

118TH CONGRESS
1ST SESSION

S. 2091

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

JUNE 21, 2023

Mr. CRUZ (for himself, Mr. COTTON, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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”.

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 sserting 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 two times be-
4 fore such removal or departure of illegal reentry
5 under this section,

6 shall be imprisoned not less than five 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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