

Calendar No. 5

119TH CONGRESS
1ST SESSION

S. RES. 29

Expressing the sense of the Senate that the President of the United States possesses legal authority under existing law to take immediate and necessary action to secure the southwest border of the United States.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2025

Mr. PAUL, from the Committee on Homeland Security and Governmental Affairs, reported the following original resolution; which was placed on the calendar

RESOLUTION

Expressing the sense of the Senate that the President of the United States possesses legal authority under existing law to take immediate and necessary action to secure the southwest border of the United States.

Whereas, since the start of the Biden-Harris Administration, nearly 11,000,000 individuals have been encountered attempting to enter the United States unlawfully;

Whereas U.S. Customs and Border Protection has—

(1) apprehended nearly 400 suspected terrorists attempting to enter the United States illegally between ports of entry;

(2) encountered an additional 1,587 suspected terrorists at United States ports of entry; and

(3) identified more than 1,700,000 special interest aliens;

Whereas, since October 1, 2021, more than 120,000 illegal aliens with criminal warrants or convictions were encountered along United States borders, including—

(1) more than 4,800 illegal aliens who were convicted of assault, battery, or domestic violence;

(2) more than 3,300 illegal aliens who were convicted of theft-related offenses;

(3) nearly 1,400 illegal aliens who were convicted of sexual offenses; and

(4) nearly 200 illegal aliens who were convicted of homicide or manslaughter;

Whereas, under section 235(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(2)(C)), the Department of Homeland Security is authorized to immediately return certain applicants for admission or asylum to a contiguous foreign territory in accordance with the memorandum from the Secretary of Homeland Security entitled “Policy Guidance for Implementation of the Migrant Protection Protocols”, dated January 25, 2019, or any substantially similar policy changes issued or taken on or after January 20, 2025, whether set forth in a memorandum, executive order, regulation, directive, or by other action;

Whereas, under section 212(f) of such Act (8 U.S.C. 1182(f)), the President has been given broad authority to suspend the entry of all aliens, or to impose any restrictions upon the entry of aliens the President deems appropriate, allowing the President to bar the entry of nation-

als whose admission could be detrimental to the interests of the United States;

Whereas, under section 208(b)(2)(C) of such Act (8 U.S.C. 1158(b)(2)(C)), the Department of Homeland Security is authorized to promulgate additional limitations and conditions under which an alien shall be ineligible for asylum, including making asylum seekers ineligible if they enter or attempt to enter the United States across the southern border without first applying for protection from persecution or torture in at least 1 country, other than the alien’s country of citizenship, nationality, or last lawful habitual residence, through which the alien transited en route to the United States; and

Whereas the “Remain in Mexico” policy (also known as the Migrant Protection Protocols) was an effective measure that enhanced border security, helped deter illegal entries, and made the United States safer: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) affirms that the President has the authority
3 under the Immigration and Nationality Act (8
4 U.S.C. 1101 et seq.), including sections
5 208(a)(2)(A), 212(f), and 235(b)(2)(C) (8 U.S.C.
6 1158(a)(2)(A), 1182(f), and 1225(b)(2)(C)) to take
7 action to secure the southern border and protect the
8 sovereignty and security of the United States; and

9 (2) urges the President and the Secretary of
10 Homeland Security to utilize all available statutory
11 authority to expeditiously reinstate or implement

1 policies and programs that will promote orderly and
2 lawful entry at the border, deter illegal immigration,
3 and protect national security, including by—

4 (A) immediately removing illegal aliens;

5 (B) immediately returning illegal aliens to
6 Mexico;

7 (C) reinstating the Migrant Protection
8 Protocols (commonly known as “Remain in
9 Mexico”) or any substantially similar policy;

10 (D) ending the catch-and-release policy;

11 (E) ending abuses of humanitarian parole
12 authority;

13 (F) detaining inadmissible aliens;

14 (G) making illegal aliens ineligible for asy-
15 lum;

16 (H) using expedited removal authority; and

17 (I) eliminating taxpayer-funded benefits
18 for illegal aliens.

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