

107TH CONGRESS  
1ST SESSION

# H. R. 957

To improve the prevention and punishment of criminal smuggling,  
transporting, and harboring of aliens, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2001

Mr. KELLER introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To improve the prevention and punishment of criminal smuggling,  
transporting, and harboring of aliens, 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. INCREASED PERSONNEL FOR INVESTIGATING**  
4 **AND COMBATING ALIEN SMUGGLING.**

5 The Attorney General in each of the fiscal years  
6 2002, 2003, 2004, 2005, and 2006 shall increase the  
7 number of positions for full-time, active duty investigators  
8 or other enforcement personnel within the Immigration  
9 and Naturalization Service who are assigned to combating  
10 alien smuggling by not less than 50 positions above the

1 number of such positions for which funds were allotted  
2 for the preceding fiscal year.

3 **SEC. 2. INCREASING CRIMINAL SENTENCES AND FINES FOR**  
4 **ALIEN SMUGGLING.**

5 (a) IN GENERAL.—Subject to subsection (b), pursu-  
6 ant to its authority under section 994(p) of title 28,  
7 United States Code, the United States Sentencing Com-  
8 mission shall promulgate sentencing guidelines or amend  
9 existing sentencing guidelines for smuggling, transporting,  
10 harboring, or inducing aliens under section 274(a)(1)(A)  
11 of the Immigration and Nationality Act (8 U.S.C.  
12 1324(a)(1)(A)) so as to—

13 (1) double the minimum term of imprisonment  
14 under that section for offenses involving the smug-  
15 gling, transporting, harboring, or inducing of—

16 (A) 1 to 5 aliens from 10 months to 20  
17 months;

18 (B) 6 to 24 aliens from 18 months to 36  
19 months;

20 (C) 25 to 100 aliens from 27 months to 54  
21 months; and

22 (D) 101 aliens or more from 37 months to  
23 74 months;

24 (2) increase the minimum level of fines for each  
25 of the offenses described in subparagraphs (A)

1 through (D) of paragraph (1) to the greater of the  
2 current minimum level or twice the amount the de-  
3 fendant received or expected to receive as compensa-  
4 tion for the illegal activity; and

5 (3) increase by at least two offense levels above  
6 the applicable enhancement in effect on the date of  
7 the enactment of this Act the sentencing enhance-  
8 ments for intentionally or recklessly creating a sub-  
9 stantial risk of serious bodily injury or causing bod-  
10 ily injury, serious injury, permanent or life threat-  
11 ening injury, or death.

12 (b) EXCEPTIONS.—Subsection (a) shall not apply to  
13 an offense that—

14 (1) was committed other than for profit; or

15 (2) involved the smuggling, transporting, or  
16 harboring only of the defendant's spouse or child (or  
17 both the defendant's spouse and child).

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