

119TH CONGRESS  
1ST SESSION

# H. R. 749

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2025

Mrs. BICE (for herself, Mr. ZINKE, Mrs. MILLER of Illinois, and Mr. HAMADEH of Arizona) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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”.

6       **SEC. 2. 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—

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

3           (2) by striking subsections (a) and (b) and in-  
4 serting the following:

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

7           “(1) has been denied admission, excluded, de-  
8 ported, or removed or has departed the United  
9 States while an order of exclusion, deportation, or  
10 removal is outstanding; and

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

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

19               “(B) with respect to an alien previously de-  
20 nied admission and removed, such alien shall  
21 establish that the alien was not required to ob-  
22 tain such advance consent under this Act or  
23 any prior Act,

24 shall be fined under title 18, United States Code,  
25 imprisoned not more than 5 years, or both.

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

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

6               “(A) who was convicted before such re-  
7 moval or departure of 3 or more misdemeanors  
8 involving drugs, crimes against the person, or  
9 both, or a felony (other than an aggravated fel-  
10 ony), shall be fined under title 18, United  
11 States Code, imprisoned not more than 10  
12 years, or both;

13               “(B) who has been excluded from the  
14 United States pursuant to section 235(c) be-  
15 cause the alien was inadmissible under section  
16 212(a)(3)(B) or who has been removed from  
17 the United States pursuant to title V, and who  
18 thereafter, without the permission of the Sec-  
19 retary of Homeland Security, enters the United  
20 States, or attempts to do so, shall be fined  
21 under title 18, United States Code, and impris-  
22 oned for a period of 10 years, which sentence  
23 shall not run concurrently with any other sen-  
24 tence;

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

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

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

22          “(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR  
23          REENTRY OF CERTAIN REMOVED ALIENS.—Notwith-  
24          standing the penalties provided in subsections (a) and (b),  
25          an alien described in subsection (a)—

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

3           “(2) who was convicted at least 2 times before  
4       such removal or departure of illegal reentry under  
5       this section,

6       shall be imprisoned not less than 5 years and not more  
7       than 20 years, and may, in addition, be fined under title  
8       18, United States Code.”; and

9           (3) in subsection (d), as redesignated by para-  
10      graph (1)—

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

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

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