

118TH CONGRESS
1ST SESSION

H. R. 29

To authorize the Secretary of Homeland Security to suspend the entry of aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2023

Mr. ROY (for himself, Mr. BIGGS, Mr. HARRIS, Mr. McCLINTOCK, Mr. BISHOP of North Carolina, Mr. RESCHENTHALER, Mr. HIGGINS of Louisiana, Mr. DUNCAN, Mr. PERRY, Mrs. HARSHBARGER, Mr. GAETZ, Mr. CLINE, Mr. GROTHMAN, Mr. CRENSHAW, Mrs. HINSON, Mr. FULCHER, Mr. ELLZEY, Ms. STEFANIK, Mr. FITZGERALD, Mrs. MILLER of Illinois, Mr. HUDSON, Mr. GRAVES of Louisiana, Mr. STAUBER, Mr. BABIN, Mr. GOODEN of Texas, Mr. VAN DREW, and Mrs. GREENE of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Homeland Security to suspend the entry of aliens, 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”.

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

2 (a) **AUTHORITY TO SUSPEND ENTRY OF ALIENS AT**
3 **BORDERS OF THE UNITED STATES.**—Notwithstanding
4 any other provision of law, if the Secretary of Homeland
5 Security determines, in his discretion, that the suspension
6 of the entry of covered aliens at an international land or
7 maritime border of the United States is necessary in order
8 to achieve operational control over such border, the Sec-
9 retary may prohibit, in whole or in part, the entry of cov-
10 ered aliens at such border for such period of time as the
11 Secretary determines is necessary for such purpose.

12 (b) **REQUIRED SUSPENSION OF ENTRY OF ALIENS.**—
13 Notwithstanding any other provision of law, the Secretary
14 of Homeland Security shall prohibit the entry of covered
15 aliens for any period during which the Secretary cannot—

16 (1) detain such covered aliens as required under
17 section 235(b)(1)(B) of the Immigration and Na-
18 tionality Act (8 U.S.C. 1225(b)(1)(B)); or

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

22 (c) **ENFORCEMENT BY STATE ATTORNEYS GEN-**
23 **ERAL.**—The attorney general of a State, or other author-
24 ized State officer, alleging a violation of a subsection (b)
25 that affects such State or its residents, may bring an ac-
26 tion against the Secretary of Homeland Security on behalf

1 of the residents of the State in an appropriate United
2 States district court to obtain appropriate injunctive relief.

3 (d) DEFINITIONS.—In this section:

4 (1) Except as otherwise provided, the terms
5 have the meanings given such terms in section 101
6 of the Immigration and Nationality Act (8 U.S.C.
7 1101).

8 (2) The term “covered alien” means an alien
9 seeking entry to the United States who is inadmis-
10 sible under section 212(a)(7) of the Immigration
11 and Nationality Act (8 U.S.C. 1182(a)(7)).

12 (3) The term “operational control” has the
13 meaning given such term in section 2 of the Secure
14 Fence Act of 2006 (8 U.S.C. 1701 note).

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