

118TH CONGRESS  
2D SESSION

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

To amend the United States Sentencing Guidelines applicable to human smuggling offenses, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Mr. OSSOFF (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on

---



---

**A BILL**

To amend the United States Sentencing Guidelines applicable to human smuggling offenses, 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 “Border Smuggling  
5 Crackdown Act”.

6 **SEC. 2. AMENDMENT OF SENTENCING GUIDELINES.**

7 Section 2L1.1 of the United States Sentencing  
8 Guidelines Manual is amended—

9 (1) in subsection (b)—

## 2

1 (A) by striking paragraph (2) and insert-  
2 ing the following:

3 “(2) If the offense involved the smuggling,  
4 transporting, or harboring of two or more unlawful  
5 aliens, increase as follows:

“Number of Unlawful Aliens Smuggled, Trans- ported, or Harbored	Increase in level
(A) 2–4 .....	add <b>2</b> levels
(B) 5–9 .....	add <b>4</b> levels
(C) 10–19 .....	add <b>5</b> levels
(D) 20–29 .....	add <b>6</b> levels
(E) 30–49 .....	add <b>8</b> levels
(F) 50 or more .....	add <b>10</b> levels.

6 ”; and

7 (B) by striking paragraph (7) and insert-  
8 ing the following:

9 “(7) If any person died or sustained bodily in-  
10 jury, increase the offense level according to the seri-  
11 ousness of the injury:

“Death or Degree of Injury	Increase in level
(A) Bodily Injury .....	add <b>2</b> levels for each per- son so injured
(B) Serious Bodily Injury .....	add <b>4</b> levels for each per- son so injured
(C) Permanent or Life-Threatening Bodily Injury ...	add <b>6</b> levels for each per- son so injured
(D) Death .....	add <b>10</b> levels for each person who died.

12 “The cumulative offense level determined from the  
13 application of subsections (b)(2) and (b)(7) may not  
14 exceed level 29, except if subsection (b)(6) applies,

1 in which case the cumulative offense level deter-  
2 mined from the application of subsections (b)(2),  
3 (b)(6), and (b)(7) may not exceed level 38.”; and

4 (2) in Application Note 7 of the Commentary  
5 by adding at the end the following:

6 “(D) The offense involves injury to, or the  
7 death of, a substantial number of individuals.”.