

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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”.

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

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

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

3                   “(A) arrested, charged by information, in-  
4                   dicted for, or convicted of a crime related to  
5                   terrorism or terrorist activities by the United  
6                   States Government or a foreign government au-  
7                   thority; or

8                   “(B) identified as a terrorist or as a mem-  
9                   ber of a terrorist organization pursuant to stat-  
10                  ute, Executive Order, or international legal obli-  
11                  gation pursuant to a United Nations Security  
12                  Council Resolution.

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

19           “(55) The term ‘suspected terrorist’ means an  
20           individual who is reasonably suspected to be engag-  
21           ing in, has engaged in, or intends to engage in con-  
22           duct constituting, in preparation for, in aid of, or re-  
23           lated to terrorism or terrorist activities.”.

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

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

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

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

21 “(C) The Secretary of Homeland Security may not  
22 parole any alien pursuant to subparagraph (A) who has  
23 been designated by any official of the United States Gov-  
24 ernment as—

25 “(i) a known terrorist;

26 “(ii) a suspected terrorist; or

1 “(iii) a special interest alien.”.

2 **SEC. 4. ENFORCEMENT BY ATTORNEY GENERAL OF A**  
3 **STATE.**

4 Section 235(b) of the Immigration and Nationality  
5 Act (8 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 another authorized State officer, alleging a violation  
13 of the parole prohibition requirements under sub-  
14 paragraph (B) or (C) of section 212(b)(5) that  
15 harms such State or its residents shall have standing  
16 to bring an action against the Secretary of Home-  
17 land Security on behalf of such State or the resi-  
18 dents of such State in an appropriate district court  
19 of the United States to obtain appropriate injunctive  
20 relief. The court shall advance on the docket and ex-  
21 pedite the disposition of a civil action filed pursuant  
22 to this paragraph to the greatest extent practicable.  
23 For purposes of this paragraph, a State or its resi-  
24 dents shall be considered to have been harmed if the

- 1 State or its residents experience harm, including fi-
- 2 nancial harm in excess of \$100.”.