

HR 1029

Alien Smuggling and Terrorism Prevention Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Feb 12, 2009

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Apr 1, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1029>

Sponsor

Name: Rep. Hill, Baron P. [D-IN-9]

Party: Democratic • **State:** IN • **Chamber:** House

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Murphy, Patrick J. [D-PA-8]	D · PA		Mar 9, 2009
Rep. Donnelly, Joe [D-IN-2]	D · IN		Mar 17, 2009
Rep. McMahon, Michael E. [D-NY-13]	D · NY		Mar 17, 2009
Rep. Meeks, Gregory W. [D-NY-6]	D · NY		Mar 19, 2009
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 30, 2009
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Mar 31, 2009

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security Committee	House	Referred to	Feb 25, 2009
Judiciary Committee	House	Referred To	Feb 12, 2009
Judiciary Committee	Senate	Referred To	Apr 1, 2009

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Alien Smuggling and Terrorism Prevention Act of 2009 - (Sec. 3) Directs the Secretary of Homeland Security to check against all available terrorist watchlists persons suspected of alien smuggling and smuggled individuals who are interdicted at U.S. land, air, and sea borders.

(Sec. 4) Amends the Immigration and Nationality Act to specify the following criminal penalties for individuals convicted of smuggling unlawful aliens into the United States (applicable to each alien for whom the offense applies): (1) fine and/or up to five years incarceration for smuggling; (2) fine and/or up to one year incarceration for transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew; (3) fine and/or up to 10 years incarceration for recruiting to enter, or harboring or transporting in the United States for profit, commercial advantage, or private financial gain; (4) fine and/or incarceration for 3 to 10 years for a first or second offense of knowingly bringing an illegal alien into the United States for profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual will commit a federal or state offense punishable by more than one year's incarceration, and 5 to 15 years incarceration for any subsequent violation; (5) fine and/or up to 20 years incarceration if the offense results in serious bodily injury or jeopardizes a person's life; (6) fine and/or up to 30 years incarceration if the defendant knew the individual was a terrorist or intended to engage in terrorist activity; (7) fine and/or incarceration for any term of years/or life if the offense involves kidnaping or attempt to kidnap, the conduct required for aggravated sexual abuse, or an attempt to kill; and (8) fine and subject to the death penalty or incarceration for any term of years/or life if the offense results in the death of any person.

Provides extraterritorial jurisdiction over such offenses.

Limits a defense of necessity for knowingly bringing an illegal alien into the United States from the high seas.

Exempts from certain of such violations (transporting or harboring in the United States, or recruiting or encouraging to reside in the United States) a bona fide nonprofit, religious organization in the United States (or its agents or officers) that encourages, invites, or enables an alien who is present in the United States to serve as a volunteer minister or missionary for such organization in the United States, provided the minister or missionary has been a member of the denomination for at least one year.

(Sec. 5) Amends federal criminal law to specify the following maritime penalties (in addition to the current fine/five-year incarceration): (1) fine and/or up to 10 years incarceration for offenses committed in the course of smuggling, trafficking, shipping, stolen property, drug, and other offenses; (2) fine and/or up to 15 years incarceration for offenses resulting in serious bodily injury or transportation under inhumane conditions; or (3) fine and/or incarceration for any term of years/or life if the offense results in death or involves kidnaping or attempt to kidnap, the conduct required for aggravated sexual abuse or an attempt to commit such abuse, or an attempt to kill.

Limits a defense of necessity with respect to such maritime enforcement.

Defines "transportation under inhumane conditions" as the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.

(Sec. 6) Directs the United States Sentencing Commission to review and amend as appropriate sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or

obstruction of boarding.

Directs the Commission to consider sentencing enhancements for offenses that: (1) involve a pattern of continued and flagrant violations; (2) are part of an ongoing commercial organization or enterprise; (3) involve aliens who were transported in groups of 10 or more; (4) involve the transportation or abandonment of aliens in a manner that endangered their lives; or (5) involve the facilitation of terrorist activity.

Actions Timeline

- **Apr 1, 2009:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Mar 31, 2009:** Ms. Jackson-Lee moved to suspend the rules and pass the bill, as amended.
- **Mar 31, 2009:** Considered under suspension of the rules. (consideration: CR H4209-4214)
- **Mar 31, 2009:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1029.
- **Mar 31, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H4210-4211)
- **Mar 31, 2009:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H4210-4211)
- **Mar 31, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 25, 2009:** Referred to the Subcommittee on Border, Maritime, and Global Counterterrorism.
- **Feb 12, 2009:** Introduced in House
- **Feb 12, 2009:** Referred to House Judiciary
- **Feb 12, 2009:** Referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Feb 12, 2009:** Referred to House Homeland Security