

# Union Calendar No. 505

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 238

[Report No. 106-850]

To amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

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

SEPTEMBER 14, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 6, 1999]

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## A BILL

To amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed.

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. MANDATORY MINIMUM SENTENCES FOR BRING-**  
4 **ING IN AND HARBORING CERTAIN ALIENS.**

5 *Section 274(a)(1) of the Immigration and Nationality*  
6 *Act (8 U.S.C. 1324(a)(1)) is amended—*

7 *(1) in subparagraph (B), by striking “A person”*  
8 *and inserting “Except as provided in subparagraphs*  
9 *(C) and (D), a person”; and*

10 *(2) by adding at the end the following:*

11 *“(C)(i) Except as provided in clauses (ii) and (iii),*  
12 *a person who violates subparagraph (A) shall, for each alien*  
13 *in respect to whom such a violation occurs—*

14 *“(I) in the case of a violation of clause (i), (ii),*  
15 *(iii), or (iv) of subparagraph (A) in which the offense*  
16 *was done for the purpose of commercial advantage or*  
17 *financial gain, be fined under title 18, United States*  
18 *Code, imprisoned not less than 2 years nor more than*  
19 *10 years, or both;*

20 *“(II) in the case of a violation of subparagraph*  
21 *(A)(v) in which the offense was done for the purpose*  
22 *of commercial advantage or financial gain, be fined*  
23 *under title 18, United States Code, imprisoned not*  
24 *less than 1 year nor more than 5 years, or both;*

1           “(III) in the case of a violation of subparagraph  
2           (A) in which the offense was done for the purpose of  
3           commercial advantage or financial gain and during  
4           and in relation to which the person causes serious  
5           bodily injury (as defined in section 1365 of title 18,  
6           United States Code) to, or places in jeopardy the life  
7           of, any person, be fined under title 18, United States  
8           Code, imprisoned not less than 5 years nor more than  
9           25 years, or both; and

10           “(IV) in the case of a violation of subparagraph  
11           (A) in which the offense was done for the purpose of  
12           commercial advantage or financial gain and resulting  
13           in the death of any person, be punished by death or  
14           imprisoned for any term of years or for life (but not  
15           less than 20 years), fined under title 18, United  
16           States Code, or both.

17           “(ii) In the case of a violation of subparagraph (A)  
18           in which the offense was done for the purpose of commercial  
19           advantage or financial gain after 1 prior conviction for any  
20           other such violation of subparagraph (A) has become final,  
21           the minimum term of imprisonment shall be not less than  
22           two times the minimum term specified in clause (i).

23           “(iii) In the case of a violation of subparagraph (A)  
24           in which the offense was done for the purpose of commercial  
25           advantage or financial gain after 2 or more prior convic-

1 tions for any other such violations of subparagraph (A)  
 2 have become final, the minimum term of imprisonment  
 3 shall be not less than five times the minimum term specified  
 4 in clause (i).

5 “(D) In no case may any penalty for a violation of  
 6 subparagraph (A) be imposed on any person based on ac-  
 7 tions taken by the person to render emergency assistance  
 8 to an alien found physically present in the United States  
 9 in life threatening circumstances.”.

10 **SEC. 2. ENHANCED PENALTIES FOR PERSONS COMMITTING**  
 11 **OFFENSES WHILE ARMED.**

12 Section 924(c)(1) of title 18, United States Code, is  
 13 amended—

14 (1) in subparagraph (A)—

15 (A) by inserting after “device)” the fol-  
 16 lowing: “or any violation of section 274(a)(1)(A)  
 17 of the Immigration and Nationality Act”; and

18 (B) by striking “or drug trafficking  
 19 crime—” and inserting “, drug trafficking  
 20 crime, or violation of section 274(a)(1)(A) of the  
 21 Immigration and Nationality Act—”; and

22 (2) in subparagraph (D)(ii), by striking “or  
 23 drug trafficking crime” and inserting “, drug traf-  
 24 ficking crime, or violation of section 274(a)(1)(A) of  
 25 the Immigration and Nationality Act”.

1 **SEC. 3. EFFECTIVE DATE.**

2       *The amendments made by this Act shall take effect 90*  
3 *days after the date of the enactment of this Act, and shall*  
4 *apply to offenses committed after the termination of such*  
5 *90-day period.*

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