

108TH CONGRESS
1ST SESSION

H. R. 3218

To amend the Immigration and Nationality Act to clarify that willful failure to depart from the United States by an alien against whom a final order of removal is outstanding is a continuing criminal offense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2003

Mr. FLAKE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to clarify that willful failure to depart from the United States by an alien against whom a final order of removal is outstanding is a continuing criminal offense, 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 TITLE.**

4 This Act may be cited as the “Failure to Depart
5 Act”.

1 **SEC. 2. PENALTIES RELATED TO REMOVAL.**

2 Section 243 of the Immigration and Nationality Act
3 (8 U.S.C. 1253) is amended—

4 (1) in subsection (a)—

5 (A) by amending paragraph (1)(A) to read
6 as follows:

7 “(A) will fully remain in the United States
8 on or after the date that is 90 days after the
9 date of the final order of removal under admin-
10 istrative processes, or if judicial review is had,
11 90 days after the date of the final order of the
12 court,”; and

13 (B) by striking paragraph (3); and

14 (2) in subsection (b), by striking “not more
15 than \$1,000” and inserting “under title 18, United
16 States Code,”.

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