

Calendar No. 276

114TH CONGRESS
1ST SESSION

S. 2193

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2015

Mr. CRUZ (for himself, Mr. GRASSLEY, Mr. VITTER, Mr. PERDUE, and Mr. RUBIO) introduced the following bill; which was read the first time

OCTOBER 22, 2015

Read the second time and placed on the calendar

A BILL

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

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 TITLES.**

4 This Act may be cited as the “Stop Illegal Reentry
5 Act” or as “Kate’s Law”.

1 **SEC. 2. INCREASED PENALTIES FOR REENTRY OF RE-**
2 **MOVED ALIEN.**

3 Section 276 of the Immigration and Nationality Act
4 (8 U.S.C. 1326) is amended—

5 (1) by redesignating subsections (c) and (d) as
6 subsections (d) and (e), respectively;

7 (2) by striking subsections (a) and (b) and in-
8 serting the following:

9 “(a) **IN GENERAL.**—Subject to subsections (b) and
10 (c), any alien who—

11 “(1) has been denied admission, excluded, de-
12 ported, or removed or has departed the United
13 States while an order of exclusion, deportation, or
14 removal is outstanding; and

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

17 “(A) prior to the alien’s reembarkation at
18 a place outside the United States or the alien’s
19 application for admission from foreign contig-
20 uous territory, the Secretary of Homeland Se-
21 curity has expressly consented to such alien’s
22 reapplying for admission; or

23 “(B) with respect to an alien previously de-
24 nied admission and removed, such alien shall
25 establish that the alien was not required to ob-

1 tain such advance consent under this Act or
2 any prior Act;
3 shall be fined under title 18, United States Code, or
4 imprisoned not more than five years, or both.

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

7 “(1) IN GENERAL.—Notwithstanding the pen-
8 alty provided in subsection (a), and except as pro-
9 vided in subsection (c), an alien described in sub-
10 section (a)—

11 “(A) who was convicted before such re-
12 moval or departure of three or more mis-
13 demeanors involving drugs, crimes against the
14 person, or both, or a felony (other than an ag-
15 gravated felony), shall be fined under title 18,
16 United States Code, imprisoned not more than
17 10 years, or both;

18 “(B) who has been excluded from the
19 United States pursuant to section 235(c) be-
20 cause the alien was excludable under section
21 212(a)(3)(B) or who has been removed from
22 the United States pursuant to the provisions of
23 title V, and who thereafter, without the permis-
24 sion of the Secretary of Homeland Security, en-
25 ters the United States, or attempts to do so,

1 shall be fined under title 18, United States
2 Code, and imprisoned for a period of 10 years,
3 which sentence shall not run concurrently with
4 any other sentence;

5 “(C) who was removed from the United
6 States pursuant to section 241(a)(4)(B) who
7 thereafter, without the permission of the Sec-
8 retary of Homeland Security, enters, attempts
9 to enter, or is at any time found in, the United
10 States (unless the Secretary of Homeland Secu-
11 rity has expressly consented to such alien’s re-
12 entry) shall be fined under title 18, United
13 States Code, imprisoned for not more than 10
14 years, or both; and

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

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

1 during (or not during) a criminal trial under either
2 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)—

7 “(1) who was convicted before such removal or
8 departure of an aggravated felony; or

9 “(2) who was convicted at least two times be-
10 fore such removal or departure of illegal reentry
11 under this section;

12 shall be imprisoned not less than five years and not more
13 than 20 years, and may, in addition, be fined under title
14 18, United States Code.”; and

15 (3) in subsection (d), as redesignated by para-
16 graph (1)—

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

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

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