

AMENDMENT TO H.R. 2431

OFFERED BY M . Rafkin

Page 104, line 9, insert after “subsection.” the following:

1 “(c) EXCEPTION FOR ASYLUM SEEKERS.—Except as
2 otherwise provided in this subsection, an alien who ex-
3 presses a fear of persecution to any immigration, customs,
4 or agriculture officer shall not be subject to the penalties
5 in this section. This subsection does not apply in the case
6 of an alien who makes an application for asylum that the
7 Secretary of Homeland Security determines to be frivo-
8 lous.”.

Page 108, line 23, insert after “United States.” the following:

9 “(i) EXCEPTION FOR ASYLUM SEEKERS.—Except as
10 otherwise provided in this subsection, an alien who ex-
11 presses a fear of persecution to any immigration, customs,
12 or agriculture officer shall not be subject to the penalties
13 in this section. This subsection does not apply in the case
14 of an alien who makes an application for asylum that the
15 Secretary of Homeland Security determines to be frivo-
16 lous.”.

Insert at the end of title III the following (and conform the table of contents accordingly):

1 **SEC. 325. GAO REPORT ON PROSECUTION OF ASYLUM**
2 **SEEKERS.**

3 On the date that is one year after the date of the
4 enactment of this Act, and annually thereafter, the Com-
5 troller General of the United States shall complete a study
6 and submit a report thereon to the Congress on the num-
7 ber of aliens who, during the previous year, expressed a
8 fear of persecution to any immigration, customs, or agri-
9 culture officer, and who were arrested, indicted, or con-
10 victed of an offense under section 275 or 276 of the Immi-
11 gration and Nationality Act.

