

119TH CONGRESS  
1ST SESSION

# H. R. 263

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2025

Mr. CISCOMANI (for himself, Mrs. KIGGANS of Virginia, Mr. LAWLER, and Mrs. MILLER-MEEKS) introduced the following bill; which was referred to the Committee on the Judiciary

# 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 Elimi-  
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, BORDER,**  
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       or

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, shall be fined  
7       under such title 18, imprisoned not more than 20  
8       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 (8 U.S.C. 1101 et seq.) is amended by  
16      inserting after the item relating to section 294 the  
17      following:

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

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

22           (1) in paragraph (1)—  
23                  (A) in subparagraph (A), by inserting “;  
24                  alien smuggling crime,” after “crime of vio-  
25                  lence” each place that term appears; and

(B) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”;

4 (2) by striking paragraphs (2) through (4);

7 (4) by adding at the end the following:

8           “(3) In this subsection—

9               “(A) the term ‘alien smuggling crime’ means  
10              any felony punishable under section 274(a), 277, or  
11              278 of the Immigration and Nationality Act (8  
12              U.S.C. 1324(a), 1327, and 1328);

13               “(B) the term ‘brandish’ means, with respect to  
14               a firearm, to display all or part of the firearm, or  
15               otherwise make the presence of the firearm known  
16               to another person, in order to intimidate that per-  
17               son, regardless of whether the firearm is directly  
18               visible to such person;

19               “(C) the term ‘crime of violence’ means an of-  
20               fense that—

21                             “(i) is a felony; and

“(ii)(I) has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another; or

1               “(II) by its nature, involves a substantial  
2               risk that physical force against the person or  
3               property of another may be used in the course  
4               of committing the offense.

5               “(D) the term ‘drug trafficking crime’ means  
6               any felony punishable under the Controlled Sub-  
7               stances Act (21 U.S.C. 801 et seq.), the Controlled  
8               Substances Import and Export Act (21 U.S.C. 951  
9               et seq.), or chapter 705 of title 46.”.

10              (c) CONFORMING AMENDMENTS.—

11              (1) BANKRUPTCY CODE.—Section 707(c)(1)(B)  
12               of title 11, United States Code, is amended by strik-  
13               ing “section 924(c)(2)” and inserting “section  
14               924(c)(3)(D)”.

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

17               (A) in section 844(o)—

18               (i) by striking “section 924(c)(3)”  
19               and inserting “section 924(c)(3)(C)”; and  
20               (ii) by striking “section 924(c)(2)”  
21               and inserting “section 924(c)(3)(D)”;

22               (B) in section 1028(b)(3)(B), by striking  
23               “section 924(c)(3)” and inserting “section  
24               924(c)(3)(C)”; and

25               (C) in section 4042(b)(3)—

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

12 (d) STATUTE OF LIMITATIONS.—Section 3298 of title  
13 18, United States Code, is amended—

14 (1) by inserting “or 295” after “274(a)”; and  
15 (2) by inserting “(8 U.S.C. 1324(a) and  
16 1363b)” after “Immigration and Nationality Act”.

