

SAVE Act of 2007

SECURE AMERICA WITH VERIFICATION AND ENFORCEMENT

Representative Heath Shuler's 3-Point Plan to Stop Illegal Immigration

TITLE I – SECURE AMERICA’S BORDERS

Sec 101. Manpower

- Border Patrol Agents –
 - Border Patrol Agents are increased by 8,000.
 - The section is amended to change the distribution of the increase by hiring more of the 8,000 border patrol agents within the initial years and extends the increase in border patrol agents to 2012.
 - 6,400 of the 8,000 Border Patrol Agents are allocated to the Southern Border and 1,600 are allocated to the Northern Border (the current number of border patrol agents on the Northern Border will double over the next five years if the SAVE Act becomes law)
 - Border Patrol Agents increase thus:
 - **2,500** in 2008 (500 agents to the Northern Border (NB); 2,000 to the Southern Border (SB))
 - **2,000** in 2009 (400 agents to NB; 1,600 to SB)
 - **1,500** in 2010 (300 agents to NB; 1,200 to SB)
 - **1,000** in 2011 (200 agents to NB; 800 to SB)
 - **1,000** in 2012 (200 agents to NB; 800 to SB)
- Investigative Personnel –
 - 350 hires must be made each year for personnel specifically assigned to investigating the smuggling of aliens.
 - Funds to the Tunnel Task Force (a dedicated team investigating tunnels built across the international border for purposes of drug smuggling, human smuggling and WMD smuggling) are increased by 50%. This allows them to hire more staff, improve their infrastructure and offer better rewards to their sources.
- Recruitment of Former Members of the Armed Forces and Members of Reserve Components of the Armed Forces –
 - The Secretary of Homeland Security will establish a program to recruit former members of the Armed Forces or reservists within 2 years of their exit from the Armed Forces to serve in the US Customs and Border Protection Service.

- The bill provides incentives for individuals to join the Border Patrol, which is the repayment of student loans for time served as a full-time US Border Patrol Agent.
- Another incentive spelled out by the bill is offering the full range of recruitment and relocation bonuses.

Sec 102. Technology

- Equipment Sharing Between Department of Homeland Security and Department of Defense –
 - The Departments of Defense and Homeland Security will provide more
 - The progress of this cooperation will be reported to Congress.
 - Satellite communications shall be improved to provide better communication capabilities between all involved parties.
 - The Secretary is required to start using new technologies to secure the borders.

Sec 103. Infrastructure

- Infrastructure Improvements –
 - The Secretary of Homeland Security is required to improve the infrastructure for all apparatus related to border security, including providing new office facilities, SUVs, better roads along the border, additional fencing and vehicle barriers (while adhering to environmental concerns).

Sec 104. Aerial Vehicles and Surveillance Systems

- Unmanned Aerial Vehicle Pilot Program –
 - The Secretary of Homeland Security is required to test out the feasibility of using Unmanned Aerial Vehicles (UAVs) to provide surveillance along the northern border.
 - For this the Secretary is required to purchase and maintain the associated infra-structure.

- Aerial Surveillance Program –
 - The section requires the Secretary to fully integrate and utilize aerial surveillance technologies to secure the Northern and Southern borders, to ensure continuous monitoring of every single mile of the borders.

- Assessment and Consultation Requirements –
 - The Secretary of Homeland Security is required to consider all the options for aerial surveillance technologies and assessing whether they work or not.
 - The Secretary is required to consult with the Secretary of Defense about technologies or equipment he can deploy along the international borders, and with the Administrator of the FAA about safety and airspace coordination.

- Integrated and Automated Surveillance Program –
 - A ‘virtual fence’ shall be established along the international borders, comprising UAVs, drones, cameras, poles, sensors, satellites, radar coverage and others to ensure that each mile of international border is watched and controlled.
 - The Automated Surveillance Program must be integrated and automated to allow for much of the functions of this program to be carried out without additional manpower.
 - Contracts valued higher than \$5 million given out for the work necessary to establish this program shall be publicly disclosed.

Subtitle B – Strategies and Progress Reports for Securing America’s Borders

Sec 111. National Strategy to Secure the Borders

- Requirement for National Strategy –
 - A national strategy shall be developed to secure the borders. It will describe what needs to be done to achieve security of all ports of entry into the United States.
- Content –
 - The national strategy will include an assessment of the threats posed by terrorists who attempt to infiltrate the United States along the international borders.
 - A risk assessment for all ports of entry, including areas of land, and a description of what action is being taken in regards to those points of entry to prevent unlawful infiltration of all kinds and the protection of critical infrastructure in proximity.
 - An assessment of cost-effective ways of defending the international and maritime borders against terrorism and illegal immigration.
 - A clear explanation of the different roles of federal, state and local authorities so an assessment can be made about how intra-governmental cooperation can become more efficient.
 - An assessment of what technology is currently being used.
 - A list of research objectives geared towards increasing US border security.
 - Means by which the free flow of travel and commerce is not diminished by efforts to secure the border.
 - Assessments of the current state of alien detention facilities in terms of numbers and requirements for the future.
 - A schedule for the implementation of the measures that are created by this strategy, including an estimate of resources needed.
- Consultation –
 - The Secretary of Homeland Security is required to consult with state, local, tribal and affected communities.

- Coordination –
 - The National Strategy to Secure the Borders is to be consistent with the National Strategy for Maritime Security (Homeland Security Presidential Directive 13).
- Submission to Congress –
 - National Strategy to Secure the Border must be submitted one year after enactment of this bill. Updates to be submitted to Congress no later than 30 days after being made.

Sec 112. Accountable Financing of a Secure Border Initiative

- Comptroller General of the United States and the Government Accountability Office (GAO) –
 - The Comptroller General and GAO are given the power to report improper conduct of contracted organizations for work related to border security to the Secretary of Homeland Security, who can then temporarily suspend the contractor from further participation in the Secure Border Initiative.
 - The Comptroller General and GAO will report to the Secretary of Homeland Security a report about cost-overruns, lack of rigorous contract management, insufficient oversight, the need for competition in the contract process and high risk business practices of the contracting process and organizations.
- Reports by the Secretary –
 - The Secretary will report to Congress the findings of the Comptroller General and GAO and the steps the Secretary has taken to address any problems identified in that report.
 - Every time a foreign company is contracted to work on the Secure Border Initiative, the Secretary will report that contract to Congress.
 - Proposals to purchase ports within the United States by foreign entities must be submitted in a report to Congress and be open to public scrutiny, including any security concerns and how those concerns would be addressed.

Subtitle C – Rapid Response Measures

Section 121 – Deployment of Border Patrol Agents

- Empowers Governors of Border States to declare an international border security emergency and request as many as 1000 additional Border Patrol Agents from the Secretary of Homeland Security.
- The Secretary must grant the request and supply agents to the extent it will not “significantly impair” the Department’s ability to provide border security for another State.
- Determinations of significant impairment are made by the Secretary in consultation with the President.

- Requires the Secretary to ensure that agents are permitted to pursue and apprehend illegal entrants, except in the unusual case where the temporary use of fixed deployment positions is necessary.

Section 122 – Border Patrol Major Assets

- Consolidates administrative and operational control of enforcement assets, including aircraft and watercraft, vehicles, detention space, and associated personnel, in the Department of Homeland Security.
- Augments our operational capabilities at the border by expanding and upgrading our current fleet of aircraft and watercraft. Directs the Secretary to tailor craft procurement to the missions being performed and to establish appropriate policies and training programs concerning their use.
- Requires a minimum of 1 police-type vehicle for every 4 border agents. Mandates that all newly-acquired vehicles be outfitted with safety glass, global positioning (GPS) equipment and other protections.

Section 123 – Electronic Equipment

- Directs the Secretary to ensure that
 - Each police-type motor vehicle in the fleet is outfitted with portable computers linked to all essential law enforcement databases.
 - All law enforcement personnel on duty have clear and encrypted 2-way radio communications equipment outfitted with GPS devices for emergency use, and handheld GPS devices for navigational purposes.
 - Sufficient night-vision equipment is acquired and maintained to equip each agent working in the nighttime hours.

Section 124 – Personal Equipment

- Directs the Secretary to ensure that every agent on duty is equipped with reliable and effective weapons, and high-quality and risk- and climate-appropriate uniforms and body armor.
- Requires the provision and replacement of such equipment at no cost to agents.

Subtitle D – Border Infrastructure and Technology Modernization

Section 131 – Definitions

- Defines the terms “Commissioner” (of U.S. Customs and Border Protection), “Northern Border,” and “Southern Border”.

Section 132 – Expansion of Commerce Security Programs

- Directs the Commissioner, in consultation with the Secretary, to develop a plan within 180 days of enactment to expand the programs of the Customs-Trade Partnership Against Terrorism, which includes, among other things, additional personnel along the northern and southern border, and the following programs:
 - The Business Anti-Smuggling Coalition
 - The Carrier Initiative Program
 - The Americas Counter Smuggling Initiative

- The Container Security Initiative under Sec. 205 of the SAFE Port Act
- The Free and Secure Trade Initiative
- Directs the Commission to establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

Subtitle E – Other Border Security Initiatives

Section 141 – Combating Human Smuggling

- Directs the Secretary to develop and execute a plan to improve coordination among federal, state, and local agencies in battling human smuggling. The Secretary must consider five factors¹, among others, to ensure that the plan is multidimensional in approach.
- Requires the Secretary to submit a report within 1 year of implementing the plan. The report should include recommendations for legislative action to improve efforts to combat human smuggling.
- Includes a “savings provision” to make clear that nothing in this section mandates State and local authorities to enforce federal immigration laws.

Section 142 – Border Security on Certain Federal Land

- Applies to action by the Secretary of Homeland Security on land that falls under the jurisdiction of the Secretaries of Agriculture and the Interior.
- Requires cooperation among the departments and relevant agencies to provide agents operating on protected federal lands with specialized training to minimize the adverse impact of border protection activities on natural and cultural resources.
- Requires the Secretary with jurisdiction over the land to submit an inventory of costs incurred in consequence of illegal border activity.
- Directs the Secretary of Homeland Security to develop and submit joint recommendations with the National Park, Fish and Wildlife, and Forest Services for an appropriate mechanism by which costs identified in the inventory are recouped.
- Directs the Secretaries of Homeland Security, Interior, and Agriculture to jointly develop a border strategy that secures the border while protecting our national forests, resources, fish and wildlife.

TITLE II– Ending Unlawful Employment

Subtitle A – Employee Verification

Section 201 –Employment Authorization Verification

¹ (1) The operability of databases, (2) the effectiveness of personnel training, (3) methods and programs to target smugglers, (4) the utilization of legal processes and investigatory techniques, equipment, and procedures, and (5) measures to enhance international cooperation in combating human smuggling.

- Requires American employers to verify employees' eligibility to work in the United States through the E-Verify program established as the Basic Pilot of the 1996 Act.
- Verification deadline accounts for the class and size of employers and sets new employees apart from current employees:
 - New employees
 - Certain classes of larger employers must verify the eligibility of new employees within 1 year of enactment. They are:
 - Federal agencies
 - Federal contractors
 - Employers with more than 250 employees in the U.S.
 - Employers with more than 100 employees must verify the eligibility of new employees within 2 years of enactment
 - Employers with more than 30 employees must verify the eligibility of new employees within 3 years of enactment
 - All employers must verify new hires and current employees within 4 years of enactment.
- Provides a prudent employer defense whereby an employer will not be liable for hiring an illegal alien if three conditions are met:
 - The illegal alien is hired due to an error in the E-Verify program;
 - The employer has no knowledge of the error at the time of hiring; and
 - The employer terminates the alien upon learning of his or her illegal status.
- Sanctions employer for each employee whose employment eligibility was not verified and creates a rebuttable presumption that the employer has violated the law.
- Provides that voluntary participation in the E-Verify program by one who is not subject to this section is not liable.
- Fine structure for offenders:
 - First offense: \$2,500 - \$5,000 fine
 - Second offense: \$7,500 - \$10,000 fine
 - Third offense and higher: \$25,000 - \$40,000

TITLE III – Enhancing and Fully Utilizing Current Methods of Interior Enforcement

Section 301 – Increase Investigate Efforts

- Provides for 1,150 additional Immigrations and Customs Enforcement Agents (ICE).
- Provides for 140 additional Criminal Alien Program (CAP) officers to identify and remove criminal aliens encountered in federal, state and local detention facilities.
- Directs the Secretary of Homeland Security to take necessary steps to train a minimum of 250 State and local law enforcement officers in federal immigration law enforcement procedure, and install computers with T1 internet connections capable of accessing ICE databases and all essential law enforcement data bases.

Section 302 – Increased Oversight of Agents

- Gives the Secretary of Homeland Security the discretion to hire additional Special Agents in the Office of Professional Responsibility.

Section 303 – Rewards Programs

- Amends Section 274 to establish a program in the Department of Homeland Security that rewards assistance in eliminating the commercial production or sale of fraudulent documents to be used to enter or remain in the United States illegally, or for assistance in the investigation, prosecution or disruption of a commercial alien smuggling operation.
- Directs that the rewards program be administered by the Department of Homeland Security and gives the Secretary of Homeland Secretary sole discretion to pay a reward to any individual who furnishes information or testimony leading to any of the following:
 - the arrest or conviction of an individual who conspires, attempts, or aids and abets the production of fraudulent documents, or actually produces fraudulent documents
 - the prevention or frustration of efforts to produce fraudulent documents, in whole or to a significant extent
 - the identification or location of a key leader in an operation to produce or sell fraudulent documents for use in entering or remaining in the U.S. unlawfully
- Provides that a federal officer or employee will not be eligible for a reward for anything done, in whole or in part, in performing his or her official duties.
- Empowers the Secretary of Homeland Security, the Secretary of State, and Attorney General to take any necessary lawful action to protect an individual, and the family of an individual, who furnishes information or testimony eligible for a reward.
- *Limitations section essentially says, awards limited to \$100,000 unless authorized by the Secretary of Homeland Security, to \$50,000 unless approved by the Secretary but regardless of the amount, the Secretary has to certify it. . .*
- *Charges but does not necessarily require the Department of Homeland Security to develop and implement an advertising strategy to publicize rewards.*

Section 304 – Increased Detention Facilities for Aliens Apprehended for Illegal Entry

- Provides for 8,000 additional beds for illegal aliens detained by immigration officials.
- Requires initial efforts to acquire additional beds to be directed at contracting out private facilities and utilizing State and local facilities in order to promote efficiency and limit the Federal Government's maintenance responsibilities for, and potential liability associated with, new federal buildings and infrastructure.
- Requires at least 500 beds in a family detention facility that is contracted out or constructed by the Department of Homeland Security.
- Charges the Secretary of Homeland Security with providing humane conditions.

Section 306 – Findings and Purpose

- Identifies the need to address the inadequate number of district judges in federal courts along the southwest border relative to the growing criminal caseload. Notes that criminal immigration cases account for roughly half of the criminal dockets in these courts.
- Adopts the recommendations of the 2007 Judicial Conference of the United States concerning the establishment of additional judgeships as well as their assessment that doing so will alleviate the growing burden placed on current judges and the system as a whole.

Section 307 – Additional District Court Judgeships

- Provides for 13 additional federal district judges, allocated as follows:
 - 4 for the District of Arizona
 - 5 for the Southern District of California
 - 1 for the District of New Mexico
 - 2 for the Southern District of Texas
 - 1 for the Western District of Texas
- Updates the numbers of authorized judges in 28 U.S.C. 133(a) to reflect the creation of 13 new judgeships.
- Provides for 2 temporary judgeships, 1 in Arizona and 1 in New Mexico.

Section 308 – Media Campaign

- Requires the Secretaries of Labor and Homeland Security to develop strategies to inform the public of changes in immigration policies resulting from this legislation.
- Directs the Secretary of Labor to employ a combination of print, television, internet, and radio media to notify employers of changes to the employment verification process and guest worker program.
- Directs the Secretary of Homeland Security to develop a media campaign explaining the scope of this legislation, the associated timelines, and the penalties for noncompliance.
- Advises that announcements be framed to emphasize provisions that enhance border security and interior enforcement, the benefits associated with voluntary deportation, punishments associated with actions to cause apprehension or forced removal of undocumented aliens, and the legal methods by which persons may obtain temporary work visas and otherwise enter the United States legally.
- Directs the Secretary of Homeland Security to cooperate with the Government of Mexico in implementing the character of multilingual media campaign described above