

118TH CONGRESS  
2D SESSION

# S. 3668

To authorize certain States to erect temporary protective fencing within  
25 miles of the southwest border to deter illegal immigration.

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IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2024

Mr. VANCE introduced the following bill; which was read twice and referred  
to the Committee on the Judiciary

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## A BILL

To authorize certain States to erect temporary protective  
fencing within 25 miles of the southwest border to deter  
illegal immigration.

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 “State Border Security  
5 Act”.

6 **SEC. 2. REMOVAL OF PROTECTIVE FENCING.**

7 Section 2 of the Secure Fence Act of 2006 (Public  
8 Law 109–367; 8 U.S.C. 1701 note) is amended—

9 (1) in subsection (b)—

1 (A) by striking everything preceding “the  
2 term” and inserting the following:

3 “(b) DEFINITIONS.—In this section—

4 “(1) the term”; and

5 (B) by striking the period at the end and  
6 inserting the following: “; and

7 “(2) the term ‘protective fencing’ means fencing  
8 that is reasonably calculated to deter illegal border  
9 crossings by aliens outside a port of entry.”; and

10 (2) by adding at the end the following:

11 “(c) PROHIBITION AGAINST REMOVING PROTECTIVE  
12 FENCING.—

13 “(1) IN GENERAL.—Subject to paragraph (2)  
14 and notwithstanding any other provision of law, no  
15 employee or agent of the Federal Government may  
16 execute or enforce any provision of the Immigration  
17 and Nationality Act by dismantling, removing, de-  
18 stroying, or tampering with concertina wire, razor  
19 wire, barbed wire, or other protective fencing erected  
20 by a State government within 25 miles of the inter-  
21 national border between the United States and Mex-  
22 ico.

23 “(2) EXCEPTION.—The prohibition described in  
24 paragraph (1) shall not apply in situations where the  
25 Federal Government demonstrates, by clear and con-

1       vincing evidence, that the fencing referred to in such  
2       paragraph was erected by a State government with  
3       the intention of facilitating illegal immigration rath-  
4       er than deterring illegal immigration.

5               “(3) INJUNCTIVE RELIEF.—The Attorney Gen-  
6       eral may seek injunctive relief in an appropriate  
7       Federal district court to order any State that has  
8       erected protective fencing intended to facilitate ille-  
9       gal immigration to remove such fencing by meeting  
10      the evidentiary standard described in paragraph  
11      (2).”.

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