

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY M. ____.

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Expedited Removal
3 of Criminal Aliens Act”.

4 SEC. 2. EXPEDITED REMOVAL.

5 Section 238 of the Immigration and Nationality Act
6 (8 U.S.C. 1228) is amended—

7 (1) in the section heading, by striking “**EXPE-**
8 **DITED REMOVAL OF ALIENS CONVICTED OF**
9 **COMMITTING AGGRAVATED FELONIES**” and in-
10 serting “**EXPEDITED REMOVAL OF CERTAIN**
11 **CRIMINAL ALIENS**”;

12 (2) in subsection (a)—

13 (A) by amending paragraph (1) to read as
14 follows:

15 “(1) IN GENERAL.—The Secretary of Homeland
16 Security shall provide for the availability of special
17 removal proceedings at certain Federal, State, and

1 local correctional facilities for any incarcerated
2 alien—

3 “(A) convicted of any criminal offense cov-
4 ered in section 237(a)(2)(A)(iii), (B), (C), or
5 (D), or any offense covered by section
6 237(a)(2)(A)(ii) for which both predicate of-
7 fenses are, without regard to the date of their
8 commission, otherwise covered by section
9 237(a)(2)(A)(i); or

10 “(B) who the Secretary of Homeland Secu-
11 rity determines—

12 “(i) is inadmissible or deportable; and

13 “(ii)(I) is a member of a criminal
14 gang or a transnational criminal organiza-
15 tion (as defined in section 3003(5) of the
16 Act titled ‘Making emergency supplemental
17 appropriations for the fiscal year ending
18 September 30, 2024, and for other pur-
19 poses’ (21 U.S.C. 2341(5));

20 “(II) is a member of an organization
21 designated as a foreign terrorist organiza-
22 tion pursuant to section 219(a) or has pro-
23 vided material support to such an organi-
24 zation; or

1 “(III) has been convicted of any fel-
2 ony, any misdemeanor with respect to
3 which the underlying conduct was com-
4 mitted against a member of a vulnerable
5 group, any assault of a law enforcement
6 officer, any sexual offense, any crime of
7 domestic violence, any stalking offense, any
8 crime with respect to which the underlying
9 conduct was committed against a child (in-
10 cluding sex trafficking of a minor or sexual
11 abuse of a minor), any activity relating to
12 material involving the sexual exploitation
13 of a minor, or any violation of a protection
14 order (as such terms are defined in the ju-
15 risdiction of conviction).”;

16 (B) in paragraph (2)—

17 (i) by striking “convicted of an aggra-
18 vated felony” and inserting “described in
19 paragraph (1)”;

20 (ii) by striking “Attorney General”
21 each place it appears and inserting “Sec-
22 retary of Homeland Security”; and

23 (iii) by striking “felon” and inserting
24 “alien”;

25 (C) in paragraph (3)—

1 (i) by striking “Attorney General”
2 each place it appears and inserting “Sec-
3 retary of Homeland Security”;

4 (ii) by striking “convicted of an ag-
5 gravated felony” and inserting “described
6 in paragraph (1)”; and

7 (iii) by striking “for the underlying
8 aggravated felony”;

9 (D) in paragraph (4), by striking “Attor-
10 ney General” and inserting “Secretary of
11 Homeland Security”; and

12 (E) by adding at the end the following:

13 “(5) MANNER OF PROCEEDINGS.—Special re-
14 moval proceedings described in this section shall be
15 conducted in conformity with section 240 (except as
16 otherwise provided in this section), and in a manner
17 which eliminates the need for additional detention at
18 any processing center of the Department of Home-
19 land Security and in a manner which assures expedi-
20 tious removal following the end of the alien’s incar-
21 ceration for the underlying sentence. Nothing in this
22 section shall be construed to create any substantive
23 or procedural right or benefit that is legally enforce-
24 able by any party against the United States or its
25 agencies or officers or any other person.

1 “(6) DEFINITIONS.—In this subsection:

2 “(A) The term ‘member of a vulnerable
3 group’ means—

4 “(i) an individual who is younger than
5 16 years of age;

6 “(ii) a pregnant woman;

7 “(iii) an individual with a severe phys-
8 ical or mental disability; or

9 “(iv) an individual who is older than
10 65 years of age.

11 “(B) The term ‘criminal gang’ means an
12 ongoing group, club, organization, or associa-
13 tion of 5 or more persons that has as 1 of its
14 primary purposes the commission of 1 or more
15 of the offenses described in this subparagraph
16 and the members of which engage, or have en-
17 gaged within the past 5 years, in a continuing
18 series of such offenses. The offenses described,
19 whether committed, in whole or in part, within
20 or outside of the United States and regardless
21 of whether the offenses occurred before, on, or
22 after the date of the enactment of this para-
23 graph, are the following:

24 “(i) A Federal, State, local, or Tribal
25 offense that is punishable by imprisonment

1 for more than 1 year and relates to a con-
2 trolled substance (as so classified under
3 the relevant Federal, State, local, or Tribal
4 law), regardless of whether the substance
5 is classified as a controlled substance
6 under section 102 of the Controlled Sub-
7 stances Act (21 U.S.C. 802).

8 “(ii) A foreign offense that is punish-
9 able by imprisonment for more than 1 year
10 and relates to a controlled substance as de-
11 fined under section 102 of the Controlled
12 Substances Act (21 U.S.C. 802).

13 “(iii) An offense that is punishable by
14 imprisonment for more than 1 year and in-
15 volves firearms or explosives (as defined
16 under the relevant Federal, State, local,
17 Tribal, or foreign law) or in violation of
18 section 931 of title 18, United States Code
19 (relating to purchase, ownership, or posses-
20 sion of body armor by violent felons).

21 “(iv) An offense under section 274
22 (relating to bringing in and harboring cer-
23 tain aliens), section 277 (relating to aiding
24 or assisting certain aliens to enter the

1 United States), or section 278 (relating to
2 importation of alien for immoral purpose).

3 “(v) A crime of violence (as defined in
4 section 16(a) of title 18, United States
5 Code).

6 “(vi) A crime involving obstruction of
7 justice, tampering with or retaliating
8 against a witness, victim, or informant, or
9 burglary (as such terms are defined under
10 the relevant Federal, State, local, Tribal,
11 or foreign law).

12 “(vii) Any conduct punishable
13 under—

14 “(I) sections 1028, 1028A, and
15 1029 of title 18, United States Code
16 (relating to fraud, aggravated identity
17 theft or fraud and related activity in
18 connection with identification docu-
19 ments or access devices);

20 “(II) sections 1581 through 1594
21 of such title (relating to peonage, slav-
22 ery, and trafficking in persons);

23 “(III) section 1951 of such title
24 (relating to interference with com-
25 merce by threats or violence);

1 “(IV) section 1952 of such title
2 (relating to interstate and foreign
3 travel or transportation in aid of rack-
4 eteering enterprises);

5 “(V) section 1956 of such title
6 (relating to the laundering of mone-
7 tary instruments);

8 “(VI) section 1957 of such title
9 (relating to engaging in monetary
10 transactions in property derived from
11 specified unlawful activity); or

12 “(VII) sections 2312 through
13 2315 of such title (relating to inter-
14 state transportation of stolen motor
15 vehicles or stolen property).

16 “(viii) A conspiracy to commit an of-
17 fense described in subclauses (I) through
18 (VII) of clause (vii).”;

19 (3) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) by striking “Attorney General”
22 and inserting “Secretary of Homeland Se-
23 curity”;

24 (ii) by inserting “inadmissibility or”
25 before “deportability”;

1 (iii) by striking “under section
2 237(a)(2)(A)(iii) (relating to conviction of
3 an aggravated felony)”; and

4 (iv) by inserting before “section 240”
5 the following “issue a notice to appear
6 under section 239 to initiate removal pro-
7 ceedings under”;

8 (B) by amending paragraph (2) to read as
9 follows:

10 “(2) ALIEN DESCRIBED.—An alien is described
11 in this paragraph if the alien—

12 “(A) has been convicted of any criminal of-
13 fense described in subparagraph (A) or is de-
14 scribed in subparagraph (B) of section
15 238(a)(1), regardless of whether such alien is
16 incarcerated; and

17 “(B)(i) was not lawfully admitted for per-
18 manent residence at the time at which pro-
19 ceedings under this section commenced; or

20 “(ii) had permanent resident status on a
21 conditional basis (as described in section 216 of
22 this title) at the time that proceedings under
23 this section commenced.”;

1 (C) in paragraph (3), by striking “Attor-
2 ney General” and inserting “Secretary of
3 Homeland Security”;

4 (D) in paragraph (4), by striking “Attor-
5 ney General” each place it appears and insert-
6 ing “Secretary of Homeland Security”; and

7 (E) in paragraph (5)—

8 (i) by inserting “or Secretary of
9 Homeland Security” after “Attorney Gen-
10 eral”;

11 (ii) by inserting “or Secretary’s” after
12 “Attorney General’s”; and

13 (iii) by inserting “, regardless of
14 whether the alien is in proceedings under
15 this section” after “discretion”; and

16 (4) by redesignating the second subsection (c)
17 as subsection (d).

18 **SEC. 3. DETENTION OF CRIMINAL ALIENS.**

19 Section 236(c) of the Immigration and Nationality
20 Act (8 U.S.C. 1226(c)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (D), by striking “or”
23 at the end;

24 (B) by redesignating subparagraph (E) as
25 subparagraph (F); and

1 (C) by inserting after subparagraph (D)
2 the following:

3 “(E)(i) is inadmissible under section 212
4 or deportable under section 237; and

5 “(ii)(I) is a member of a criminal gang (as
6 defined in section 238(a)(6)(B)) or
7 transnational criminal organization (as defined
8 in section 3003(5) of the Act titled ‘Making
9 emergency supplemental appropriations for the
10 fiscal year ending September 30, 2024, and for
11 other purposes’ (21 U.S.C. 2341(5))); or

12 “(II) has been convicted of any felony, any
13 misdemeanor with respect to which the under-
14 lying conduct was committed against a member
15 of a vulnerable group (as defined in section
16 238(a)(3)(A)), any assault of a law enforcement
17 officer, any sexual offense, any crime of domes-
18 tic violence, any stalking offense, any crime
19 with respect to which the underlying conduct
20 was committed against a child (including sex
21 trafficking of a minor or sexual abuse of a
22 minor), any activity relating to material involv-
23 ing the sexual exploitation of a minor, or any
24 violation of a protection order, or”; and

25 (2) in paragraph (2)—

1 (A) in the heading, by striking “DEFINI-
2 TION” and inserting “DEFINITIONS”; and

3 (B) by striking “For purposes of para-
4 graph (1)(E),” and inserting the following:

5 “(A) For purposes of paragraph
6 (1)(E)(ii)(II), the terms and phrases in such
7 paragraph have the meanings given such terms
8 and phrases in the jurisdiction of conviction.

9 “(B) For purposes of paragraph (1)(F),”.

10 **SEC. 4. EXCEPTION TO RESTRICTIONS ON REMOVAL.**

11 Section 241(b)(3)(B) of the Immigration and Nation-
12 ality Act (8 U.S.C. 1231(b)(3)(B)) is amended—

13 (1) in clause (iii), by striking “or” at the end;

14 (2) in clause (iv), by striking the period and in-
15 serting “; or”; and

16 (3) by adding at the end the following:

17 “(v) the alien has been convicted of
18 any criminal offense described in subpara-
19 graph (A) or is described in subparagraph
20 (B) of section 238(a)(1), regardless of
21 whether such alien is incarcerated or is in
22 proceedings under section 238.”.

23 **SEC. 5. INELIGIBILITY FOR ASYLUM.**

24 Section 208(b)(2)(A) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1158(b)(2)(A)) is amended—

1 (1) in clause (v), by striking “or” at the end;

2 (2) in clause (vi), by striking the period at the

3 end and inserting “; or”; and

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

5 “(vii) the alien has been convicted of

6 any criminal offense described in subpara-

7 graph (A) or is described in subparagraph

8 (B) of section 238(a)(1), regardless of

9 whether such alien is incarcerated or is in

10 proceedings under section 238.”.

11 **SEC. 6. INELIGIBILITY FOR OTHER IMMIGRATION RELIEF.**

12 An alien who has been convicted of any criminal of-

13 fense described in subparagraph (A) or who is described

14 in subparagraph (B) of section 238(a)(1) of the Immigra-

15 tion and Nationality Act (8 U.S.C. 1128(a)(1)), regardless

16 of whether such alien is incarcerated or is in proceedings

17 under such section 238, shall be ineligible for any other

18 relief under the immigration laws (as such term is defined

19 in section 101 of the Immigration and Nationality (8

20 U.S.C. 1101)), including under section 2242 of the Omni-

21 bus Consolidated and Emergency Supplemental Appro-

22 priations Act, 1999 (and any regulations issued pursuant

23 to such section).

1 **SEC. 7. CONSTRUCTION; SEVERABILITY.**

2 Any provision of this Act or an amendment made by
3 this Act held to be invalid or unenforceable by its terms,
4 or as applied to any person or circumstance, shall be con-
5 strued so as to give it the maximum effect permitted by
6 law, unless such holding shall be utterly invalid or unen-
7 forceable, in which event such provision shall be deemed
8 severable from this Act and shall not affect the remainder
9 of this Act, or the application of such provision to other
10 persons not similarly situated or to other, dissimilar cir-
11 cumstances.

