

105TH CONGRESS
2D SESSION

H. R. 4251

To provide for the assessment of civil penalties for aliens who illegally enter the United States and for persons smuggling aliens within the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1998

Mr. DEAL of Georgia (for himself, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. BILBRAY, Mr. STUMP, Mr. TRAFICANT, Mr. NORWOOD, Mr. BLILEY, Mr. RILEY, and Mr. GALLEGLY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the assessment of civil penalties for aliens who illegally enter the United States and for persons smuggling aliens within the United States.

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 “Illegal Alien Forfeiture
5 Act of 1998”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to provide for civil pen-
8 alties as disincentives for aliens who illegally enter the
9 United States, persons smuggling aliens and persons act-

1 ing as agents of smugglers of aliens, and aliens using the
2 services of smugglers and transporters to gain entry into
3 the United States and to be transported to places within
4 the United States.

5 **SEC. 3. CIVIL PENALTY FOR ILLEGAL ENTRY.**

6 (a) ASSET SEIZURE.—Section 275 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1325) is amended by
8 adding after subsection (d) the following new subsection:

9 “(e)(1) The assets of a person subject to civil pen-
10 alties under subsection (b) (including cash and other per-
11 sonal or real property) may be seized and held as security
12 against payment of such civil penalty for a period not to
13 exceed 30 days, at which time such assets may be for-
14 feited, liquidated, and applied toward satisfaction of any
15 outstanding civil penalty under subsection (b).

16 “(2) Any part of a civil penalty not satisfied by the
17 seizure and liquidation of assets under paragraph (1) shall
18 remain as an outstanding indebtedness to the United
19 States Government until paid in full.”.

20 (b) ASSESSMENT OF CIVIL PENALTY.—Section
21 275(b) of the Immigration and Nationality Act (8 U.S.C.
22 1325(b)) is amended by striking “shall be subject to a civil
23 penalty” and inserting “shall be assessed a civil penalty”.

1 **SEC. 4. CIVIL PENALTY FOR TRANSPORTING ALIEN ILLE-**
2 **GALLY PRESENT IN UNITED STATES.**

3 Section 274 of the Immigration and Nationality Act
4 (8 U.S.C. 1324) is amended by adding after subsection
5 (d) the following new subsection:

6 “(e)(1) Any person operating any vehicle, vessel, or
7 conveyance of any kind and transporting into or within
8 the United States an alien who has not been lawfully in-
9 spected and admitted by an immigration officer or an alien
10 residing in the United States in violation of the terms of
11 admission as a nonimmigrant shall be assessed a civil pen-
12 alty of not less than \$3,000 for each such alien being
13 transported.

14 “(2) Any alien being transported into or within the
15 United States under paragraph (1) shall be assessed a civil
16 penalty of not less than \$1,000.

17 “(3) Civil penalties under this subsection are in addi-
18 tion to, and not in lieu of, any criminal or other civil pen-
19 alties that may be imposed.

20 “(4) The assets of a person subject to civil penalties
21 under paragraphs (1) or (2), including cash and other per-
22 sonal or real property, may be seized and held as security
23 against payment of such civil penalty for a period not to
24 exceed 30 days, at which time such assets may be for-
25 feited, liquidated, and applied toward satisfaction of any
26 outstanding civil penalty under subsection (b).

1 “(5) Any part of a civil penalty not satisfied by the
2 seizure and liquidation of assets under paragraph (4) shall
3 remain as an outstanding indebtedness to the United
4 States Government until paid in full.”.

5 **SEC. 5. ADDITION OF ALIENS OWING AN INDEBTEDNESS TO**
6 **THE UNITED STATES GOVERNMENT TO**
7 **CLASSES OF ALIENS INELIGIBLE TO RECEIVE**
8 **VISAS AND INELIGIBLE FOR ADMISSION.**

9 Section 212(a)(2) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(a)(2)) is amended—

11 (1) by redesignating subparagraph (F) as sub-
12 paragraph “(G)”; and

13 (2) by inserting after subparagraph (E) the fol-
14 lowing new subparagraph:

15 “(F) DEBT OWED TO UNITED STATES GOV-
16 ERNMENT.—Any alien owing an indebtedness to
17 the United States Government resulting from
18 civil penalties assessed in accordance with sec-
19 tions 274 or 275 is inadmissible.”.

20 **SEC. 6. ADDITION OF ALIENS OWING AN INDEBTEDNESS TO**
21 **THE UNITED STATES GOVERNMENT TO**
22 **CLASSES OF DEPORTABLE ALIENS.**

23 Section 237(a) of the Immigration and Nationality
24 Act (8 U.S.C. 1227(a)) is amended by adding after para-
25 graph (6) the following new paragraph:

