

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6468

To disqualify any individual who engages in or is convicted of human smuggling from operating a commercial motor vehicle or holding a commercial driver's license and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2008

Mr. CUELLAR introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To disqualify any individual who engages in or is convicted of human smuggling from operating a commercial motor vehicle or holding a commercial driver's license 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 “Putting the Brakes  
5        on Human Smuggling Act”.

1 **SEC. 2. DISQUALIFICATION FROM OPERATING COMMERCIAL MOTOR VEHICLE BY THE SECRETARY OF TRANSPORTATION.**

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3  
4 (a) **FIRST VIOLATION.**—Paragraph (1) of section 5 31310(b) of title 49, United States Code, is amended—

6 (1) in subparagraph (D), by striking the “or”  
7 at the end;

8 (2) in subparagraph (E), by striking the period  
9 at the end and inserting a semicolon and “or”; and

10 (3) by adding at the end the following:

11 “(F) using a commercial motor vehicle in will-  
12 fully aiding or abetting an alien’s illegal entry into  
13 the United States by transporting, guiding, direct-  
14 ing, or attempting to assist the alien with the alien’s  
15 entry in violation of section 275 of the Immigration  
16 and Nationality Act (8 U.S.C. 1325), regardless of  
17 whether the alien is ultimately fined or imprisoned  
18 for an act in violation of such section.”.

19 (b) **SECOND OR MULTIPLE VIOLATIONS.**—Paragraph  
20 (1) of section 31310(c) of title 49, United States Code,  
21 is amended—

22 (1) in subparagraph (E), by striking the “or”  
23 at the end;

24 (2) by redesignating subparagraph (F) as sub-  
25 paragraph (G);

1           (3) in subparagraph (G), as so redesignated, by  
2 striking “(E)” and inserting “(F)”; and

3           (4) by inserting after subparagraph (E) the fol-  
4 lowing:

5           “(F) using a commercial motor vehicle on more  
6 than one occasion in willfully aiding or abetting an  
7 alien’s illegal entry into the United States by trans-  
8 porting, guiding, directing and attempting to assist  
9 the alien with alien’s entry in violation of section  
10 275 of the Immigration and Nationality Act (8  
11 U.S.C. 1325), regardless of whether the alien is ulti-  
12 mately fined or imprisoned for an act in violation of  
13 such section.”.

14       (c) LIFETIME DISQUALIFICATION.—Subsection (d) of  
15 section 31310 of title 49, United States Code, is amended  
16 to read as follows:

17       “(d) LIFETIME DISQUALIFICATION.—The Secretary  
18 shall disqualify from operating a commercial motor vehicle  
19 for life an individual who uses a commercial motor vehi-  
20 cle—

21           “(1) in committing a felony involving manufac-  
22 turing, distributing, or dispensing a controlled sub-  
23 stance, or possessing with the intent to manufacture,  
24 distribute, or dispense a controlled substance; or

1           “(2) in committing an act for which the indi-  
2           vidual is convicted under—

3                   “(A) section 274 of the Immigration and  
4           Nationality Act (8 U.S.C. 1324); or

5                   “(B) section 277 of such Act (8 U.S.C.  
6           1327).”.

7 **SEC. 3. REPORTING REQUIREMENTS.**

8           (a) **COMMERCIAL DRIVER’S LICENSE INFORMATION**  
9 **SYSTEM.**—Paragraph (1) of section 31309(b) of title 49,  
10 United States Code, is amended—

11                   (1) in subparagraph (E), by striking “and” at  
12           the end;

13                   (2) in subparagraph (F), by striking the period  
14           at the end and inserting a semicolon and “and”; and

15                   (3) by adding at the end the following new sub-  
16           paragraph:

17                   “(G) whether the operator was disqualified, ei-  
18           ther temporarily or for life, from operating a com-  
19           mercial motor vehicle under section 31310, including  
20           under subsection (b)(1)(F), (c)(1)(F), or (d) of such  
21           section.”.

22           (b) **NOTIFICATION BY THE STATE.**—Paragraph (8)  
23 of section 31311(a) of title 49, United States Code, is  
24 amended by inserting “including such a disqualification,  
25 revocation, suspension, or cancellation made pursuant to

- 1 a disqualification under subsection (b)(1)(F), (c)(1)(F), or
- 2 (d) of section 31310,” after “60 days,”.

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