

case, all the while protecting a disreputable attorney who perjured himself before a Federal Court. Yet this case is cited as a modern-day justification for a shield bill to protect reporters and “the public’s right to know.”

But what happened in BALCO pales in comparison to what may happen to crime-fighting and national security if this bill becomes law. The Justice Department has developed internal guidelines that govern how they interact with reporters during investigations. For example, these guidelines require U.S. Attorneys to obtain information through alternative sources when possible. But the biggest difference between the guidelines and the bill is that the guidelines are administered flexibly. In an age of terrorism when the timely acquisition of information is indispensable to crime-fighting, U.S. Attorneys should not have to spend time satisfying the multipart test of H.R. 985.

The entire structure of the bill inflexibly requires the Department of Justice to meet certain threshold requirements before they can acquire some information. Exceptions in the bill to provide greater access to such information are limited and do not cover a wide range of Federal criminal investigations. And the prospective nature of some of the exceptions, to prevent a terrorist attack or imminent bodily harm, will not help in investigations after an attack has already occurred.

We have seen time and time again in the last few weeks where rushing legislation through without benefit of a hearing or expert testimony has led to unintended consequences. Regarding this bill, we still haven’t heard what the Attorney General or the Director of National Intelligence thinks about it. We do know that in the last administration, all these individuals opposed it.

Today, only 20 minutes are allowed in opposition to this bill. Yet it might well lead to heinous crimes that could have been prevented or solved. Terrorism hasn’t gone away since the election. Neither has domestic crime. The primary function of government is to protect people. And this bill greatly complicates the ability of the government to prevent and solve crime. The press doesn’t need H.R. 985 to do its job. And the public can’t afford to have the government make it easier for terrorists and other criminals.

Madam Speaker, I hope my colleagues will oppose this well-intentioned but ultimately misguided piece of legislation.

With that, I will yield back the balance of my time.

Mr. BOUCHER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I strongly urge the passage of the Free Flow of Information Act. It is legislation which confers upon reporters a privilege either to refrain from testifying in certain circumstances or to refrain from reveal-

ing confidential information sources. But the purpose of our legislation is not to protect reporters. It is to protect the public’s right to know, to ensure that sensitive information that can only come from an inside source reporting on something that is happening to the disadvantage of government, because of corruption in a bureau or agency, or a harm to society that is occurring because of misdeeds in a large organization like a corporation or a large public charity can, because of an act of conscience by that inside person, come to public scrutiny in a way that the public can then take corrective action by passing a statute, by initiating a lawsuit, or by initiating a criminal prosecution. And if that inside person is not assured confidentiality, if there is an opportunity for that person’s identity to be exposed, that person is going to be very reluctant to share information with a reporter to bring that information to public light. That person has a tremendous amount to lose if his or her identity is revealed. That person can be punished by firing from his or her job or through more subtle means.

So, in the absence of the ability of the reporter to extend the pledge of confidentiality, there is the very real risk that that vital information will never come to public light.

This legislation is carefully balanced. It has protections for the national security which are deeply embedded within the measure. And those were placed there through the careful bipartisan work of the House Judiciary Committee when we had our extensive markup of this measure 2 years ago. The bill before us today is identical to that measure. It passed the House 2 years ago by a vote of 398-21. And it is deserving today of the same strong support by the House of Representatives.

So, Madam Speaker, I strongly encourage the passage of the Free Flow of Information Act. I thank the bipartisan cosponsors and all of those who have participated with us as this measure has been written.

Ms. PELOSI. Madam Speaker, I rise today in strong support of legislation that helps to ensure freedom of the press. This right is a cornerstone of our democracy, and a principle that we cherish and promote around the world.

Arthur Hays Sulzberger once said, “Freedom of the press . . . belongs to everyone—to the citizen as well as the publisher . . . The crux is not the publisher’s ‘freedom to print’; it is, rather, the citizen’s ‘right to know.’”

The right to know, as provided by a free press, keeps our nation informed and holds those of us in government accountable.

It is appropriate that we debate media shield legislation in the same week that we will debate the federal budget. Because this legislation will make clear to confidential sources that they will be protected in most circumstances when they bring forward public evidence of waste, fraud and abuse in government and in the private sector.

News organizations are facing serious economic challenges across the country. Our poli-

cies should enable our news organizations to thrive and engage in the news gathering and analysis the American people expect.

Essential to this effort is the media shield law we debate today.

Nearly all states have recognized the importance of a free press with some form of a press shield protecting the confidentiality of journalists’ sources. However, that protection is lacking at the federal level and in federal courts.

This has hampered the essential work of the press. In recent years, more than 40 reporters have been subpoenaed for the identities of confidential sources in nearly a dozen cases.

The federal government’s policies and actions should protect and preserve the press’s ability to speak truth to power. This legislation does so with appropriate national security safeguards, striking a careful balance between liberty and security.

Freedom of the press has long been an issue of importance to many of us in this body. When I was Ranking Member of the Intelligence Committee, I encouraged President Clinton to veto an Intelligence Authorization bill that would have made it easier to prosecute journalists. We fixed those provisions and passed a bill that both protected our nation and protected our fundamental freedoms.

Madam Speaker, today we have an opportunity to strengthen and protect the freedom of the press that has served our nation so well and to protect all journalists.

As we protect and defend our nation, we must now protect and defend the Constitution by enabling our press to be free, as our Founders envisioned. I urge my colleagues to give this legislation the strong bipartisan vote it deserves.

Mr. WU. Madam Speaker, I rise today in strong support of the Free Flow of Information Act, and I thank the chairman for his work on this important legislation.

Madam Speaker, our nation’s founders understood that a free and independent press is the lifeblood of a functioning democracy.

Confidential sources supply journalists with critical information on matters of public importance. The freedom of the press to cultivate relationships with confidential sources facilitates this vital exchange.

These relationships should be protected, because it is fundamentally in the interest of our republic that the free exchange of ideas and information remain unadulterated.

We must never silence those who inform our democracy.

I urge my colleagues to join me in supporting this important legislation.

Mr. BOUCHER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 985.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules

and pass the bill (H.R. 1029) to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1029

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Alien Smuggling and Terrorism Prevention Act of 2009”.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation’s sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation’s front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys’ Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

**SEC. 3. CHECKS AGAINST TERRORIST WATCHLIST.**

The Secretary of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those persons suspected of alien smuggling and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

**SEC. 4. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.**

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: “BRINGING IN, HARBORING, AND SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—”;

(2) by amending paragraphs (1) through (2) to read as follows:

“(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

“(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such individual;

“(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

“(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

“(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place, other than a designated port of entry or place designated by the Secretary of Homeland Security, regardless of whether such individual has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such individual, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(C) Whoever commits an offense under this paragraph shall, for each individual in respect to whom such a violation occurs—

“(i) if the offense results in the death of any person, be fined under title 18, United States Code, and subject to the penalty of death or imprisonment for any term of years or for life;

“(ii) if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code, without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under title 18, United States Code, or imprisoned for any term of years or life, or both;

“(iii) if the offense involves an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code, or imprisoned not more than 30 years, or both;

“(iv) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code, or imprisoned not more than 20 years, or both;

“(v) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

“(vi) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private fi-

nancial gain, be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

“(vii) if the offense involves the transit of the defendant’s spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (i) through (vi), be fined under title 18, United States Code, or imprisoned not more than 1 year, or both; and

“(viii) in any other case, be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

“(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

“(B) In a prosecution for a violation of, or an attempt or conspiracy to violate, subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

“(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

“(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

“(C) It is not a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of paragraph (1)(A), or paragraph (1)(A)(ii) (except if a person recruits, encourages, or induces an alien to come to or enter the United States), for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

“(D) For purposes of this paragraph and paragraph (1)—

“(i) the term ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

“(ii) the term ‘lawful authority’ means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.”.

**SEC. 5. MARITIME LAW ENFORCEMENT.**

(a) PENALTIES.—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

“(b) Whoever intentionally violates this section shall—

“(1) if the offense results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be

fined under such title or imprisoned for any term of years or life, or both;

“(2) if the offense results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, be fined under this title, imprisoned not more than 15 years, or both;

“(3) if the offense is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 10 years, or both; and

“(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) LIMITATION ON NECESSITY DEFENSE.—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

“(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

“(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

“(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.”.

(c) DEFINITION.—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) the term ‘transportation under inhumane conditions’ means 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. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) CONSIDERATIONS.—In carrying out this section, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in subsection (a) that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) EXPEDITED PROCEDURES.—The Commission may promulgate the guidelines or amendments under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 1800

#### GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Madam Speaker, this legislation, sponsored by BARON HILL of Indiana, is particularly important to Texas, and I want to congratulate the gentleman for his foresight and his leadership. Maybe in his research he knows that just a few short years ago we lost a number of individuals, obviously smuggled for wrong reasons into Texas, who died in an overheated 18-wheeler. And so this is a legislative initiative that is long overdue.

The legislation gives Federal prosecutors and agents stronger enforcement weapons against human smuggling in all its forms, including human trafficking and slavery, smuggling related to terrorism or espionage, and smuggling that involves kidnapping, rape, serious injury or death.

The previous version of this bill passed the House in the last Congress 412-0.

As I noted, in Texas, we see these losses regularly, including in our sister States, individuals dying who have been trafficked or smuggled, dying in the desert out of desperation and thirst. And as I indicated, the particular case that was so egregious in Texas, people smothered to death in an 18-wheeler in the heat of the summer.

Like the previous bill, H.R. 1029 amends the alien smuggling provisions in the Immigration and Nationality Act, as well as the criminal provision for failure to “heave to,” to provide for extraterritorial jurisdiction, to increase maximum penalties for serious

offenses, and to clarify the necessity defense that applies to legitimate maritime rescues.

The bill also establishes for the first time in Federal law that it is a serious felony to transport persons under inhumane conditions, such as in an engine or storage compartment, or to intentionally run vessels ashore at high speed to escape apprehension. Those kinds of inhumane practices have resulted in death or serious injury to numerous alien passengers.

The bill directs the Department of Homeland Security to check against all available terrorist watch lists those who are suspected of smuggling, as well as smuggled individuals who are interdicted at U.S. land, air and sea borders.

I want to thank the gentleman for his foresight. As a member of the Homeland Security Committee as well, and a member of the committee, the chairperson of the committee that has oversight over the watch list, I know how important an act this is, that it further ensures the security of America.

It provides tough penalties for the kind of serious smuggling offenses I have just described, while distinguishing those offenses from family reunification or humanitarian efforts, for which the penalties are appropriately severe.

While strengthening the current offense language, the bill preserves important case law. For instance, it will remain a violation of Federal law not only to bring illegal aliens to the United States, but to bring any alien across the border through places other than those designated as official entry ports.

This is especially critical as Congress mandates that the Department of Homeland Security institute biometric entry and exit systems. For an orderly and fair immigration system to work, people must come in through the designated sites. And certainly, I agree with the gentleman as we look toward fixing that broken system.

Finally, the bill directs the Sentencing Commission to consider providing sentencing enhancements for particularly egregious offenses, smuggling aliens in a life-threatening manner, abandoning them in the desert or on a spit of land that will be submerged at high tide, or smuggling aliens to facilitate acts of terrorism.

I commend BARON HILL for his leadership and his persistence on this bill. And I commend Chairman JOHN CONYERS and Ranking Member LAMAR SMITH of the Judiciary Committee, and Chairman BENNIE THOMPSON and Ranking Member PETER KING of the Homeland Security Committee for their work in improving this bill and making it a consensus, bipartisan measure.

I would like to include in the RECORD at this point an exchange of letters between our two committees.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, March 27, 2009.

Hon. JOHN CONYERS, Jr.,  
Chairman, Committee on the Judiciary, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 1029, the "Alien Smuggling and Terrorism Prevention Act of 2009," introduced on February 12, 2009, by Congressman Baron P. Hill. This legislation was initially referred to the Committee on the Judiciary and, in addition, to the Committee on Homeland Security.

I recognize and appreciate your desire to bring this bill before the House in an expeditious manner. Accordingly, I am willing to waive further consideration of H.R. 1029. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over H.R. 1029.

Further, I request your support for the appointment of Committee on Homeland Security conferees during any House-Senate conference convened on this or similar legislation. Finally, I request that a copy of this letter be included in the Congressional Record during floor consideration of H.R. 1029. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, D.C., March 26, 2008.

Hon. BENNIE G. THOMPSON,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1029, the Alien Smuggling and Terrorism Prevention Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation. I acknowledge that H.R. 1029 contains provisions under the jurisdiction of the Committee on Homeland Security. I understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,  
Chairman.

I urge my colleagues to support this important legislation.

Mr. Speaker, this legislation, sponsored by BARON HILL of Indiana, gives Federal prosecutors and agents stronger enforcement weapons against human smuggling in all its forms, including human trafficking and slavery; smuggling related to terrorism or espionage; and smuggling that involves kidnaping, rape, serious injury, or death.

The previous version of this bill passed the House in the last Congress unanimously, 412 to 0.

Like the previous bill, H.R. 1029 amends the alien smuggling provisions in the Immigration and Nationality Act, as well as the criminal

provision for failure to "heave to," to provide for extraterritorial jurisdiction, to increase maximum penalties for serious offenses, and to clarify the necessity defense that applies to legitimate maritime rescues.

The bill also establishes for the first time in Federal law that it is a serious felony to transport persons under inhumane conditions, such as in an engine or storage compartment, or to intentionally run vessels ashore at high speed to escape apprehension. Those kinds of inhumane practices have resulted in death or serious injury to numerous alien passengers.

The bill directs the Department of Homeland Security to check against all available terrorist watch lists those who are suspected of smuggling, as well as smuggled individuals, who are interdicted at U.S. land, air, and sea borders.

It provides tough penalties for the kind of serious smuggling offenses I've just described, while distinguishing those offenses from family reunification or humanitarian efforts, for which the penalties are appropriately less severe.

While strengthening the current offense language, the bill preserves important case law. For instance, it will remain a violation of federal law not only to bring illegal aliens to the United States, but to bring any alien across the border through places other than those designated as official entry ports.

This is especially critical as Congress mandates that the Department of Homeland Security institute biometric entry and exit systems. For an orderly and fair immigration system to work, people must come in through the designated sites.

Finally, the bill directs the Sentencing Commission to consider providing sentencing enhancements for particularly egregious offenses—smuggling aliens in a life-threatening manner, abandoning them in the desert or on a spit of land that will be submerged at high tide, or smuggling aliens to facilitate acts of terrorism.

I commend BARON HILL for his leadership and persistence on this bill. And I commend Chairman JOHN CONYERS and Ranking Member LAMAR SMITH of the Judiciary Committee, and Chairman BENNIE THOMPSON and Ranking Member PETER KING of the Homeland Security Committee, for their work in improving this bill and making it a consensus, bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. HILL introduced H.R. 1029, the Alien Smuggling and Terrorism Prevention Act of 2009, which improves the Federal Government's ability to combat alien smuggling. I am a cosponsor of this legislation.

But alien smuggling defines a group of crimes that involve the recruiting, transportation or harboring of an alien who does not have the lawful authority to be in the United States of America. This legislation is a direct response to the increasing concern of Federal prosecutors that the current alien smuggling statute is inadequate in the face of rampant alien smuggling and human trafficking by organized criminal syndicates.

The current statute is a patchwork of amendments that does not provide the

tough penalties necessary to punish these dangerous criminals and to deter the criminal organizations that dominate the smuggling world today. These organizations are increasingly sophisticated, international, profitable, and their means are ruthless and inhumane.

For example, the recent media reports indicate kidnappings on the rise in Phoenix, Arizona. There were almost 370 reported kidnappings for ransom there last year. However, it is difficult to know how many kidnappings actually occurred because many kidnappings were not reported to law enforcement officials.

Most of the kidnappings involve drug smugglers and human traffickers preying on one another. The kidnap victims are typically drug or alien smugglers or their family members who are taken by fellow criminals and held for ransom. These victims are inviting targets because they often have a lot of money, or can raise large sums of cash on short notice, and are unlikely to go to law enforcement.

It may only be a matter of time before the kidnappers start targeting law-abiding citizens, so we must do more to deter, identify and arrest these alien smugglers.

H.R. 1029 directs the Department of Homeland Security to check the names of alien smuggling suspects who have been interdicted at a land, air or sea border against all available terrorist watch lists.

The bill also creates enhanced penalties for alien smuggling, including tough sentences for smuggling that results in serious bodily injury or death. Any person convicted of kidnapping, aggravated sexual abuse or an attempt to kill as part of an alien smuggling scheme will now face life in prison.

H.R. 1029 imposes a penalty of up to 30 years imprisonment for smugglers who know that the alien they bring to the United States intends to engage in terrorist activities.

Lastly, the bill amends the criminal statutes to add penalties for maritime offenses committed in the course of smuggling, trafficking, shipping, stolen property or drug trafficking.

H.R. 1029 will help Federal law enforcement and prosecutors put alien smugglers behind bars and send a clear message that these criminal syndicates and the violence they pose to innocent civilians will not be tolerated.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to now yield to the distinguished sponsor of the legislation, Mr. BARON HILL of Indiana, for such time as he might consume.

(Mr. HILL asked and was given permission to revise and extend his remarks.)

Mr. HILL. Mr. Speaker, in the year 2007, I introduced the Alien Smuggling and Terrorism Prevention Act. And as has already been mentioned, it passed

this House without any opposition, and it has bipartisan support.

When I came to Congress, back to Congress, I should say, in the year 2006, immigration was a very hot issue, and so I wanted to look at ways that we could provide Americans some relief. And one of the shocking things that I learned was the fact that if you smuggle an illegal alien in here, either against their will or willfully, it is only a misdemeanor, with a prison term for under 1 year and a small fine; and I didn't think that that was justified.

As has already been mentioned here by Congresswoman JACKSON-LEE, it passed overwhelmingly without opposition, and this year it does have, again, bipartisan support. The bill failed in the Senate. For whatever reason, the Senate did not pass it. That is the reason why I have introduced it again, and have bipartisan support.

I'm glad that Representative CHAFFETZ is on the bill, and also the ranking member of the Judiciary Committee, Representative LAMAR SMITH.

My bill, as has already been said, would significantly increase penalties against human smugglers and traffickers, raising the crime from a misdemeanor to a felony.

Smugglers would see increased prison time if convicted of smuggling persons under inhumane conditions, or for the purpose of criminal exploitation, or in the event that they are smuggling someone into the United States with the intent to carry out acts of terror.

In the case of serious bodily injury, rape or murder, the smuggler or trafficker could face upwards of life in prison.

This bill serves two important goals. First, it holds those who smuggle and traffic persons into the United States responsible for their crimes. It is estimated that over 17,000 people are smuggled into the United States each year. These are people who are forced into awful situations against their will. Those found trafficking for those purposes deserve a fitting punishment, and my bill works to ensure that justice is served.

Second, H.R. 1029 works to stem the flow of illegal immigration. I believe this bill will act as a deterrent for illegal alien smugglers and, therefore, greatly cut down on illegal immigration.

I believe that we need to ensure that our Border Patrol and Coast Guard have the tools they need to keep our borders safe.

This bill is critical in bolstering our economic and national security and, therefore, I strongly urge the passage of H.R. 1029.

Mr. CHAFFETZ. Mr. Speaker, I would just inquire as to how many more speakers.

Ms. JACKSON-LEE of Texas. I have the right to close. I believe there are no more speakers.

Mr. CHAFFETZ. I have no more speakers as well. I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, again, I'd like to congratulate the gentleman from Indiana (Mr. HILL) for his leadership on this issue. This is a legislative initiative that really is long overdue. And I'd like to respond as well to the point that he made that was very, very succinct but also very, very potent about the need for comprehensive reform. He is right. As he returned to the United States Congress, it was an enormously vigorous debate. I believe some of the satellite hearings might have wound up in Indiana that were held by the U.S. House of Representatives.

If we are to complement this legislation, we also need to engage in comprehensive immigration reform so there are laws that will govern the ingress and egress of individuals here in the United States. That is a very important statement and challenge that we have. And, therefore, as we move this legislation along and give a firm response of intolerance to those who would human traffic or engage in trafficking slaves, or to cause the loss of life or the dastardly treatment of individuals, we are making the statement that we will take it seriously and that they will be punished.

In addition, I think it's very important that we complement this legislation with strong response to the violence at the border that has occurred due to drug cartels. I look forward to having the opportunity to present to our Judiciary Committee legislation that I will introduce on this issue of providing more resources for the, if you will, inhibiting and prohibiting the kind of dastardly violence that is occurring and providing the resources for DEA and ATF that I think are so very necessary.

Mr. Speaker, again I want to congratulate Mr. HILL on this legislation, and I would enthusiastically urge my colleagues to support this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1029, "Alien Smuggling and Terrorism Prevention Act of 2009." I want to thank my colleague Congressman BARON HILL of Indiana for introducing this resolution.

Mr. Speaker, as a Member of the Committee on Homeland Security, and as a Member of the Subcommittee on Immigration, I have long been an outspoken leader on this issue. Alien smuggling is not only a threat to our national security, but it also diminishes the value of human lives, and as the world's moral leader we must take a tough stance against these horrific practices. In fact as part of the Save America Act, immigration legislation that I introduced, I address this very issue. My legislation would create a special class of aliens who act as informants to assist U.S. authorities in the prosecution and apprehension of alien smugglers. In special cases these individuals would receive permanent resident status if the information substantially led to a successful prosecution and apprehension of those involved in alien smuggling.

A few years ago in Texas, prosecutors indicted 14 people who allegedly organized or

facilitated the smuggling incident when a crowded trailer was found abandoned at a truck stop in Victoria, 100 miles southwest of Houston, Texas. The 14 were charged with various counts of conspiracy to conceal or transport immigrants. Twelve could face the death penalty if prosecutors decide to pursue it. More than 70 immigrants from Mexico, Central America, and the Dominican Republic were crammed into the tractor-trailer. Among the dead was a 5-year-old boy from Mexico. Seventeen immigrants died at the scene, and 2 others died later.

My preference is to provide the Border Patrol with the additional agents, equipment, and resources it needs to secure the border. I have introduced legislation that would meet these needs by providing critical resources and support for the men and women who enforce our immigration, customs, and other laws. This would include adding 15,000 Border Patrol agents over the next five years, increasing the number of agents from 11,000 to 26,000. It would require the Secretary of Homeland Security to respond rapidly to border crises by deploying up to 1,000 additional Border Patrol agents to a State when a border security emergency is declared by the Governor. It would add 100,000 more detention beds to ensure that those who are apprehended entering the United States unlawfully are sent home instead of being released into our communities. And, it would provide critical equipment and infrastructure improvements, including additional helicopters, power boats, police-type vehicles, portable computers, reliable radio communications, hand-held GPS devices, body armor, and night-vision equipment.

Mr. Speaker, I rise in strong support of this legislation for the following reasons. This bill makes a strong statement against alien smuggling while maintaining core Democratic principles. It is a tough yet fair approach to border security. It is a holistic anti-smuggling regime that reaches those who recruit aliens in their home countries, smuggle aliens across the land borders, or transport or harbor aliens in the United States.

This legislation ensures border security. It recognizes the contribution of the Border Patrol, Coast Guard, Customs & Border Protection, Immigration & Customs Enforcement, FBI, Assistant United States Attorneys, and Department of Justice prosecutors who are on the front lines of interdiction and investigation of alien smugglers. It gives agents and prosecutors tools to address alien smuggling and terrorism by re-structuring the Alien Smuggling statutes.

This legislation is tough on crime. It brings in new penalties of up to life in prison for rape, kidnapping, or attempted murder in the course of alien smuggling. H.R. 1029 revises the current statutes to provide stiff sentences for those who commit alien smuggling that facilitates terrorist activity, or those whose smuggling results in serious bodily injury or placing the life of another in jeopardy. It creates the first federal crime that recognizes transportation in inhumane conditions as a ground for an increased sentence.

The Act recognizes the needs of the Coast Guard for effective maritime anti-smuggling tools, including tough penalties for those who do not heave to, and risk their passengers' lives by intentionally beaching their vessels at high speed in an attempt to discharge their

human cargo. It directs the Sentencing Guidelines Commission to put "teeth" into the statute by adopting sentencing enhancements for terrorism, moving large groups of aliens, or abandoning aliens in harsh conditions such as the desert or at sea. It maintains the current sentencing structure in which smuggling for profit or to facilitate a crime results in mandatory minimum sentences, and maintains the current sentencing structure in capital cases.

Alien smuggling will not stop until we establish an immigration policy that substantially reduces the need for illegal entry into the United States.

I urge my colleagues to support this legislation.

I yield back my time.

The SPEAKER pro tempore (Mr. LUJÁN). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 1029, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 85, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-70) on the resolution (H. Res. 305) providing for consideration of the concurrent resolution (H. Con. Res. 85) setting forth the congressional budget for the United States Government for fiscal year 2010 and including the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1664, PAY FOR PERFORMANCE ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-71) on the resolution (H. Res. 306) providing for consideration of the bill (H.R. 1664) to amend the executive compensation provisions of the Emergency Economic Stabilization Act of 2008 to prohibit unreasonable and excessive compensation and compensation not based on performance standards, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1256, FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privi-

leged report (Rept. No. 111-72) on the resolution (H. Res. 307) providing for consideration of the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, which was referred to the House Calendar and ordered to be printed.

□ 1815

MIAMI DADE COLLEGE LAND CONVEYANCE ACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 838) to provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Miami Dade College Land Conveyance Act".

**SEC. 2. CONVEYANCE OF BUREAU OF PRISONS LAND TO MIAMI DADE COUNTY, FLORIDA.**

(a) CONVEYANCE REQUIRED.—The Attorney General shall convey to Miami Dade College of Miami Dade County, Florida (in this section referred to as the "College"), all right, title, and interest of the United States in and to a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, consisting of a parking lot approximately 47,500 square feet and located at 35 NE 2 Street, for the purpose of permitting the College to use the parcel as a site for a new educational building that includes a parking area, of which not less than 118 secure parking spaces shall be designated for use by the Bureau of Prisons of the Department of Justice.

(b) REVERSIONARY INTEREST.—If the Attorney General determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Attorney General, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Attorney General under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If the Attorney General considers it necessary, the Attorney General may have the exact acreage or square footage and legal description of the land to be conveyed under subsection (a) determined by a survey satisfactory to the Attorney General. The College shall bear the cost of the survey.

(d) EXEMPTION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply to the conveyance of land under subsection (a).

The SPEAKER pro tempore (Mr. LUJÁN). Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Utah (Mr.

CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Mr. Speaker, H.R. 838, the Miami Dade College Land Conveyance Act, introduced by Representative ILEANA ROS-LEHTINEN, will authorize the Department of Justice's Bureau of Prisons to convey a parcel of land to Miami Dade College in Miami, Florida.

Currently, the BOP's Miami Federal Detention Center's satellite parking lot occupies the land. Miami Dade College plans on building an educational facility on this land, which will include covered and secured ground floor parking for BOP employees at no cost to the agency.

The Bureau of Prisons does not have the authority to transfer this parcel of land to the college. However, this bill, which the agency supports, would permit the transfer to take place.

The college will make good use of the 47,500-square-foot area of land while also providing as many as 118 Bureau of Prisons parking spaces. This, obviously, is a good, collegiate way to work with an institution of higher education and our need for detention facilities, and this legislation allows that decision and that action to go forward. I urge all of my colleagues to support this helpful legislation.

H.R. 838, the Miami Dade College Land Conveyance Act, introduced by Representative ILEANA ROS-LEHTINEN, will authorize the Department of Justice's Bureau of Prisons to convey a parcel of land to Miami Dade College in Miami, Florida.

Currently, the BOP's Miami Federal Detention Center's satellite parking lot occupies the land. Miami Dade College plans on building an educational facility on this land, which will include covered and secured ground floor parking for BOP employees at no cost to the agency.

The Bureau of Prisons does not have the authority to transfer this parcel of land to the college. However, this bill, which the agency supports, would permit the transfer to take place.

The college will make good use of the 47,500 square foot area of land, while also providing as many as 118 BOP parking spaces.

I urge all of my colleagues to support this helpful legislation.

I reserve the balance of my time.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 838, the Miami Dade College Land Conveyance Act. This bill was introduced