

118TH CONGRESS  
2D SESSION

# S. 5322

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2024

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

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## 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)—

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-<br>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-<br>son so injured |
| (B) Serious Bodily Injury .....                     | add <b>4</b> levels for each per-<br>son so injured |
| (C) Permanent or Life-Threatening Bodily Injury ... | add <b>6</b> levels for each per-<br>son so injured |
| (D) Death .....                                     | add <b>10</b> levels for each<br>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.”.

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