

115TH CONGRESS  
1ST SESSION

# H. R. 3004

To amend section 276 of the Immigration and Nationality Act relating to reentry of removed aliens.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2017

Mr. GOODLATTE (for himself, Mr. KING of Iowa, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend section 276 of the Immigration and Nationality Act relating to reentry of removed aliens.

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 “Kate’s Law”.

5 **SEC. 2. ILLEGAL REENTRY.**

6 Section 276 of the Immigration and Nationality Act  
7 (8 U.S.C. 1326) is amended to read as follows:

8 “REENTRY OF REMOVED ALIEN

9 “SEC. 276. (a) REENTRY AFTER REMOVAL.—Any  
10 alien who has been denied admission, excluded, deported,

1 or removed, or who has departed the United States while  
2 an order of exclusion, deportation, or removal is out-  
3 standing, and subsequently enters, attempts to enter,  
4 crosses the border to, attempts to cross the border to, or  
5 is at any time found in the United States, shall be fined  
6 under title 18, United States Code, imprisoned not more  
7 than 2 years, or both.

8 “(b) REENTRY OF CRIMINAL OFFENDERS.—Not-  
9 withstanding the penalty provided in subsection (a), if an  
10 alien described in that subsection was convicted before  
11 such removal or departure—

12 “(1) for 3 or more misdemeanors or for a fel-  
13 ony, the alien shall be fined under title 18, United  
14 States Code, imprisoned not more than 10 years, or  
15 both;

16 “(2) for a felony for which the alien was sen-  
17 tenced to a term of imprisonment of not less than  
18 30 months, the alien shall be fined under such title,  
19 imprisoned not more than 15 years, or both;

20 “(3) for a felony for which the alien was sen-  
21 tenced to a term of imprisonment of not less than  
22 60 months, the alien shall be fined under such title,  
23 imprisoned not more than 20 years, or both; or

24 “(4) for murder, rape, kidnapping, or a felony  
25 offense described in chapter 77 (relating to peonage

1 and slavery) or 113B (relating to terrorism) of such  
2 title, or for 3 or more felonies of any kind, the alien  
3 shall be fined under such title, imprisoned not more  
4 than 25 years, or both.

5 “(c) REENTRY AFTER REPEATED REMOVAL.—Any  
6 alien who has been denied admission, excluded, deported,  
7 or removed 3 or more times and thereafter enters, at-  
8 tempts to enter, crosses the border to, attempts to cross  
9 the border to, or is at any time found in the United States,  
10 shall be fined under title 18, United States Code, impris-  
11 oned not more than 10 years, or both.

12 “(d) PROOF OF PRIOR CONVICTIONS.—The prior  
13 convictions described in subsection (b) are elements of the  
14 crimes described, and the penalties in that subsection shall  
15 apply only in cases in which the conviction or convictions  
16 that form the basis for the additional penalty are—

17 “(1) alleged in the indictment or information;  
18 and

19 “(2) proven beyond a reasonable doubt at trial  
20 or admitted by the defendant.

21 “(e) AFFIRMATIVE DEFENSES.—It shall be an af-  
22 firmative defense to a violation of this section that—

23 “(1) prior to the alleged violation, the alien had  
24 sought and received the express consent of the Sec-

1       retary of Homeland Security to reapply for admis-  
2       sion into the United States; or

3               “(2) with respect to an alien previously denied  
4       admission and removed, the alien—

5                       “(A) was not required to obtain such ad-  
6       vance consent under the Immigration and Na-  
7       tionality Act or any prior Act; and

8                       “(B) had complied with all other laws and  
9       regulations governing the alien’s admission into  
10      the United States.

11      “(f) LIMITATION ON COLLATERAL ATTACK ON UN-  
12      DERLYING REMOVAL ORDER.—In a criminal proceeding  
13      under this section, an alien may not challenge the validity  
14      of any prior removal order concerning the alien.

15      “(g) REENTRY OF ALIEN REMOVED PRIOR TO COM-  
16      PLETION OF TERM OF IMPRISONMENT.—Any alien re-  
17      moved pursuant to section 241(a)(4) who enters, attempts  
18      to enter, crosses the border to, attempts to cross the bor-  
19      der to, or is at any time found in, the United States shall  
20      be incarcerated for the remainder of the sentence of im-  
21      prisonment which was pending at the time of deportation  
22      without any reduction for parole or supervised release un-  
23      less the alien affirmatively demonstrates that the Sec-  
24      retary of Homeland Security has expressly consented to  
25      the alien’s reentry. Such alien shall be subject to such

1 other penalties relating to the reentry of removed aliens  
2 as may be available under this section or any other provi-  
3 sion of law.

4 “(h) DEFINITIONS.—For purposes of this section and  
5 section 275, the following definitions shall apply:

6 “(1) CROSSES THE BORDER TO THE UNITED  
7 STATES.—The term ‘crosses the border’ refers to the  
8 physical act of crossing the border, regardless of  
9 whether the alien is free from official restraint.

10 “(2) FELONY.—The term ‘felony’ means any  
11 criminal offense punishable by a term of imprison-  
12 ment of more than 1 year under the laws of the  
13 United States, any State, or a foreign government.

14 “(3) MISDEMEANOR.—The term ‘misdemeanor’  
15 means any criminal offense punishable by a term of  
16 imprisonment of not more than 1 year under the ap-  
17 plicable laws of the United States, any State, or a  
18 foreign government.

19 “(4) REMOVAL.—The term ‘removal’ includes  
20 any denial of admission, exclusion, deportation, or  
21 removal, or any agreement by which an alien stipu-  
22 lates or agrees to exclusion, deportation, or removal.

23 “(5) STATE.—The term ‘State’ means a State  
24 of the United States, the District of Columbia, and

1 any commonwealth, territory, or possession of the  
2 United States.”.

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