

113TH CONGRESS
1ST SESSION

H. R. 2631

To amend the Immigration and Nationality Act to criminalize unlawful presence.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2013

Mr. BARLETTA introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Immigration and Nationality Act to criminalize unlawful presence.

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 “Visa Overstay Enforce-
5 ment Act of 2013”.

6 **SEC. 2. UNLAWFUL PRESENCE CRIMINALIZED.**

7 The Immigration and Nationality Act is amended by
8 inserting after section 274D the following:

1 **“SEC. 274E. UNLAWFUL PRESENCE.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (b), any alien who is unlawfully present in the United
4 States for a period of 30 consecutive days shall be pun-
5 ished—

6 “(1) in the case of a first offense, as felony, by
7 a fine of not more than \$10,000 or by imprisonment
8 for not more than 1 year, or both; and

9 “(2) in the case of a subsequent offense, as a
10 felony, by a fine of not more than \$15,000 or by im-
11 prisonment for not more than 5 years, or both.

12 “(b) EXCEPTION.—If the Secretary of Homeland Se-
13 curity determines that because of illness or any other ex-
14 tenuating circumstance the alien has been unlawfully
15 present, the alien shall not be subject to the penalties
16 under subsection (a).

17 “(c) LIMITATION ON REENTRY.—

18 “(1) FIRST OFFENDERS.—Any alien convicted
19 of a violation of subsection (a)(1)—

20 “(A) may not be admitted to the United
21 States for a period of 5 years, beginning on the
22 date of the conviction; and

23 “(B) may not be granted a visa for a pe-
24 riod of 10 years, beginning on the date of the
25 conviction.

1 “(2) SUBSEQUENT OFFENSES.—Any alien con-
2 victed of a violation of subsection (a)(2)—

3 “(A) may not be admitted to the United
4 States; and

5 “(B) may not be granted a visa.”.

6 **SEC. 3. BIOMETRIC ENTRY AND EXIT SYSTEM.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of Home-
9 land Security shall submit to the appropriate congres-
10 sional committees a plan to implement, immediately, a bio-
11 metric exit capability using a person’s fingerprints at all
12 land, sea, and air ports of entry under the US–VISIT pro-
13 gram, in accordance with the Enhanced Security and Visa
14 Entry Reform Act of 2002 (Public Law 107–73).

15 (b) CONTENTS OF PLAN.—The Secretary of Home-
16 land Security shall include the following requirements
17 when developing the biometric plan:

18 (1) Leveraging of all biometric technologies.

19 (2) Utilization of biometric technologies used by
20 the United States Government in Iraq and Afghani-
21 stan.

22 (3) Establish collaborative relationships with
23 airports and the airlines.

24 (4) Allow for reliable reporting of visa overstay
25 rates.

1 (5) Coordination of databases across the United
2 States Government including all databases main-
3 tained by the Department of Homeland Security, the
4 Department of Justice, and the Department of
5 State.

6 (6) Assessment of operational and funding re-
7 quirements of Department of Homeland Security
8 components, specifically U.S. Border Patrol, U.S.
9 Customs and Border Protection and U.S. Immigra-
10 tion and Customs Enforcement.

11 (7) Not later than 30 days after the date of en-
12 actment of this Act, the Secretary shall establish
13 plans for establishing a pilot biometric exit project
14 at a minimum of two land ports of entry at the
15 U.S.-Canada border and a minimum of four land
16 ports of entry at the U.S.-Mexico border.

17 (c) BIOMETRIC ENTRY AND EXIT DATA SYSTEM.—

18 (1) AIRPORTS.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Homeland Security shall establish the biometric
21 entry and exit data system required by section 7208
22 of the Intelligence Reform and Terrorism Prevention
23 Act of 2004 (8 U.S.C. 1365b) at each airport that
24 is a port of entry to the United States.

1 (2) ALL PORTS OF ENTRY.—Not later than 2
2 years after the date of enactment of this Act, the
3 Secretary of Homeland Security shall establish the
4 biometric entry and exit data system required by
5 section 7208 of the Intelligence Reform and Ter-
6 rorism Prevention Act of 2004 (8 U.S.C. 1365b) at
7 all ports of entry to the United States.

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