

Tuberville S. 3393 #1



AMENDMENT NO. _____

Calendar No. _____

Purpose: To authorize the Secretary of Homeland Security to suspend the entry of aliens in order to achieve operational control of the border.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 3393

To reauthorize the SUPPORT for Patients and Communities Act, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. TUBERVILLE

Viz:

1 At the appropriate place, insert the following:

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

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Border Safety and Security Act of 2023”.

5 (b) **DEFINITIONS.**—In this section:

6 (1) **IN GENERAL.**—Except as otherwise pro-
7 vided, the terms used in this section have the mean-
8 ings given such terms in section 101 of the Immi-
9 gration and Nationality Act (8 U.S.C. 1101).

10 (2) **COVERED ALIEN.**—The term “covered
11 alien” means an alien seeking entry to the United

1 States who is inadmissible under paragraph (6) or
2 (7) of section 212(a) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1182(a)).

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

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

19 (d) REQUIRED SUSPENSION OF ENTRY OF ALIENS.—
20 Notwithstanding any other provision of law, the Secretary
21 of Homeland Security shall prohibit the entry of covered
22 aliens for any period during which the Secretary cannot—
23 (1) detain such covered aliens in accordance
24 with section 235(b)(1)(B) of the Immigration and
25 Nationality Act (8 U.S.C. 1225(b)(1)(B)); or

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

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