

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. BISHOP OF NORTH CAROLINA

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Standing Up to the
3 Executive branch for Immigration Enforcement Act of
4 2024” or the “SUE for Immigration Enforcement Act of
5 2024”.

6 SEC. 2. ENFORCEMENT BY ATTORNEY GENERAL OF A
7 STATE.

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

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

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

15 “(3) ENFORCEMENT BY ATTORNEY GENERAL
16 OF A STATE.—The attorney general of a State, or
17 other authorized State officer, alleging a violation of
18 the detention and removal requirements under para-

1 graphs (1) or (2) that harms such State or its resi-
2 dents shall have standing to bring an action against
3 the Secretary of Homeland Security on behalf of
4 such State or the residents of such State in an ap-
5 propriate district court of the United States to ob-
6 tain appropriate injunctive relief. The court shall ad-
7 vance on the docket and expedite the disposition of
8 a civil action filed under this paragraph to the great-
9 est extent practicable. For purposes of this para-
10 graph, a State or its residents shall be considered to
11 have been harmed if the State or its residents expe-
12 rience harm, including financial harm in excess of
13 \$100.”.

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

17 (1) in subsection (e)—

18 (A) by striking “or release”; and

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

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

22 “(f) ENFORCEMENT BY ATTORNEY GENERAL OF A
23 STATE.—The attorney general of a State, or other author-
24 ized State officer, alleging that an action or decision by
25 the Attorney General or Secretary of Homeland Security

1 under this section to release any alien or grant bond or
2 parole to any alien that harms such State or its residents
3 shall have standing to bring an action against the Attor-
4 ney General or Secretary of Homeland Security on behalf
5 of such State or the residents of such State in an appro-
6 priate district court of the United States to obtain appro-
7 priate injunctive relief. The court shall advance on the
8 docket and expedite the disposition of a civil action filed
9 under this subsection to the greatest extent practicable.
10 For purposes of this subsection, a State or its residents
11 shall be considered to have been harmed if the State or
12 its residents experience harm, including financial harm in
13 excess of \$100.”.

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

17 “(e) ENFORCEMENT BY ATTORNEY GENERAL OF A
18 STATE.—The attorney general of a State, or other author-
19 ized State officer, alleging a violation of the requirement
20 to discontinue granting visas to citizens, subjects, nation-
21 als, and residents as described in subsection (d) that
22 harms such State or its residents shall have standing to
23 bring an action against the Secretary of State on behalf
24 of such State or the residents of such State in an appro-
25 priate district court of the United States to obtain appro-

1 piate injunctive relief. The court shall advance on the
2 docket and expedite the disposition of a civil action filed
3 under this subsection to the greatest extent practicable.
4 For purposes of this subsection, a State or its residents
5 shall be considered to have been harmed if the State or
6 its residents experience harm, including financial harm in
7 excess of \$100.”.

8 (d) CERTAIN CLASSES OF ALIENS.—Section
9 212(d)(5) of the Immigration and Nationality Act (8
10 U.S.C. 1182(d)(5)) is amended—

11 (1) by striking “Attorney General” each place
12 it appears and inserting “Secretary of Homeland Se-
13 curity”; and

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

15 “(C) The attorney general of a State, or other au-
16 thorized State officer, alleging a violation of the limitation
17 under subparagraph (A) that parole solely be granted on
18 a case-by-case basis and solely for urgent humanitarian
19 reasons or a significant public benefit, that harms such
20 State or its residents shall have standing to bring an ac-
21 tion against the Secretary of Homeland Security on behalf
22 of such State or the residents of such State in an appro-
23 priate district court of the United States to obtain appro-
24 priate injunctive relief. The court shall advance on the
25 docket and expedite the disposition of a civil action filed

1 under this subparagraph to the greatest extent prac-
2 ticable. For purposes of this subparagraph, a State or its
3 residents shall be considered to have been harmed if the
4 State or its residents experience harm, including financial
5 harm in excess of \$100.”.

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

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

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

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

14 “(B) ENFORCEMENT BY ATTORNEY GEN-
15 ERAL OF A STATE.—The attorney general of a
16 State, or other authorized State officer, alleging
17 a violation of the detention requirement under
18 subparagraph (A) that harms such State or its
19 residents shall have standing to bring an action
20 against the Secretary of Homeland Security on
21 behalf of such State or the residents of such
22 State in an appropriate district court of the
23 United States to obtain appropriate injunctive
24 relief. The court shall advance on the docket
25 and expedite the disposition of a civil action

1 filed under this subparagraph to the greatest
2 extent practicable. For purposes of this sub-
3 paragraph, a State or its residents shall be con-
4 sidered to have been harmed if the State or its
5 residents experience harm, including financial
6 harm in excess of \$100.”.

7 (f) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)
8 of the Immigration and Nationality Act (8 U.S.C.
9 1252(f)) is amended by adding at the end following:

10 “(3) CERTAIN ACTIONS.—Paragraph (1) shall
11 not apply to an action brought pursuant to section
12 235(b)(3), subsections (e) or (f) of section 236, or
13 section 241(a)(2)(B).”.

