

118TH CONGRESS
2D SESSION

S. _____

To prohibit the Secretary of Homeland Security from granting parole to certain dangerous aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. DAINES (for himself, Mr. BUDD, Mr. ROUNDS, Mrs. BLACKBURN, Mr. CRUZ, Ms. LUMMIS, Mrs. HYDE-SMITH, Mr. SCHMITT, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit the Secretary of Homeland Security from granting parole to certain dangerous 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 “Safeguarding Ameri-
5 cans From Extremist Risk (SAFER) at the Border Act”.

1 **SEC. 2. DEFINITION OF DESIGNATED OR SUSPECTED TER-**
2 **RORIST AND SPECIAL INTEREST ALIEN.**

3 Section 101(a) of the Immigration and Nationality
4 Act (8 U.S.C. 1101(a)) is amended by adding at the end
5 the following:

6 “(53) The term ‘known terrorist’ means an in-
7 dividual who has been—

8 “(A) arrested, charged by information, in-
9 dicted for, or convicted of a crime related to
10 terrorism or terrorist activities by the United
11 States Government or a foreign government au-
12 thority; or

13 “(B) identified as a terrorist or as a mem-
14 ber of a terrorist organization pursuant to stat-
15 ute, Executive Order, or international legal obli-
16 gation pursuant to a United Nations Security
17 Council Resolution.

18 “(54) The term ‘special interest alien’ means an
19 alien who, based upon an analysis of travel patterns
20 and other information available to the United States
21 Government, potentially poses a national security
22 risk to the United States or its interests due to a
23 known or potential nexus to terrorism.

24 “(55) The term ‘suspected terrorist’ means an
25 individual who is reasonably suspected to be engag-
26 ing in, has engaged in, or intends to engage in con-

1 duct constituting, in preparation for, in aid of, or re-
2 lated to terrorism or terrorist activities.”.

3 **SEC. 3. PAROLE OF CERTAIN ALIENS PROHIBITED.**

4 Section 212(d)(5) of the Immigration and Nationality
5 Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

6 “(5)(A) Except as provided in subparagraphs (B)
7 and (C) and in section 214(f), the Secretary of Homeland
8 Security may temporarily parole into the United States,
9 under such conditions as the Secretary may prescribe, and
10 only on a case-by-case basis for urgent humanitarian rea-
11 sons or significant public benefit, arriving aliens applying
12 for admission to the United States. Such parole of any
13 such alien shall not be regarded as an admission of the
14 alien and when the purposes of such parole, in the opinion
15 of the Secretary, have been served, such alien shall imme-
16 diately return or be returned to the custody from which
17 such alien was paroled. Following the conclusion of such
18 parole, such alien’s case shall continue to be dealt with
19 in the same manner as that of any other applicant for
20 admission to the United States.

21 “(B) The Secretary of Homeland Security may not
22 parole into the United States an alien who is a refugee.

23 “(C) The Secretary of Homeland Security may not
24 parole any alien pursuant to subparagraph (A) who has

1 been designated by any official of the United States Gov-
2 ernment as—

3 “(i) a known terrorist;

4 “(ii) a suspected terrorist; or

5 “(iii) a special interest alien.”.

6 **SEC. 4. ENFORCEMENT BY ATTORNEY GENERAL OF A**
7 **STATE.**

8 Section 235(b) of the Immigration and Nationality
9 Act (8 U.S.C. 1225(b)) is amended—

10 (1) by redesignating paragraph (3) as para-
11 graph (4); and

12 (2) by inserting after paragraph (2) the fol-
13 lowing:

14 “(3) **ENFORCEMENT BY ATTORNEY GENERAL**
15 **OF A STATE.**—The attorney general of a State, or
16 another authorized State officer, alleging a violation
17 of the parole prohibition requirements under sub-
18 paragraph (B) or (C) of section 212(b)(5) that
19 harms such State or its residents shall have standing
20 to bring an action against the Secretary of Home-
21 land Security on behalf of such State or the resi-
22 dents of such State in an appropriate district court
23 of the United States to obtain appropriate injunctive
24 relief. The court shall advance on the docket and ex-
25 pedite the disposition of a civil action filed pursuant

1 to this paragraph to the greatest extent practicable.
2 For purposes of this paragraph, a State or its resi-
3 dents shall be considered to have been harmed if the
4 State or its residents experience harm, including fi-
5 nancial harm in excess of \$100.”.