4 *the Immigration and Nationality Act (8 U.S.C. 1252(f))*
5 *is amended by adding at the end following:*

6 “(3) *CERTAIN ACTIONS.*—Paragraph (1) shall
7 not apply to an action brought pursuant to section
8 235(b)(3), subsections (e) or (f) of section 236, or sec-
9 tion 241(a)(2)(B).”.

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