

**AMENDMENT TO RULES COMMITTEE PRINT 119-8**  
**OFFERED BY MR. KNOTT OF NORTH CAROLINA**

Add at the end of subtitle B of title XVII the following:

1 **SEC. 17 \_\_\_\_ . COMMISSION OF CRIMES BY ALIENS UNLAW-**  
2 **FULLY PRESENT IN THE UNITED STATES.**

3 Section 275 of the Immigration and Nationality Act  
4 (8 U.S.C. 1325) is amended—

5 (1) in subsection (a), by striking “2 years” and  
6 inserting “5 years”; and

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

8 “(e) Any alien—

9 “(1) who—

10 “(A) enters or attempts to enter the  
11 United States at any time or place other than  
12 as designated by immigration officers,

13 “(B) eludes examination or inspection by  
14 immigration officers, or

15 “(C) attempts to enter or obtains entry to  
16 the United States by a willfully false or mis-  
17 leading representation or the willful conceal-  
18 ment of a material fact, and

1           “(2) thereafter is convicted of any crime pun-  
2           ishable by more than 1 year of imprisonment,  
3           may be fined under title 18, United States Code, and shall  
4           be imprisoned not less than 5 years and may be impris-  
5           oned for any term of years or for life.”.

6   **SEC. 3. INCREASED PENALTIES FOR REENTRY OF RE-**  
7                               **MOVED ALIEN.**

8           Section 276 of the Immigration and Nationality Act  
9           (8 U.S.C. 1326) is amended—

10           (1) by redesignating subsections (c) and (d) as  
11           subsections (d) and (e), respectively;

12           (2) by striking subsections (a) and (b) and in-  
13           serting the following:

14           “(a) IN GENERAL.—Subject to subsections (b) and  
15           (c), any alien who—

16           “(1) has been denied admission, excluded, de-  
17           ported, removed, or has departed the United States  
18           while an order of exclusion, deportation, or removal  
19           is outstanding; and

20           “(2) thereafter enters, attempts to enter, or is  
21           at any time found in, the United States, unless—

22           “(A) prior to the alien’s reembarkation at  
23           a place outside the United States or the alien’s  
24           application for admission from foreign contig-  
25           uous territory, the Secretary of Homeland Se-

1           curity has expressly consented to such alien's  
2           reapplying for admission; or

3           “(B) with respect to an alien previously de-  
4           nied admission and removed, such alien estab-  
5           lishes that the alien was not required to obtain  
6           such advance consent under this or any prior  
7           Act,

8 shall be fined under title 18, United States Code, impris-  
9 oned not more than 10 years, or both.

10       “(b) CRIMINAL PENALTIES FOR REENTRY OF CER-  
11 TAIN REMOVED ALIENS.—

12           “(1) IN GENERAL.—Notwithstanding the pen-  
13           alty under subsection (a), and except as provided in  
14           subsection (c), an alien described in subsection (a)—

15           “(A) who was convicted before such re-  
16           moval or departure of 3 or more misdemeanors  
17           involving drugs, crimes against the person, or  
18           both shall be fined under title 18, United States  
19           Code, imprisoned not more than 15 years, or  
20           both;

21           “(B) who has been excluded from the  
22           United States pursuant to section 235(c) be-  
23           cause the alien was inadmissible under section  
24           212(a)(3)(B) or who has been removed from  
25           the United States pursuant to the provisions of

1 title V, and who thereafter, without the permis-  
2 sion of the Secretary of Homeland Security, en-  
3 ters the United States, or attempts to do so,  
4 shall be fined under title 18, United States  
5 Code, and imprisoned for a period of 10 years,  
6 which sentence shall not run concurrently with  
7 any other sentence;

8 “(C) who was removed from the United  
9 States pursuant to section 241(a)(4)(B) who  
10 thereafter, without the permission of the Sec-  
11 retary of Homeland Security, enters, attempts  
12 to enter, or is at any time found in, the United  
13 States, shall be fined under title 18, United  
14 States Code, imprisoned for not more than 10  
15 years, or both; and

16 “(D) who has been denied admission, ex-  
17 cluded, deported, or removed 3 or more times  
18 and thereafter enters, attempts to enter, or is  
19 at any time found in the United States, shall be  
20 fined under title 18, United States Code, im-  
21 prisoned not more than 10 years, or both.

22 “(2) REMOVAL DEFINED.—In this subsection  
23 and in subsection (c), the term ‘removal’ includes  
24 any agreement in which an alien stipulates to re-

1 removal during (or not during) a criminal trial under  
2 either Federal or State law.

3 “(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR  
4 REENTRY OF CERTAIN REMOVED ALIENS.—Notwith-  
5 standing the penalties provided in subsections (a) and (b),  
6 an alien described in subsection (a) who was convicted be-  
7 fore such removal or departure of—

8 “(1) any aggravated felony;

9 “(2) any crime defined as a felony by the rel-  
10 evant jurisdiction (Federal, State, Tribal, or local) of  
11 conviction; or

12 “(3) any crime punishable by more than 1 year  
13 of imprisonment,

14 may be fined under title 18, United States Code, and shall  
15 be imprisoned not less than 10 years and may be impris-  
16 oned for any term of years or for life.”; and

17 (3) in subsection (d), as redesignated by para-  
18 graph (1)—

19 (A) by striking “section 242(h)(2)” and in-  
20 serting “section 241(a)(4)”; and

21 (B) by striking “Attorney General” and in-  
22 serting “Secretary of Homeland Security”.

