

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

---

IN THE SENATE OF THE UNITED STATES

---

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

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

24           (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 margins accordingly;

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

13 (5) by moving subparagraph (B), as redesign-  
14 ated, so as to appear before subparagraph (C), as  
15 redesignated;

16 (6) by moving subparagraph (D), as redesign-  
17 ated, so as to appear after subparagraph (C), as  
18 redesignated;

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

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

24 “(3) As used in this subsection—



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”.