

[INSERT “A” - PREPARED BY LEG. COUNSEL]

Table of Contents

Purpose and Summary	3
Background and Need for the Legislation	3
Hearings	6
Committee Consideration	7
Committee Votes	7
Committee Oversight Findings	11
New Budget Authority and Tax Expenditures	11
Congressional Budget Office Cost Estimate	11
Committee Estimate of Budgetary Effects	11
Duplication of Federal Programs	11
Performance Goals and Objectives	11
Advisory on Earmarks	12
Federal Mandates Statement	12
Advisory Committee Statement	12
Applicability to Legislative Branch	12
Section-by-Section Analysis	12
Changes in Existing Law Made by the Bill, as Reported	13
Minority Views	13

Purpose and Summary

H.R. 5585, the Agent Raul Gonzalez Officer Safety Act, introduced by Rep. Juan Ciscomani (R-AZ), imposes criminal penalties on individuals who evade U.S. Border Patrol agents, or other federal, state, or local law enforcement officers assisting Border Patrol agents and makes aliens who are convicted of or admit to committing such acts inadmissible to and removable from the U.S. It also ensures such aliens are ineligible for immigration relief, including asylum.

Background and Need for the Legislation

During the Biden Administration, there have been 35 straight months in which U.S. Customs and Border Protection (CBP) has encountered more than 100,000 illegal aliens along the southwest border.¹ Since President Biden took office, more than 7 million illegal aliens have been encountered by CBP along the southwest border.² In September 2023, CBP on the southwest border encountered 269,735 illegal aliens, shattering the previous record of 252,315 encounters in December 2022.³ In December 2023, according to press reports, the Biden Administration broke the September 2023 record with a staggering 302,000 illegal alien encounters.⁴ More than 3.3 million illegal aliens have been released into the United States by the Biden Administration, and there have been at least 1.7 million known “gotaways.”⁵ In addition,

¹ U.S. Customs and Border Prot., *Sw. Land Border Encounters*, U.S. DEP’T OF HOMELAND SEC. (last accessed Dec. 27, 2023), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (reporting 6,776,255 illegal alien encounters through Nov. 2023); Bill Melugin (@BillMelugin_), X (Dec. 26, 2023, 11:28 AM), https://x.com/BillMelugin_/status/1739699696585814515?s=20 (reporting 730,000 illegal alien encounters thus far in FY 2024). Under the Biden Administration, CBP has encountered at least 7,022,862 illegal aliens along the southwest border.

² *Id.*

³ *Id.*

⁴ Bill Melugin (@BillMelugin_), X (Jan. 2, 2024 10:54 AM), https://x.com/BillMelugin_/status/1742212865803911284?s=20; Bill Melugin (@BillMelugin_), X (Dec. 19, 2023 8:33 AM), https://x.com/BillMelugin_/status/1737103946429186105?s=20.

⁵ See H. Comm. on the Judiciary, Rep. on The Biden Border Crisis: How the Biden Admin. Opened the Sw. Border and Abandoned Interior Immigr. Enf’t at App’x 1 (Oct. 9, 2023) (“DHS released at least 2,148,738 illegal aliens into the United States” through March 2023); see also U.S. Customs and Border Prot., *CBP Releases Nov. 2023 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (Dec. 22, 2023), <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-november-2023-monthly-update> (“297,000 Cubans, Haitians, Nicaraguans, and Venezuelans [] were granted parole under the parole processes [through Nov. 2023]” [hereinafter Nov. 2023 Monthly Update]; U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2023*, U.S. DEP’T OF HOMELAND SEC. (last accessed Jan. 12, 2024), <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics-fy2023> (reporting that, between April 2023 and September 2023, 507,873 illegal aliens were released with a notice to appear or paroled); Bill Melugin (@BillMelugin_), X (Dec. 22, 2023, 12:07 PM), https://x.com/BillMelugin_/status/1738244827475775910?s=20 (In FY 2024 thus far, “Border Patrol has released more than 386,500 illegal aliens”); Casey Harper, *Border crisis creates national security threat for U.S., observers say*, THE CENTER SQUARE (Aug. 5, 2023), https://www.thecentersquare.com/national/article_37491ca0-32ff-11ee-945b-7f09d39f7aa0.html. Under the Biden Administration, at least 3,340,111 illegal aliens have been released into the United States and 1.7 million known “gotaways” have evaded Border Patrol.

an untold number of unknown “gotaways” have evaded Border Patrol agents and escaped into the interior since January 20, 2021.⁶

The Biden Administration’s lax enforcement of the immigration laws has incentivized illegal alien smuggling. Smugglers in vehicles routinely evade Border Patrol agents, and high-speed chases often ensue.⁷ The number of high-speed chases continues to increase along the southwest border.⁸ While especially prevalent in the Tucson, Arizona, area, where such chases are “resulting in deaths and injuries among innocent residents,”⁹ high-speed chases are also common in other American communities. For instance, in El Paso, Texas, in July 2023, “several people, including a child, were injured when a driver smuggling [illegal aliens] wrecked into two other vehicles while running from a Texas state trooper.”¹⁰ Nine people were taken to the hospital to receive medical attention for their injuries.¹¹

In addition to Americans who live in border communities, federal, state, and local law enforcement officers have been injured and killed as a result of high-speed chases with smugglers. On February 24, 2021, Border Patrol agents pursued a human smuggler who was attempting to transport nearly a dozen illegal aliens and who failed to stop at a checkpoint on the outskirts of San Diego, California.¹² Four agents were injured during the chase after “the [smuggler’s] SUV hit several Border Patrol vehicles before crashing into at least two civilian vehicles.”¹³ On September 30, 2023, an Arizona sheriff’s deputy was hurt after he fell 15 feet while assisting in the capture of smugglers attempting to evade authorities.¹⁴ On December 7, 2022, Border Patrol Agent Raul Gonzalez, while in pursuit of a group of illegal aliens evading Border Patrol agents in Mission, Texas, crashed his all-terrain vehicle into a gate.¹⁵ Agent Gonzalez died from his injuries just a few hours later.¹⁶

⁶ Harper, *supra* note 5.

⁷ See *infra* notes 93, 95, 97, & 98.

⁸ J. David Goodman, *High-Speed Police Chases Rise Near Texas Border, Leaving Locals on Edge*, N. Y. TIMES (Nov. 24, 2023), <https://www.nytimes.com/2023/11/24/us/texas-border-police-chases.html?searchResultPosition=1>.

⁹ Lupita Murillo, *Operation Safe Streets II in its third week*, NEWS4 TUCSON (Nov. 14, 2023), https://www.kvoa.com/news/local/operation-safe-streets-ii-in-its-third-week/article_6f3ffb18-834c-11ee-a8ea-5bc1cd972319.html.

¹⁰ Daniel Borunda, *Texas DPS pursuit of migrant smuggler vehicle ends in West El Paso crash, several injured*, EL PASO TIMES (July 31, 2023), <https://www.elpasotimes.com/story/news/crime/2023/07/31/el-paso-texas-dps-pursuit-migrant-smuggler-vehicle-crash-south-desert-boulevard/70499277007/>

¹¹ *Id.*

¹² City News Service, *4 Border Patrol Agents Injured in Crash During Chase of Migrant Smuggler’s SUV*, TIMES OF SAN DIEGO (Feb. 24, 2021), <https://timesofsandiego.com/crime/2021/02/24/4-border-patrol-agents-injured-in-crash-during-chase-of-migrant-smugglers-suv/>

¹³ *Id.*

¹⁴ Sarah Rumpf-Whitten, *Arizona sheriff’s deputy near border falls 15-feet, injured in pursuit of human smuggler: ‘Enough is enough’*, FOX NEWS (Sept. 30, 2023), <https://www.foxnews.com/us/texas-sheriffs-deputy-near-border-falls-15-feet-injured-pursuit-human-smuggler-enough-enough>

¹⁵ MaryAnn Martinez, *US Border Patrol agent killed chasing illegal immigrants in Texas* N.Y. POST (Dec. 7, 2022), <https://nypost.com/2022/12/07/border-patrol-agent-killed-chasing-illegal-migrants-in-texas/>.

¹⁶ *Id.*

In October of last year, the Arizona Sheriffs Association announced it would send deputies from Apache, Coconino, Navajo, Pinal, and Yavapai County to Cochise County to assist law enforcement in combatting border-related crime, including high-speed chases.¹⁷ One lifelong Cochise County resident reflected on the dangers of Highway 90, now a major smuggling route, stating, “It’s scary to the point that you don’t want to drive the highway but to get to work you have to . . . I’m actually scared about going out into the public sometimes because what if there is a high-speed chase and something goes sideways they get into a car accident, hop on a curb, and hit anybody . . .”¹⁸ In Tombstone, Arizona, U.S. Marshal Jim Adams spoke of the high-speed chases racing through his town: “This is a weekly occurrence. Sometimes daily, sometimes several times a day.”¹⁹ According to the Marshal’s office, of the 91 calls it handled last year, around 51 involved smuggler chases.²⁰

Human smuggling is an incredibly lucrative business. According to Border Patrol estimates, in the Del Rio Sector *alone*, cartels’ human smuggling profit is \$32 million per week, for a staggering total of \$1.6 billion per year.²¹ With a continuing demand for human smuggling because of the open southwest border, cartels are also recruiting minors to drive illegal aliens across the border. Minors are falsely told they will not face legal consequences if caught.²² According to Cochise County, Arizona, Sheriff Mark Dannels, “We have over a hundred juveniles in the last 18 months that we’ve apprehended in this county smuggling, all the way to the age of 13 and 12 years of age down here, driving grandma’s car, a friend’s car, or mom and dad’s car down here . . .”²³ In March 2022, law enforcement in Arizona started a task force to address human smuggling across the border.²⁴ The task force, called Operation Safe Streets, helped to pass a law that made human trafficking a state violation, allowing for easier prosecutions of juveniles for such crimes and deterring other potential criminals.²⁵ However,

¹⁷ ADI Staff, *Sheriffs Send Resources To Cochise County To Combat Border Crime* ARIZONA DAILY INDEPENDENT (Oct. 26, 2023), <https://arizonadailyindependent.com/2023/10/26/sheriffs-send-resources-to-cochise-county-to-combat-border-crime/>.

¹⁸ Murillo, *supra* note 9.

¹⁹ Craig Smith, *High-speed smugglers risk your life on Tombstone streets*, ABC KGUN TUCSON (Oct. 3, 2023), <https://www.kgun9.com/news/local-news/cochise-county/on-tombstone-streets-high-speed-smugglers-risk-your-life>.
²⁰ *Id.*

²¹ Stephen Dinan, *Cartels make \$32 million a week off migrants in one stretch of Texas border*, WASH. EXAMINER (Jan. 3, 2024), https://www.washingtontimes.com/news/2024/jan/3/cartels-make-32-million-week-off-migrants-in-one-s/?utm_source=Twitter&utm_medium=SocialFlow.

²² Melissa Ford Maldonado & Zach Whiting, *Parents, beware of Mexican Drug Cartel Operatives trying to ‘slide into your child’s DMs’*, TEXAS PUBLIC POLICY FOUNDATION (March 28, 2023), <https://www.texaspolicy.com/parents-beware-of-mexican-drug-cartel-operatives-trying-to-slide-into-your-childs-dms/#:~:text=With%20demand%20for%20human%20smugglers,apprehended%20because%20they%20are%20minors>.

²³ Kris Van Cleave, *Cochise County turning into a drug and human smuggling raceway as border crossings surge*, ARIZONA’S FAMILY (Oct. 5, 2023), <https://www.azfamily.com/2023/10/06/cochise-county-turning-into-drug-human-smuggling-raceway-border-crossings-surge/>.

²⁴ Aleix Oliveira, *Babyfaced Arizona teens suspected of working as people smugglers for a cartel in worrying new trend: cops* N.Y. POST (Nov. 13, 2023), <https://nypost.com/2023/11/13/news/arizona-teens-eli-laclaire-and-landon-vert-arrested-for-people-smuggling/>.

²⁵ *Id.*

even with this state legislation, police face challenges in apprehending smugglers through high-speed chases as historic numbers of illegal alien encounters continue at the border.²⁶ Indeed, the lack of specific federal criminal and immigration consequences has incentivized criminals and aliens to evade the Border Patrol, resulting in the rising number of dangerous high-speed chases.²⁷

During Committee consideration of H.R. 5585, the Minority argued that to be subject to the bill's immigration penalties, an alien should have to have been convicted of fleeing a law enforcement officer. However, under current law, not every ground of inadmissibility or removability requires a conviction.²⁸ Indeed, by requiring, at a minimum, that an alien admits to the elements of the offense, H.R. 5585 conforms to the pattern of other grounds of inadmissibility and removability.²⁹ Moreover, by ensuring an alien may be inadmissible or removable based on his own admission, this legislation guards against cases in which an activist prosecutor may decline to prosecute these offenses or allow aliens to plead down to crimes that do not render such aliens removable.

H.R. 5585 gives authorities the necessary tools to fully prosecute and punish criminals who intentionally fail to yield to Border Patrol agents, and law enforcement officials assisting the Border Patrol.

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 5585: "The Biden Border Crisis: Part I," a hearing held on February 1, 2023, before the Judiciary Committee. The Committee heard testimony from the following witnesses:

- Brandon Dunn, co-founder, Forever15Project;
- The Honorable Mark J. Dannels, Sheriff, Cochise County, Arizona;
- The Honorable Dale Lynn Carruthers, County Judge, Terrell County, Texas; and
- The Honorable Ricardo Samaniego, County Judge, El Paso County, Texas.

The hearing addressed how President Biden's open-borders policies affect Americans with rising crime and lawlessness at the southwest border and beyond. In his opening statement, Sheriff Mark Dannels of Cochise County, Arizona, testified how his deputies have been placed in life-threatening situations with aliens and how border-related crimes, including high-speed chases resulting from criminals and illegal aliens evading Border Patrol and state and local law enforcement, are at an all-time high.³⁰

²⁶ *Id.*; CBP Sw. Land Border Encounters, *supra* note 1.

²⁷ *Id.*; Goodman, *supra* note 8.

²⁸ See INA § 212(a)(2); INA § 237(a)(1)(C); INA § 237(a)(1)(E); INA § 237(a)(1)(G).

²⁹ *Id.*

³⁰ *The Biden Border Crisis: Part I: Hearing Before the H. Comm. On the Judiciary*, 118th Cong. (2023) (statement of Mark J. Dannels, Sheriff, Cochise County, Arizona).

Committee Consideration

On January 18, 2024, the Committee met in open session and ordered the bill, H.R. 5585, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 14-10, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee's consideration of H.R. 5585:

1. Vote on Amendment #1 to the H.R. 5585 ANS, offered by Ms. Escobar of Texas—failed 11 ayes to 13 nays.
2. Vote on Amendment #2 to the H.R. 5585 ANS, offered by Ms. Jackson Lee of Texas—failed 9 ayes to 13 nays.
3. Vote on favorably reporting H.R. 5585, as amended—passed 14 ayes to 10 nays.

COMMITTEE ON THE JUDICIARY

Date: 1/18/24

118th CONGRESS

25-19

ROLL CALL

Vote on: ESCOBAR Amndt (#1) to HR 5585 ANS

Roll Call #: 5

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>				MR. NADLER (NY) <i>Ranking Member</i>	✓		
MR. ISSA (CA)		✓		MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)	✓		
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. BIGGS (AZ)		✓		MR. JOHNSON (GA)			
MR. McCLINTOCK (CA)		✓		MR. SCHIFF (CA)			
MR. TIFFANY (WI)				MR. SWALWELL (CA)	✓		
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)				MS. JAYAPAL (WA)	✓		
MR. BISHOP (NC)		✓		MR. CORREA (CA)	✓		
MS. SPARTZ (IN)		✓		MS. SCANLON (PA)	✓		
MR. FITZGERALD (WI)		✓		MR. NEGUSE (CO)			
MR. BENTZ (OR)		✓		MS. McBATH (GA)	✓		
MR. CLINE (VA)				MS. DEAN (PA)	✓		
MR. ARMSTRONG (ND)		✓		MS. ESCOBAR (TX)	✓		
MR. GOODEN (TX)				MS. ROSS (NC)	✓		
MR. VAN DREW (NJ)		✓		MS. BUSH (MO)			
MR. NEHLS (TX)				MR. IVEY (MD)			
MR. MOORE (AL)				MS. BALINT (VT)	✓		
MR. KILEY (CA)		✓					
MS. HAGEMAN (WY)							
MR. MORAN (TX)		✓					
MS. LEE (FL)		✓					
MR. HUNT (TX)							
MR. FRY (SC)		✓					

Roll Call Totals:

Ayes:

11

Nays:

13

Present:

X

Passed: _____

Failed: _____

118th CONGRESS

25-19

ROLL CALL

Vote on:

Jackson Lee Amndt (#2) to HR 5585 ANS

Roll Call #: 6

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. NADLER (NY) <i>Ranking Member</i>	✓		
MR. ISSA (CA)				MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)	✓		
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. BIGGS (AZ)				MR. JOHNSON (GA)			
MR. McCLINTOCK (CA)		✓		MR. SCHIFF (CA)			
MR. TIFFANY (WI)		✓		MR. SWALWELL (CA)			
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)		✓		MS. JAYAPAL (WA)			
MR. BISHOP (NC)		✓		MR. CORREA (CA)	✓		
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)		✓		MS. McBATH (GA)	✓		
MR. CLINE (VA)		✓		MS. DEAN (PA)	✓		
MR. ARMSTRONG (ND)		✓		MS. ESCOBAR (TX)	✓		
MR. GOODEN (TX)				MS. ROSS (NC)	✓		
MR. VAN DREW (NJ)		✓		MS. BUSH (MO)			
MR. NEHLS (TX)				MR. IVEY (MD)	✓		
MR. MOORE (AL)		✓		MS. BALINT (VT)	✓		
MR. KILEY (CA)		✓					
MS. HAGEMAN (WY)							
MR. MORAN (TX)		✓					
MS. LEE (FL)							
MR. HUNT (TX)							
MR. FRY (SC)		✓					

Roll Call Totals:

Ayes:

9

Nays:

13

Present:

X

Passed:

Failed:

Vote on: Final passage of HR 5585, as amended

Roll Call #: 7

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. NADLER (NY) <i>Ranking Member</i>		✓	
MR. ISSA (CA)				MS. LOFGREN (CA)			
MR. BUCK (CO)				MS. JACKSON LEE (TX)		✓	
MR. GAETZ (FL)				MR. COHEN (TN)			
MR. BIGGS (AZ)	✓			MR. JOHNSON (GA)			
MR. McCLINTOCK (CA)	✓			MR. SCHIFF (CA)			
MR. TIFFANY (WI)	✓			MR. SWALWELL (CA)			
MR. MASSIE (KY)				MR. LIEU (CA)			
MR. ROY (TX)	✓			MS. JAYAPAL (WA)		✓	
MR. BISHOP (NC)	✓			MR. CORREA (CA)		✓	
MS. SPARTZ (IN)				MS. SCANLON (PA)			
MR. FITZGERALD (WI)				MR. NEGUSE (CO)			
MR. BENTZ (OR)	✓			MS. McBATH (GA)		✓	
MR. CLINE (VA)	✓			MS. DEAN (PA)		✓	
MR. ARMSTRONG (ND)	✓			MS. ESCOBAR (TX)		✓	
MR. GOODEN (TX)				MS. ROSS (NC)		✓	
MR. VAN DREW (NJ)	✓			MS. BUSH (MO)			
MR. NEHLS (TX)				MR. IVEY (MD)		✓	
MR. MOORE (AL)	✓			MS. BALINT (VT)		✓	
MR. KILEY (CA)	✓						
MS. HAGEMAN (WY)							
MR. MORAN (TX)	✓						
MS. LEE (FL)							
MR. HUNT (TX)							
MR. FRY (SC)	✓						

Roll Call Totals:

Ayes:

14

Nays:

10

Present:

Passed:

Failed:

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 5585 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 5585

imposes criminal penalties on individuals who evade U.S. Border Patrol agents, or other federal, state, or local law enforcement officers assisting Border Patrol agents, makes aliens who are convicted of or admit to committing such acts inadmissible to and removable from the U.S., and ensures such aliens are ineligible for immigration relief, including asylum.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 5585 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House Rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104-1).

Section-by-Section Analysis

Sec. 1: Short Title: This section states the title of H.R. 5585 as the “Agent Raul Gonzalez Officer Safety Act.”

Sec. 2(a): This section amends title 18 of the U.S. Code by adding a new offense of evading arrest or detention while operating a motor vehicle. Specifically, a person commits an offense by operating a vehicle within 100 miles of the border while intentionally fleeing from border patrol, state or local law enforcement, or other federal law enforcement.

Sec. 2(b): Penalties. A person committing this offense will be imprisoned for up to 2 years or fined. If the evasion results in serious bodily injury, the person will be imprisoned for 5 to 20 years, fined or both. If the evasion results in death, the person will be imprisoned for not less than 10 years, fined or both.

Sec. 3. Inadmissibility, Deportability, and Ineligibility Related to Evading Arrest or Detention While Operating a Motor Vehicle: This section creates a ground of inadmissibility and a ground of removability for aliens who have been convicted of, admit to, or admit to committing acts that constitute the essential elements of a violation of 18 U.S.C. § 40B(a), evading arrest or detention while operating a motor vehicle. The section makes such aliens ineligible for all immigration relief.

Sec. 4: Annual Report: This section requires the Attorney General to submit an annual report to both the House and Senate Judiciary Committees. The report will identify the number of people charged, and summarize the penalties sought and the penalties imposed for the violations.

Changes in Existing Law Made by the Bill, as Reported

[INSERT “C” – PREPARED BY LEG. COUNSEL]

Minority Views

[INSERT “D” – MINORITY VIEWS]