

118TH CONGRESS  
2D SESSION

# H. R. 7322

To amend the Immigration and Nationality Act with respect to enforcement  
by an attorney general of a State.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2024

Mr. BISHOP of North Carolina (for himself, Mr. ROY, Mr. OGLES, and Mr. TIFFANY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act with respect  
to enforcement by an attorney general of a State.

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 “Standing Up to the  
5 Executive branch for Immigration Enforcement Act” or  
6 the “SUE for Immigration Enforcement Act”.

1 **SEC. 2. ENFORCEMENT BY ATTORNEY GENERAL OF A**  
2 **STATE.**

3 (a) INSPECTION OF APPLICANTS FOR ADMISSION.—  
4 Section 235(b) of the Immigration and Nationality Act (8  
5 U.S.C. 1225(b)) is amended—

6 (1) by redesignating paragraph (3) as para-  
7 graph (4); and

8 (2) by inserting after paragraph (2) the fol-  
9 lowing:

10 “(3) ENFORCEMENT BY ATTORNEY GENERAL  
11 OF A STATE.—The attorney general of a State, or  
12 other authorized State officer, alleging a violation of  
13 the detention and removal requirements under para-  
14 graph (1) or (2) that harms such State or its resi-  
15 dents shall have standing to bring an action against  
16 the Secretary of Homeland Security on behalf of  
17 such State or the residents of such State in an ap-  
18 propriate district court of the United States to ob-  
19 tain appropriate injunctive relief. The court shall ad-  
20 vance on the docket and expedite the disposition of  
21 a civil action filed under this paragraph to the great-  
22 est extent practicable. For purposes of this para-  
23 graph, a State or its residents shall be considered to  
24 have been harmed if the State or its residents expe-  
25 rience harm, including financial harm in excess of  
26 \$100.”.

1 (b) APPREHENSION AND DETENTION OF ALIENS.—  
2 Section 236 of the Immigration and Nationality Act (8  
3 U.S.C. 1226) is amended—

4 (1) in subsection (e)—

5 (A) by striking “or release”; and

6 (B) by striking “grant, revocation, or de-  
7 nial” and insert “revocation or denial”; and

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

9 “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A  
10 STATE.—The attorney general of a State, or other author-  
11 ized State officer, alleging that an action or decision by  
12 the Attorney General or Secretary of Homeland Security  
13 under this section to release any alien or grant bond or  
14 parole to any alien that harms such State or its residents  
15 shall have standing to bring an action against the Attor-  
16 ney General or Secretary of Homeland Security on behalf  
17 of such State or the residents of such State in an appro-  
18 priate district court of the United States to obtain appro-  
19 priate injunctive relief. The court shall advance on the  
20 docket and expedite the disposition of a civil action filed  
21 under this subsection to the greatest extent practicable.  
22 For purposes of this subsection, a State or its residents  
23 shall be considered to have been harmed if the State or  
24 its residents experience harm, including financial harm in  
25 excess of \$100.”.

1       (c) PENALTIES.—Section 243 of the Immigration  
2 and Nationality Act (8 U.S.C. 1253) is amended by add-  
3 ing at the end the following:

4       “(e) ENFORCEMENT BY ATTORNEY GENERAL OF A  
5 STATE.—The attorney general of a State, or other author-  
6 ized State officer, alleging a violation of the requirement  
7 to discontinue granting visas to citizens, subjects, nation-  
8 als, and residents as described in subsection (d) that  
9 harms such State or its residents shall have standing to  
10 bring an action against the Secretary of State on behalf  
11 of such State or the residents of such State in an appro-  
12 priate district court of the United States to obtain appro-  
13 priate injunctive relief. The court shall advance on the  
14 docket and expedite the disposition of a civil action filed  
15 under this subsection to the greatest extent practicable.  
16 For purposes of this subsection, a State or its residents  
17 shall be considered to have been harmed if the State or  
18 its residents experience harm, including financial harm in  
19 excess of \$100.”.

20       (d) CERTAIN CLASSES OF ALIENS.—Section  
21 212(d)(5) of the Immigration and Nationality Act (8  
22 U.S.C. 1182(d)(5)) is amended—

23               (1) by striking “Attorney General” each place  
24 it appears and inserting “Secretary of Homeland Se-  
25 curity”; and

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

2 “(C) The attorney general of a State, or other au-  
3 thorized State officer, alleging a violation of the limitation  
4 under subparagraph (A) that parole solely be granted on  
5 a case-by-case basis and solely for urgent humanitarian  
6 reasons or a significant public benefit, that harms such  
7 State or its residents shall have standing to bring an ac-  
8 tion against the Secretary of Homeland Security on behalf  
9 of such State or the residents of such State in an appro-  
10 priate district court of the United States to obtain appro-  
11 priate injunctive relief. The court shall advance on the  
12 docket and expedite the disposition of a civil action filed  
13 under this subparagraph to the greatest extent prac-  
14 ticable. For purposes of this subparagraph, a State or its  
15 residents shall be considered to have been harmed if the  
16 State or its residents experience harm, including financial  
17 harm in excess of \$100.”.

18 (e) DETENTION.—Section 241(a)(2) of the Immigra-  
19 tion and Nationality Act (8 U.S.C. 1231(a)(2)) is amend-  
20 ed—

21 (1) by striking “During the removal period,”  
22 and inserting the following:

23 “(A) IN GENERAL.—During the removal  
24 period,”; and

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

1           “(B) ENFORCEMENT BY ATTORNEY GEN-  
2           ERAL OF A STATE.—The attorney general of a  
3           State, or other authorized State officer, alleging  
4           a violation of the detention requirement under  
5           subparagraph (A) that harms such State or its  
6           residents shall have standing to bring an action  
7           against the Secretary of Homeland Security on  
8           behalf of such State or the residents of such  
9           State in an appropriate district court of the  
10          United States to obtain appropriate injunctive  
11          relief. The court shall advance on the docket  
12          and expedite the disposition of a civil action  
13          filed under this subparagraph to the greatest  
14          extent practicable. For purposes of this sub-  
15          paragraph, a State or its residents shall be con-  
16          sidered to have been harmed if the State or its  
17          residents experience harm, including financial  
18          harm in excess of \$100.”.

19          (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)  
20          of the Immigration and Nationality Act (8 U.S.C.  
21          1252(f)) is amended by adding at the end following:

22               “(3) CERTAIN ACTIONS.—Paragraph (1) shall  
23          not apply to an action brought pursuant to section

- 1        235(b)(3), subsection (e) or (f) of section 236, or
- 2        section 241(a)(2)(B).”.

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