

118TH CONGRESS
1ST SESSION

S. 696

To authorize the Secretary of Homeland Security to suspend the entry of aliens in order to achieve operational control of the border, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2023

Mr. TUBERVILLE (for himself, Mrs. BRITT, Mr. VANCE, Mrs. BLACKBURN, and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize the Secretary of Homeland Security to suspend the entry of aliens in order to achieve operational control of the 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 “Border Safety and Se-
5 curity Act of 2023”.

6 **SEC. 2. SUSPENSION OF ENTRY OF ALIENS.**

7 (a) DEFINITIONS.—In this section:

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided, the terms used in this section have the mean-

1 ings given such terms in section 101 of the Immi-
2 gration and Nationality Act (8 U.S.C. 1101).

3 (2) COVERED ALIEN.—The term “covered
4 alien” means an alien seeking entry to the United
5 States who is inadmissible under paragraph (6) or
6 (7) of section 212(a) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1182(a)).

8 (3) OPERATIONAL CONTROL.—The term “oper-
9 ational control” has the meaning given such term in
10 section 2(b) of the Secure Fence Act of 2006 (8
11 U.S.C. 1701 note).

12 (b) AUTHORITY TO SUSPEND ENTRY OF ALIENS AT
13 BORDERS OF THE UNITED STATES.—Notwithstanding
14 any other provision of law, if the Secretary of Homeland
15 Security determines, in the discretion of the Secretary,
16 that the suspension of the entry of covered aliens at an
17 international land or maritime border of the United States
18 is necessary in order to achieve operational control over
19 such border, the Secretary may prohibit, in whole or in
20 part, the entry of covered aliens at such border for such
21 period as the Secretary determines is necessary for such
22 purpose.

23 (c) REQUIRED SUSPENSION OF ENTRY OF ALIENS.—
24 Notwithstanding any other provision of law, the Secretary

1 of Homeland Security shall prohibit the entry of covered
2 aliens for any period during which the Secretary cannot—

3 (1) detain such covered aliens in accordance
4 with section 235(b)(1)(B) of the Immigration and
5 Nationality Act (8 U.S.C. 1225(b)(1)(B)); or

6 (2) place such covered aliens in a program con-
7 sistent with section 235(b)(2)(C) of the Immigration
8 and Nationality Act (8 U.S.C. 1225(b)(2)(C)).

9 (d) ENFORCEMENT BY STATE ATTORNEYS GEN-
10 ERAL.—The attorney general of a State, or another au-
11 thorized State officer, alleging a violation of a subsection
12 (c) that affects such State or its residents, may bring an
13 action against the Secretary of Homeland Security on be-
14 half of the residents of such State in an appropriate
15 United States district court to obtain appropriate injunc-
16 tive relief.

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