

STOP ILLEGAL ENTRY ACT OF 2025

JULY 15, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3486]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3486) to amend the Immigration and Nationality Act to increase penalties for individuals who illegally enter and reenter the United States after being removed, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Illegal Entry Act of 2025”.

SEC. 2. COMMISSION OF CRIMES BY ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

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

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

(2) by adding at the end the following:

“(e) Any alien—

“(1) who—

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

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

“(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, and

“(2) thereafter is convicted of any crime punishable by more than 1 year of imprisonment,

may be fined under title 18, United States Code, and shall be imprisoned not less than 5 years and may be imprisoned for any term of years or for life.”.

SEC. 3. INCREASED PENALTIES FOR REENTRY OF REMOVED ALIEN.

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

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

(2) by striking subsections (a) and (b) and inserting the following:

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

“(1) has been denied admission, excluded, deported, removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

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

“(A) prior to the alien’s reembarkation at a place outside the United States or the alien’s application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien’s reapplying for admission; or

“(B) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this or any prior Act,

shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(b) CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.—

“(1) IN GENERAL.—Notwithstanding the penalty under subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

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

“(B) who has been excluded from the United States pursuant to section 235(c) because the alien was inadmissible under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

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

“(D) who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

“(2) REMOVAL DEFINED.—In this subsection and in subsection (c), the term ‘removal’ includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

“(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

“(1) who was convicted before such removal or departure of—

“(A) any aggravated felony;

“(B) any crime defined as a felony by the relevant jurisdiction (Federal, State, Tribal, or local) of conviction; or

“(C) any crime punishable by more than 1 year of imprisonment; or

“(2) who was convicted under this section at least 2 times before such removal or departure,

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

(3) in subsection (d), as redesignated by paragraph (1)—

(A) by striking “section 242(h)(2)” and inserting “section 241(a)(4)”; and

(B) by striking “Attorney General” and inserting “Secretary of Homeland Security”.

Purpose and Summary

H.R. 3486, the Stop Illegal Entry Act of 2025, introduced by Rep. Stephanie Bice (R-OK), would increase penalties for aliens who illegally enter or illegally reenter the United States.

Background and Need for the Legislation

For four years, illegal aliens took advantage of Democrats’ open-borders policies to illegally enter and illegally reenter the United States. Despite enabling historic numbers of illegal alien border encounters, the Biden-Harris Administration’s prosecution of illegal entry and illegal reentry slowed substantially compared to the first Trump Administration.¹ Undeterred by the current penalties for illegal entry and illegal reentry, criminal aliens routinely break the law not only by illegally entering the United States but also later by victimizing Americans. Of the aliens charged with illegal reentry in fiscal year 2023, more than 70 percent had criminal records.² By increasing penalties for aliens who illegally enter or illegally reenter the United States, the Stop Illegal Entry Act of 2025 would deter illegal aliens from entering or reentering the United States, ensure repeat offenders are imprisoned, and protect American communities from dangerous criminal aliens who flout U.S. law.

In just four years, the Biden-Harris Administration allowed eight million illegal aliens into the United States, including at least six million illegal aliens who were released into American communities, while nearly two million illegal alien “gotaways” evaded Customs and Border Protection (CBP) at the southwest border.³

¹ See generally *Immigration Prosecutions Increase With New Push for Border Enforcement*, TRAC IMMIGR. (June 25, 2024), <https://tracreports.org/reports/745/>.

² *Quick Facts: Illegal Reentry Offenses*, U.S. SENTENCING COMMISSION, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Illegal_Reentry_FY23.pdf.

³ Info. provided to the H. Comm. on the Judiciary by U.S. Dep’t of Homeland Sec., Table 1: Detention Histories of CBP Encounters, January 20, 2021—March 31, 2024 (Aug. 16, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics*, U.S. DEP’T OF HOMELAND SEC. (last accessed Jan. 6, 2025); Camilo Montoya-Galvez, *Biden administration has admitted more than 1 million migrants into U.S. under parole policy Congress is considering restricting*, CBS NEWS (Jan. 22, 2024); *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Jan 15, 2025); U.S. Customs and Border Prot., *CBP Releases De-*

Many of those aliens illegally entered or illegally reentered the United States, knowing they would quickly be released into the interior of the country with an immigration court date years later.

Current law criminalizes both illegal entry and illegal reentry, with a fine and up to six months' imprisonment for a first illegal entry, a fine and up to two years' imprisonment for a second illegal entry, and a fine and up to two years' imprisonment for illegal reentry.⁴ Under current law, an alien who illegally reenters after being convicted of a felony or three or more misdemeanors involving drugs or crimes against the person can be sentenced to up to 10 years in prison, with aliens who illegally reenter after an aggravated felony conviction can face up to 20 years' imprisonment.⁵

During the first Trump Administration, then-Attorney General Jeff Sessions announced a “zero tolerance” policy for aliens entering the United States illegally.⁶ Under the policy, the Trump Administration planned to prosecute every alien who crossed the border illegally, including aliens who crossed with minor children.⁷ DHS reinforced this approach, stating “[w]hether you are a single adult or an adult member of a family unit, if you are apprehended you will be prosecuted and put in removal proceedings.”⁸ Under President Trump’s zero tolerance policy, prosecutions for illegal entry skyrocketed to nearly 9,000 cases in June 2018.⁹

Despite enabling historic numbers of illegal alien border encounters, the Biden-Harris Administration’s prosecution of illegal entry and illegal reentry slowed substantially compared to the first Trump Administration. From January 2021 through January 2024, the Biden-Harris Administration prosecuted fewer than 1,000 illegal entry cases per month.¹⁰ As the presidential election approached, however, immigration-related prosecutions belatedly increased in 2024.¹¹

The second Trump Administration has prioritized prosecutions of illegal aliens. In an executive order issued on his first day back in office on January 20, 2025, President Trump instructed the Attorney General to “take all appropriate action to prioritize the prosecution of criminal offenses related to the unauthorized entry or continued unauthorized presence of aliens in the United States.”¹² Consequently, prosecutions of illegal entry and illegal reentry have

cember 2024 Monthly Update, U.S. DEP’T OF HOMELAND SEC. (Jan. 14, 2025); *Immigr. and Customs Enft, Daily SWB Placemat*, U.S. DEP’T OF HOMELAND SEC. (May 2024–Jan. 2025) (on file with Comm.); Off. of Homeland Sec. Statistics, *Immigr. Enft and Legal Processes Monthly Tables—Apr. 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed Aug. 19, 2024); Casey Harper, *Border crisis creates national security threat for U.S., observers say*, WASH. EXAMINER (Aug. 7, 2023); Bill Melugin (@BillMelugin), X (June 20, 2024, 10:22 AM).

⁴ 8 U.S.C. §§ 1325, 1326.

⁵ 8 U.S.C. § 1326(b).

⁶ *See Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration*, U.S. DEP’T OF JUSTICE (May 7, 2018), <https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-discussing-immigration-enforcement-actions>.

⁷ *Id.*

⁸ Press Release, Statement from DHS Press Secretary on April Border Numbers, U.S. DEP’T OF HOMELAND SEC. (May 4, 2018), <https://www.dhs.gov/news/2018/05/04/statement-dhs-press-secretary-april-border-numbers>.

⁹ *Major Swings in Immigration Criminal Prosecutions during Trump Administration*, TRAC IMMIGR. (Dec. 18, 2020), <https://tracreports.org/immigration/reports/633/>.

¹⁰ *Immigration Prosecutions Increase With New Push for Border Enforcement*, TRAC IMMIGR. (June 25, 2024), <https://tracreports.org/reports/745/>.

¹¹ *Id.*

¹² Protecting the American People Against Invasion, Exec. Order No. 14,159, 90 Fed. Reg. 8443 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02006/protecting-the-american-people-against-invasion>.

increased. In March 2025, the Justice Department announced that federal prosecutors in southern California had filed illegal reentry charges against 126 illegal aliens.¹³ The defendants included aliens convicted of crimes ranging from manslaughter to kidnapping to drug possession.¹⁴ In April 2025, an illegal alien from Mexico “was sentenced to 46 months in a federal prison for illegal entry by [a] removed alien,” after the man illegally reentered the country following two previous removals.¹⁵ The illegal alien had been convicted of driving under the influence in 2014, 2015, and 2024.¹⁶

The existing penalties for illegal entry and reentry have proved insufficient at deterring criminal aliens and protecting Americans. As just one example, nearly a decade ago, an illegal alien hit and killed 21-year-old Jimmy Walden, a U.S. Marine working for the National Security Agency, with a motorcycle.¹⁷ Despite the state of Maryland knowing that the alien was in the United States illegally—and despite the alien being held in jail five times during a five-year period—the illegal alien was placed on probation after a domestic violence conviction.¹⁸ Speaking in May 2025, Jimmy’s father said he testified at the illegal alien’s sentencing hearing after the alien illegally reentered the United States for a third time.¹⁹ He called it “ridiculous” that the “maximum they could give him was 46 months in jail for the third reentry.”²⁰

The death of Kate Steinle is perhaps the most well-known case of the consequences of illegal aliens who repeatedly reenter the United States. The 32-year-old “was walking with her father and a family friend on a San Francisco pier in July 2015 when she was struck in the back by a bullet and killed.”²¹ An illegal alien from Mexico who had been removed from the United States six times²² admitted to “holding the gun that killed Steinle but said it accidentally fired when he picked it up from underneath a bench.”²³ A jury acquitted the illegal alien of murder,²⁴ but he “was convicted

¹³ Press Release, Federal Prosecutors Charge 126 Previously Removed Illegal Aliens, Many with Felony Criminal Records, with Illegally Re-Entering the U.S., U.S. DEP’T OF JUSTICE (Mar. 3, 2025), <https://www.justice.gov/usao-cdca/pr/federal-prosecutors-charge-126-previously-removed-illegal-aliens-many-felony-criminal>.

¹⁴ *Id.*

¹⁵ Theresa Grundman, *Mexican man, 3-time DUI convict sentenced after 2nd illegal reentry into U.S.*, WKRG (Apr. 9, 2025, 4:00 PM), <https://www.wkrg.com/northwest-florida/escambia-county/mexican-man-3-time-dui-convict-sentenced-after-2nd-illegal-reentry-into-u-s/>.

¹⁶ *Id.*

¹⁷ Cameron Arcand & Bill Melugin, *Blue state governor in hot seat after parents harmed by sanctuary policies lash out: ‘Gut punch’*, FOX NEWS (May 7, 2025, 4:30 PM), <https://www.foxnews.com/politics/blue-state-governor-hot-seat-after-parents-harmed-sanctuary-policies-lash-out-gut-punch>.

¹⁸ *Id.*

¹⁹ *Illinois Father slams Dem governor over sanctuary policies*, FOX NEWS (May 7, 2025), <https://www.foxnews.com/video/6372479007112>.

²⁰ *Id.*

²¹ Paul Best, *Illegal immigrant acquitted in Kate Steinle’s 2015 shooting death gets time served for federal weapons charges*, FOX NEWS (June 6, 2022, 9:17 PM), <https://www.foxnews.com/us/illegal-immigrant-acquitted-kate-steinle-shooting-death-time-served-weapons-charges>.

²² Press Release, ERO Phoenix removes Mexican national with extensive criminal history for the 7th time, U.S. IMMIGR. AND CUSTOMS ENF’T (Mar. 4, 2024), <https://www.ice.gov/news/releases/ero-phoenix-removes-mexican-national-extensive-criminal-history-7th-time>.

²³ See Best, *supra* note 21.

²⁴ *Id.*

of being a felon in possession of a firearm.”²⁵ On March 1, 2024, ICE once again removed the illegal alien to Mexico.²⁶

Aliens regularly enter or reenter the United States illegally and then commit additional crimes once inside the country. Of the aliens charged with illegal reentry in fiscal year 2023, more than 70 percent had criminal records.²⁷ In the same fiscal year, for aliens sentenced for illegal reentry convictions under the U.S. Sentencing Commission’s 2016 Guidelines Manual or later, a third of the aliens “received sentencing enhancements for a felony reentry offense” and 3.2 percent received sentencing enhancements for “two or more convictions for misdemeanor illegal entry.”²⁸ Forty-three percent of aliens “received sentencing enhancements for a previous felony conviction other than illegal reentry or three misdemeanor drug trafficking/crime of violence convictions,” with 56 percent receiving no such enhancement.²⁹ In fiscal year 2023, illegal reentry offenses made up 56 percent of all cases in the District of Arizona; 51.8 percent in the Southern District of Texas; 51.4 percent in the Western District of Texas; 50.5 percent in the District of New Mexico; and 27.7 percent in the District of Delaware.³⁰

By increasing penalties for aliens who illegally enter or illegally reenter the United States, H.R. 3486 would deter illegal aliens from entering or reentering the United States, ensure repeat offenders are imprisoned, and protect American communities from dangerous criminal aliens who flout U.S. law.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 3486: “Restoring Immigration Enforcement in America,” a hearing held on January 22, 2025, before the Subcommittee on Immigration Integrity, Security, and Enforcement of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- John Fabbriatore, Former Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations; Visiting Fellow, The Heritage Foundation;
- Jessica Vaughan, Director of Policy Studies, Center for Immigration Studies (CIS);
- Grant Newman, Director of Government Relations, Immigration Accountability Project; and
- David Bier, Director of Immigration Studies, CATO Institute.

The hearing addressed how the Trump Administration can restore immigration enforcement in the United States and reverse the Biden-Harris Administration’s open-borders, no-consequences immigration policies.

²⁵ Hamed Aleaziz, *U.S. Plans to Deport Mexican Man Acquitted in Kathryn Steinle Case*, N.Y. TIMES (Feb. 29, 2024), <https://www.nytimes.com/2024/02/29/us/politics/mexican-kathryn-steinle-deport.html>.

²⁶ See Press Release, ERO Phoenix removes Mexican national with extensive criminal history for the 7th time, *supra* note 22.

²⁷ *Quick Facts: Illegal Reentry Offenses*, U.S. SENTENCING COMMISSION, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Illegal_Reentry_FY23.pdf.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

Committee Consideration

On May 21, 2025, the Committee met in open session and ordered the bill, H.R. 3486, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 14–10, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee's consideration of H.R. 3486:

1. Vote on Amendment #1 to the H.R. 3486 ANS, offered by Ms. Jayapal—failed 9 ayes to 16 nays.
2. Vote on Amendment #2 to the H.R. 3486 ANS, offered by Ms. Crockett—failed 9 ayes to 13 nays.
3. Vote on favorably reporting H.R. 3486, as amended—passed 14 ayes to 10 nays.

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 5/21/25

Vote on: Jayapal Amndt (#1) to HR 3986 ANJ

Roll Call #: 3

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. RASKIN (MD) <i>Ranking Member</i>	✓		
MR. ISSA (CA)		✓		MR. NADLER (NY)	✓		
MR. BIGGS (AZ)		✓		MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)		✓		MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)			
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)	✓		
MR. CLINE (VA)				MR. CORREA (CA)			
MR. GOODEN (TX)				MS. SCANLON (PA)			
MR. VAN DREW (NJ)		✓		MR. NEGUSE (CO)			
MR. NEHLS (TX)		✓		MS. McBATH (GA)			
MR. MOORE (AL)		✓		MS. ROSS (NC)	✓		
MR. KILEY (CA)		✓		MS. BALINT (VT)	✓		
MS. HAGEMAN (WY)		✓		MR. GARCIA (IL)	✓		
MS. LEE (FL)		✓		MS. KAMLAGER-DOVE (CA)	✓		
MR. HUNT (TX)				MR. MOSKOWITZ (FL)			
MR. FRY (SC)		✓		MR. GOLDMAN (NY)	✓		
MR. GROTHMAN (WI)				MS. CROCKETT (TX)	✓		
MR. KNOTT (NC)		✓					
MR. HARRIS (NC)		✓					
MR. ONDER (MO)		✓					
MR. SCHMIDT (KS)		✓					
MR. GILL (TX)							
MR. BAUMGARTNER (WA)							

Roll Call Totals:

Ayes: 9

Nays: 16

Present: X

Passed: _____

Failed: _____

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 5/21/25

Vote on: CROCKETT Amndt (#2) to HR 3486 ANS

Roll Call #: 4

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. RASKIN (MD) <i>Ranking Member</i>	✓		
MR. ISSA (CA)				MR. NADLER (NY)	✓		
MR. BIGGS (AZ)		✓		MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)		✓		MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)			
MR. MASSIE (KY)	✓			MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)			
MR. CLINE (VA)				MR. CORREA (CA)			
MR. GOODEN (TX)				MS. SCANLON (PA)			
MR. VAN DREW (NJ)		✓		MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)			
MR. MOORE (AL)		✓		MS. ROSS (NC)	✓		
MR. KILEY (CA)				MS. BALINT (VT)	✓		
MS. HAGEMAN (WY)		✓		MR. GARCIA (IL)	✓		
MS. LEE (FL)		✓		MS. KAMLAGER-DOVE (CA)	✓		
MR. HUNT (TX)				MR. MOSKOWITZ (FL)			
MR. FRY (SC)		✓		MR. GOLDMAN (NY)	✓		
MR. GROTHMAN (WI)		✓		MS. CROCKETT (TX)	✓		
MR. KNOTT (NC)		✓					
MR. HARRIS (NC)		✓					
MR. ONDER (MO)		✓					
MR. SCHMIDT (KS)		✓					
MR. GILL (TX)							
MR. BAUMGARTNER (WA)							

Roll Call Totals:

Ayes: 9

Nays: 13

Present: X

Passed: _____

Failed: _____

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 5/21/25

Vote on: Final Passage of HR 3486, as amended

Roll Call #: 5

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. RASKIN (MD) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MR. NADLER (NY)		✓	
MR. BIGGS (AZ)	✓			MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)			
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)		✓	
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)			
MR. CLINE (VA)				MR. CORREA (CA)			
MR. GOODEN (TX)				MS. SCANLON (PA)			
MR. VAN DREW (NJ)	✓			MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)			
MR. MOORE (AL)	✓			MS. ROSS (NC)		✓	
MR. KILEY (CA)				MS. BALINT (VT)		✓	
MS. HAGEMAN (WY)	✓			MR. GARCIA (IL)		✓	
MS. LEE (FL)	✓			MS. KAMLAGER-DOVE (CA)		✓	
MR. HUNT (TX)				MR. MOSKOWITZ (FL)			
MR. FRY (SC)	✓			MR. GOLDMAN (NY)		✓	
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)		✓	
MR. KNOIT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)	✓						
MR. SCHMIDT (KS)	✓						
MR. GILL (TX)							
MR. BAUMGARTNER (WA)							

Roll Call Totals:

Ayes:

14

Nays:

10

Present:

Passed:

X

Failed:

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 3486 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 3486 would increase penalties for aliens who illegally enter or illegally reenter the United States.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 3486 does not contain any congressional earmarks, limited tax benefits, or

limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

Sec. 1. Short Title: The “Stop Illegal Entry Act of 2025.”

Sec. 2. Commission of Crimes by Aliens Unlawfully Present in the United States: This section raises the maximum term of imprisonment from two years to five years for an alien who illegally enters the United States more than once. The section also requires between five years’ imprisonment to life imprisonment for an alien who illegally enters the United States and is later convicted of any crime punishable by more than one year of imprisonment.

Sec. 3. Increased Penalties for Reentry of Removed Alien: This section raises the maximum term of imprisonment from two years to 10 years for an alien who illegally reenters the United States after previously being removed. The section also raises the maximum term of imprisonment from 10 years to 15 years for an alien who illegally reenters the United States after being removed following a conviction for three or more misdemeanors involving drugs, crimes against the person, or both. For any alien who has been removed three or more times, the section allows the alien to be imprisoned for up to 10 years. This section also requires between 10 years’ imprisonment to life imprisonment for an alien who illegally reenters the United States after being removed following: (1) any felony conviction; or (2) two or more illegal reentry convictions.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

IMMIGRATION AND NATIONALITY ACT

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TITLE II—IMMIGRATION

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CHAPTER 8—GENERAL PENALTY PROVISIONS

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ENTRY OF ALIEN AT IMPROPER TIME OR PLACE; MISREPRESENTATION AND CONCEALMENT OF FACTS

SEC. 275. (a) Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18, United States Code, or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, United States Code, or imprisoned not more than **[2 years]** *5 years*, or both.

(b) Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of—

(1) at least \$50 and not more than \$250 for each such entry (or attempted entry); or

(2) twice the amount specified in paragraph (1) in the case of an alien who has been previously subject to a civil penalty under this subsection.

Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.

(c) An individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

(d) Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined in accordance with title 18, United States Code, or both.

(e) *Any alien—*

(1) *who—*

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

(B) *eludes examination or inspection by immigration officers, or*

(C) *attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, and*

(2) *thereafter is convicted of any crime punishable by more than 1 year of imprisonment,*

may be fined under title 18, United States Code, and shall be imprisoned not less than 5 years and may be imprisoned for any term of years or for life.

REENTRY OF REMOVED ALIEN

SEC. 276. [(a) Subject to subsection (b), any alien who—

[(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding, and thereafter

[(2) enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this or any prior Act,

shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both.

[(b) Notwithstanding subsection (a), in the case of any alien described in such subsection—

[(1) whose removal was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), such alien shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both;

[(2) whose removal was subsequent to a conviction for commission of an aggravated felony, such alien shall be fined under such title, imprisoned not more than 20 years, or both;

[(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence. or

[(4) who was removed from the United States pursuant to section 241(a)(4)(B) who thereafter, without the permission of the Attorney General, enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

For the purposes of this subsection, the term "removal" includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.】

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

(1) has been denied admission, excluded, deported, removed, or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and

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

(A) prior to the alien's reembarkation at a place outside the United States or the alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to such alien's reapplying for admission; or

(B) with respect to an alien previously denied admission and removed, such alien establishes that the alien was not required to obtain such advance consent under this or any prior Act,

shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(b) **CRIMINAL PENALTIES FOR REENTRY OF CERTAIN REMOVED ALIENS.**—

(1) **IN GENERAL.**—Notwithstanding the penalty under subsection (a), and except as provided in subsection (c), an alien described in subsection (a)—

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

(B) who has been excluded from the United States pursuant to section 235(c) because the alien was inadmissible under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Secretary of Homeland Security, enters the United States, or attempts to do so, shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence;

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

(D) who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, or is at any time found in the United States, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(2) **REMOVAL DEFINED.**—In this subsection and in subsection (c), the term “removal” includes any agreement in which an alien stipulates to removal during (or not during) a criminal trial under either Federal or State law.

(c) **MANDATORY MINIMUM CRIMINAL PENALTY FOR REENTRY OF CERTAIN REMOVED ALIENS.**—Notwithstanding the penalties provided in subsections (a) and (b), an alien described in subsection (a)—

(1) who was convicted before such removal or departure of—

(A) any aggravated felony;

(B) any crime defined as a felony by the relevant jurisdiction (Federal, State, Tribal, or local) of conviction; or

(C) *any crime punishable by more than 1 year of imprisonment; or*
 (2) *who was convicted under this section at least 2 times before such removal or departure,*
may be fined under title 18, United States Code, and shall be imprisoned not less than 10 years and may be imprisoned for any term of years or for life.

[(c)] (d) Any alien deported pursuant to [section 242(h)(2)] *section 241(a)(4)* who enters, attempts to enter, or is at any time found in, the United States (unless the [Attorney General] *Secretary of Homeland Security* has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.

[(d)] (e) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

- (1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;
- (2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and
- (3) the entry of the order was fundamentally unfair.

* * * * *

Dissenting Views

I oppose H.R. 3486, the Stop Illegal Entry Act. This bill would add draconian mandatory minimums and absurdly long maximum prison sentences, in some cases up to *life* imprisonment, to the existing criminal penalties for illegal entry and illegal reentry into the United States.

Under 8 U.S.C. § 1325, entering the United States without inspection or making false statements when entering or attempting to enter the country is *already* a misdemeanor punishable by a fine and/or up to six months in prison with enhancements up to two years. Under 8 U.S.C. § 1326, unlawfully reentering the country, or being found inside the United States following a removal, removal order, or denial of admission is *already* a felony punishable by up to two years in prison. With enhancements, the sentence can be as high as 20 years in prison for those who were ordered removed following a conviction for certain crimes.

Presidents of both parties have used these laws to prosecute people who enter the country unlawfully, and they have never been shown to deter migration. In fact, in the last month of the Biden Administration, as in previous years, 8 U.S.C. § 1326 was the most commonly prosecuted criminal statute in the entire federal system.¹ Yet there has been no correlation between increased prosecutions under this statute and a decrease in border crossings. If prosecution alone were a deterrent, we would have solved this problem long ago. And now, the Majority wants to impose more mandatory minimum sentences on existing crimes of unlawful entry and reentry, even allowing for a life sentence in federal prison for merely entering the country unlawfully, with no other criminal conduct required.

Studies have repeatedly shown that mandatory minimums do not work to deter criminal behavior.² We know that it is the certainty of being caught and quickly punished, not the severity of a sentence, that deters criminal behavior. Increasing and mandating lengthy sentences will not deter illegal reentry based on everything we know.

In fact, there seems to be some bipartisan agreement that mandatory minimums did not improve public safety. They strip judges of their ability to exercise discretion and impose sentences that fit the circumstances, frustrating judges' ability to consider mitigating

¹*Immigration Prosecutions for January 2025*, TRACIMMIGRATION (Mar. 12, 2025), <https://tracereports.org/tracreports/bulletins/immigration/monthlyjan25/fil/>; *Illegal Reentry Becomes Top Criminal Charge*, TRACIMMIGRATION (June 10, 2011), <https://tracreports.org/immigration/reports/251/>.

²Alison Siegler, *End Mandatory Minimums*, BRENNAN CENTER FOR JUSTICE (Oct. 18, 2021), <https://www.brennancenter.org/our-work/analysis-opinion/end-mandatory-minimums>; Steven Raphael & Sarah Tahamont, *The Effect of Mandatory Minimum Punishments on the Efficiency of Criminal Justice Resource Allocation*, GOLDMAN SCHOOL OF PUBLIC POLICY, UNIV. OF CALIFORNIA, BERKELEY (Aug. 21, 2017), <https://gspp.berkeley.edu/assets/uploads/research/pdf/RaphaelTahamont08212017.pdf>.

factors, and imposing a one-size-fits-all approach unilaterally. That is why the Judicial Conference and so many organizations devoted to improving the criminal justice system oppose mandatory minimums.

Even Republicans recognize that mandatory minimums are not a wise approach. During the Committee’s markup of this legislation, Rep. Thomas Massie (R–KY) stated that he could not support the bill with mandatory minimums and that “mandatory minimums run afoul of the intent of the structure of this government, which is to allow the judges and the juries to have discretion.” Rep. Jasmine Crockett (D–TX) offered an amendment to strip the mandatory minimum provisions from the bill. While this amendment was defeated, Rep. Massie joined Democrats in voting against the bill.

Moreover, in the last seven years, staffing levels for the Bureau of Prisons (BOP) have dropped more than 20 percent, bottoming out at a current 40 percent shortage of correctional officers, according to the American Federation of Government Employees, which represents BOP officers and other staff members. According to a Government Accountability Office (GAO) report on inmate deaths, staffing shortages create dangerous conditions that contribute to inmate deaths. It costs the BOP \$150 *a day* to house an inmate.³ And given all that, my colleagues want to make the situation worse by forcing BOP to take custody of more people for five or ten years? A ten-year mandatory minimum sentence for an individual is a mandatory cost of over half a million dollars for the American taxpayer. How will this be paid for? *Who* will pay for this?

If this bill were passed into law, it would require that deportable, undocumented immigrants who commit certain crimes be held in the already overburdened BOP facilities in the United States at a cost to American taxpayers of more than \$150 each day for a minimum of five or ten years, only to then be removed from the country. Have Republicans checked with the President to see if he would actually sign this legislation into law? Why would we choose to detain people for a decade in federal prison when our immigration laws already require that they be deported?

According to the *Washington Post*, the Trump Administration is pressuring governors to commute the sentences of immigrants convicted of serious crimes so that Immigration and Customs Enforcement can take custody and remove them more quickly.⁴ This bill would do the opposite—requiring that deportable immigrants be held in U.S. federal prisons for five, ten, even 15 years *before* they can be removed. It would seem to directly contradict what the President wants in his policy.

³Walter Pavlo, *The High Price of Minimum Security Federal Prisoners*, FORBES (Aug. 26, 2024), <https://www.forbes.com/sites/walterpavlo/2024/08/25/the-high-price-of-minimum-security-federal-prisoners/>.

⁴Maria Sacchetti & Artur Galocha, *Trump touted these ICE arrests. Half were already in prison.*, WASH. POST (Apr. 3, 2025), <https://www.washingtonpost.com/immigration/interactive/2025/trump-ice-arrests-prison-immigrants/>.

This legislation is punitive, expensive, and ineffective, and I oppose it.

JAMIE RASKIN,
Ranking Member.

