

115TH CONGRESS  
1ST SESSION

# S. 725

To prohibit the intentional hindering of immigration, border, and customs controls, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 27, 2017

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prohibit the intentional hindering of immigration, border, and customs controls, 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 “Transnational Crimi-  
5       nal Organization Illicit Spotter Prevention and Elim-  
6       nation Act”.

7       **SEC. 2. UNLAWFULLY HINDERING IMMIGRATION, BORDER,**  
8       **AND CUSTOMS CONTROLS.**

9       (a) **ENHANCED PENALTIES.**—

1           (1) IN GENERAL.—Chapter 9 of title II of the  
2       Immigration and Nationality Act (8 U.S.C. 1351 et  
3       seq.) is amended by adding at the end the following:

4       **“SEC. 295. UNLAWFULLY HINDERING IMMIGRATION, BOR-**  
5                 **DER, AND CUSTOMS CONTROLS.**

6       “(a) ILLICIT SPOTTING.—Any person who knowingly  
7       transmits, by any means, to another person the location,  
8       movement, or activities of any Federal, State, local, or  
9       tribal law enforcement agency with the intent to further  
10      a Federal crime relating to United States immigration,  
11      customs, controlled substances, agriculture, monetary in-  
12      struments, or other border controls shall be fined under  
13      title 18, United States Code, imprisoned not more than  
14      10 years, or both.

15      “(b) DESTRUCTION OF UNITED STATES BORDER  
16      CONTROLS.—Any person who knowingly and without law-  
17      ful authorization destroys, alters, or damages any fence,  
18      barrier, sensor, camera, or other physical or electronic de-  
19      vice deployed by the Federal Government to control the  
20      border or a port of entry or otherwise seeks to construct,  
21      excavate, or make any structure intended to defeat, cir-  
22      cumvent, or evade any such fence, barrier, sensor camera,  
23      or other physical or electronic device deployed by the Fed-  
24      eral Government to control the border or a port of entry—

1 “(1) shall be fined under title 18, United States  
 2 Code, imprisoned not more than 10 years, or both;  
 3 and

4 “(2) if, at the time of the offense, the person  
 5 uses or carries a firearm or who, in furtherance of  
 6 any such crime, possesses a firearm, that person  
 7 shall be fined under such title 18, imprisoned not  
 8 more than 20 years, or both.

9 “(c) CONSPIRACY AND ATTEMPT.—Any person who  
 10 attempts or conspires to violate subsection (a) or (b) shall  
 11 be punished in the same manner as a person who com-  
 12 pletes a violation of such subsection.”.

13 (2) CLERICAL AMENDMENT.—The table of con-  
 14 tents in the first section of the Immigration and Na-  
 15 tionality Act is amended by inserting after the item  
 16 relating to section 294 the following:

“Sec. 295. Unlawfully hindering immigration, border, and customs controls.”.

17 (b) PROHIBITING CARRYING OR USE OF A FIREARM  
 18 DURING AND IN RELATION TO AN ALIEN SMUGGLING  
 19 CRIME.—Section 924(c) of title 18, United States Code,  
 20 is amended—

21 (1) by striking “For purposes of this sub-  
 22 section,” each place such phrase appears;

23 (2) in paragraph (1)—

1 (A) in subparagraph (A), by inserting “,  
2 alien smuggling crime,” after “crime of vio-  
3 lence” each place that term appears; and

4 (B) in subparagraph (D)(ii), by inserting  
5 “, alien smuggling crime,” after “crime of vio-  
6 lence”;

7 (3) in paragraph (3), by redesignating subpara-  
8 graphs (A) and (B) as clauses (i) and (ii), respec-  
9 tively, and adjusting the margin accordingly;

10 (4) by redesignating paragraphs (2), (3), and  
11 (4) as subparagraphs (D), (C), and (B), respectively,  
12 and adjusting the margin accordingly;

13 (5) by transferring subparagraph (B), as redes-  
14 ignated, to appear before subparagraph (C), as re-  
15 designated;

16 (6) by transferring subparagraph (D), as redes-  
17 ignated, to appear after subparagraph (C), as redes-  
18 ignated;

19 (7) by redesignating paragraph (5) as para-  
20 graph (2) and transferring the redesignated para-  
21 graph to appear after paragraph (1);

22 (8) by inserting after paragraph (2), as redesign-  
23 ated and transferred, the following:

24 “(3) As used in this subsection—

“(A) the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328);”; and

(9) in paragraph (3), as redesignated—

(A) in subparagraph (B), as redesignated, by striking the period at the end and inserting a semicolon; and

(B) in subparagraph (C)(ii), as redesignated, by striking the period at the end and inserting “; and”.

(c) CONFORMING AMENDMENTS.—

(1) BANKRUPTCY CODE.—Section 707(c)(1)(B) of title 11, United States Code, is amended by striking “section 924(c)(2)” and inserting “section 924(c)(3)(D)”;

(2) CRIMINAL CODE.—Title 18, United States Code, is amended—

(A) in section 844(o)—

(i) by striking “section 924(c)(3)” and inserting “section 924(c)(3)(C)”; and

(ii) by striking “section 924(c)(2)” and inserting “section 924(c)(3)(D)”;

1 (B) in section 1028(b)(3)(B), by striking  
 2 “section 924(c)(3)” and inserting “section  
 3 924(c)(3)(C)”; and

4 (C) in section 4042(b)(3)—

5 (i) in subparagraph (A), by striking  
 6 “section 924(c)(2)” and inserting “section  
 7 924(c)(3)(D)”; and

8 (ii) in subparagraph (B), by striking  
 9 “section 924(c)(3)” and inserting “section  
 10 924(c)(3)(C)”.

11 (3) PRISONS.—Section 3(1) of the Interstate  
 12 Transportation of Dangerous Criminals Act of 2000  
 13 (42 U.S.C. 13726a(1)) is amended by striking “sec-  
 14 tion 924(c)(3)” and inserting “section  
 15 924(c)(3)(C)”.

16 (d) STATUTE OF LIMITATIONS.—Section 3298 of title  
 17 18, United States Code, is amended—

18 (1) by inserting “or 295” after “274(a)”; and

19 (2) by inserting “(8 U.S.C. 1324(a) and  
 20 1363b)” after “Immigration and Nationality Act”.

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