

Comparison of Immigration Reform Proposals: SAVE Act (2007) vs. H.R. 4437 (2005)

	H.R. 4088 Rep. Shuler	H.R. 4437 Rep. Sensenbrenner
BILL TITLE	SECURE AMERICA WITH VERIFICATION ENFORCEMENT (SAVE) ACT OF 2007	BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005 (AS PASSED BY HOUSE 12.16.05)
AMNESTY PROVISIONS?	No	No
BORDER ENFORCEMENT PROVISIONS?	YES	YES
NATIONAL BORDER SECURITY STRATEGY?	Requires a national strategy to secure the borders and all ports of entry by December 31, 2010.	Requires a National Strategy for Border Security to achieve and maintain operational control over land and maritime borders within 1 year of enactment.
ADDITIONAL BORDER PATROL AGENTS?	Authorizes 8000 additional agents between 2008 and 2012, including 2,500 agents the first year of enactment.	Directs Department of Homeland Security (DHS) to hire 2000 additional agents and expedite the training process.
AGENTS TO INVESTIGATE SMUGGLING?	At least 350 new ICE hires must be assigned to specifically investigate alien smuggling.	Not Specified
TUNNEL TASK FORCE?	Authorizes a 50% funding increase over the FY07 budget to increase size, improve communication, upgrade technology, and allocate information rewards money.	Not specified
INCENTIVES FOR AGENT RECRUITMENT?	Directs the DHS and Department of Defense (DoD) to establish a program for recruiting former members of the Armed Services and National Guard to join the Border Protection Service. Specifically recommends a \$20,000 (\$80,000 throughout employment) student loan repayment incentive and relocation/retention bonuses.	No
RAPID RESPONSE MEASURES?	Allows border state Governors to declare a national border emergency and request up to 1000 additional border agents.	No

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BORDER PATROL FOR VIRGIN ISLANDS?	Not specified	Requires DHS to establish at least one border patrol unit of the Virgin Islands by September 30, 2006.
EQUIPMENT SHARING?	<p>Directs the DoD and DHS to develop a plan for equipment sharing including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment.</p> <p>Mandates a Congressional Report updating Members about programs, process, and possible security risks.</p> <p>Mandates a plan to ensure clear and secure two-way and satellite communications between border patrol agents, ports of entry, border patrol stations, and federal, state, and local law enforcement.</p>	<p>Requires DoD and DHS to share surveillance equipment and conduct activities near the border.</p> <p>Mandates a Congressional Report describing the types of shared equipment, how the equipment is managed, and to address any issues associated with sharing unmanned aerial vehicles.</p> <p>Mandates a plan to ensure clear and secure two-way and satellite communications between border patrol agents, border patrol stations, and federal, state, and local law enforcement.</p>
NEW TECHNOLOGY?	Authorizes new equipment and technology including drones, infrared cameras, sensors, mobile lighting units, radar, and infrared heat.	Mandates an assessment of how best to incorporate new surveillance technologies.
MORE VEHICLES?	Increases the number of power boats and helicopters and requires at least one police-type vehicle for every four border agents. All vehicles must be equipped with safety glass, global positioning, and other protections.	Not Specified
K-9 DETECTION?	No	Requires DHS to employ at least 25% more trained detection canines at ports of entry and along the border between 2007 and 2010.
NORTHERN BORDER SURVEILLANCE?	Mandates a pilot program to use unmanned aerial vehicles on the northern border. Requires the Secretary to purchase additional machinery including UAVs, additional sensors, satellite command, and operational equipment for the northern border.	Not specified, but mandates a comprehensive plan to secure both the northern and southern borders and requires a study addressing the feasibility of a barrier system on the northern border.
FENCING?i	Authorizes infrastructure improvements for office facilities, sport utility vehicles, construction of all weather roads, vehicle barriers and additional fencing.	Requires construction of 700 miles of double-layer fencing in populated border areas and authorizes additional access roads, lighting, cameras, and sensors.
VIRTUAL FENCE?	Creates a virtual fence along borders comprised of UAVs, drones, cameras, poles, sensors, satellites, radar coverage, and other equipment.	Authorizes "other means" [i.e., other than a fence] of security in areas with elevation exceeding 10 percent.
PORT SECURITY?	Requires DHS to notify Congress regarding the proposed	Requires DHS to hire at least 250 new port inspectors each year

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	purchase of any U.S. port by a foreign entity.	between 2007 and 2010. Requires DHS to deploy radiation monitors at all ports of entry to screen cargo. Mandates an automated prescreening pilot program by January 2007 to check all passenger information at airports.
HUMAN SMUGGLING PENALTIES?	Strengthens penalties against alien smugglers including imprisonment from 1 to 30 years depending on the type of offense; includes an exemption for religious institutions that authorize illegal aliens to serve as volunteer ministers or missionaries.	Strengthens penalties against alien smugglers including imprisonment from 5 to 30 years depending on the type of offense.
MAKES ILLEGAL PRESENCE A FELONY?	No	YES, with possible imprisonment up to 20 years under certain circumstances.
EXPANDS EXPEDITED REMOVAL?	No	Ends Catch and Release policy and requires DHS to apply expedited removal procedures to illegal aliens who: have not been admitted or paroled into the United States, are from non-contiguous nations, and if they are apprehended within 100 miles of the border and within 14 days of entry.
	YES	YES
MANDATORY EMPLOYMENT VERIFICATION?	<p>Within four years of enactment, all employers must verify employment eligibility for all employees through the E-Verify program, established as the Basic Pilot program in 1996:</p> <ul style="list-style-type: none"> • Federal agencies, Federal contractors and subcontractors, and large employers with more than 250 employees must verify new hires within one year of enactment; • Employers with 100 or more employees must verify new hires within two years; and • Employers with 30 or more employees must verify new hires within three years. • Requires all employers to meet verification requirements on all employees within four years of enactment. <p>Provides a safe harbor against sanctions for employers who use the system in good faith.</p>	<p>Within six years of enactment, all employers must verify employment eligibility for all employees through the Basic Pilot program:</p> <ul style="list-style-type: none"> • Within two years of enactment, all employees must verify the work eligibility of all new hires; • Within three years of enactment, all Federal, state, and local government agencies, employers in Federal, state, or local facilities, and critical infrastructure facilities must verify the work eligibility of all employees; and • Beginning on a voluntary basis two years after enactment, all employers may begin to verify the work eligibility of all employees. <p>Provides a safe harbor against sanctions for employers who use the system in good faith.</p>

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IDENTITY FRAUD DETECTION?	<p>Requires the Commissioner of Social Security to notify each employer on an annual basis about employees with account numbers that do not match the employee's name or date of birth</p> <p>Requires the Commissioner of Social Security to notify each individual if earnings from two or more employers are being reported under that person's Social Security number.</p>	No
SOCIAL SECURITY BIRTH/DEATH REGISTRATION?	<p>Requires the Secretary of Health and Human Services, Commissioner of Social Security, and Secretary of Homeland Security to establish a national birth and death registration system. The system must ensure fraud prevention and have uniform standards for all states.</p> <p>Requires WHO to report to Congress within 6 months of enactment on ways to address penalties regarding fraud and misuse of records.</p>	No
FEDERAL COOPERATION WITH STATE/LOCAL POLICE?	<p>Authorizes sheriffs from designated counties within 25 miles of the border to expedite and transfer illegal aliens to federal custody.</p> <p>Awards grants to transfer illegal aliens; enforce drug trafficking laws; hire, train, and equip officers; detain and house illegal aliens; and construct detention facilities.</p> <p>Allows the DHS to train 250 state and local law enforcement officers in federal immigration procedure.</p>	<p>Authorizes sheriffs from designated counties within 25 miles of the border to expedite and transfer illegal aliens to federal custody.</p> <p>Establishes a Border Security Advisory Committee comprised of border-area law enforcement to offer advice on border enforcement.</p> <p>Requires the DHS to produce and pay for a training manual and a pocket guide to instruct state and local law enforcement personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens. Establishes Federal grants for states and localities that assist in the enforcement of immigration laws.</p>
ADDITIONAL ICE AGENTS?	Authorizes 1,150 additional Immigration and Customs Enforcement agents.	Not Specified
ADDITIONAL CAP OFFICERS?	Authorizes 140 additional Criminal Alien Program (CAP) officers to identify and remove criminal aliens in federal, state, and local detention facilities.	Not Specified
PROTECT AGAINST DOCUMENT FRAUD?	Creates a rewards program at DHS to gather information and help eliminate the commercial production or sale of fraudulent documents.	Requires DHS to establish a forensic Document Laboratory as a repository of information regarding the sale, production, distribution, and use of fraudulent travel and immigration

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		documents. Makes the distribution of fraudulent immigration documents a crime of at least 10 years imprisonment.
MORE DETENTION FACILITIES?	Requires the DHS to utilize all available detention facilities and consider all possibilities to increase space, including privately owned space and state and local law enforcement facilities. Provides 8,000 additional beds for holding illegal aliens and requires at least 500 beds in a family detention facility.	Requires the DHS to utilize all available detention facilities and consider all possibilities to increase space, including privately owned space and state and local law enforcement facilities
INCORPORATE CRIMINAL DATABASES?	Not specified. However, each police-type motor vehicle in the fleet is outfitted with portable computers linked to all essential law enforcement databases.	Requires DHS to provide any information to the Department of Justice National Crime Information Center Database regarding information about any alien with a final removal warning, has a visa revoked, overstayed a visa, or subject to a voluntary removal agreement
ADDITIONAL JUDGES?	Provides 13 additional federal district judges to expedite the removal process for illegal aliens: 4 for Arizona, 5 for Southern California, 1 for New Mexico, 2 for southern Texas, and 1 for West Texas.	No
ADDRESSES SANCTUARY POLICIES?	No	Eliminates SCAAP funding for any state or locality with a sanctuary policy in place two years after enactment.
OTHER PROVISIONS		
OVERHAULING USCIS?	No	Title XIII of H.R. 4437 would go a long way toward solving some of the problems that plague USCIS. By reintroducing a law enforcement perspective to this customer service focused agency, this title would ensure that national security issues are given the attention they deserve and are handled appropriately. Law enforcement personnel, specifically criminal investigators, also are sorely needed to target the widespread corruption within USCIS.
CHANGE IN VISA LOTTERY?	No	Eliminates the Visa Lottery.
BACKGROUND CHECKS FOR IMMIGRANTS?	No	Prohibits any alien from being granted legal immigration status until criminal record data and terrorist watch lists are checked

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U.S. VISIT IMPLEMENTATION?	No	Requires DHS, within one year of enactment, to submit to Congress a timeline for: (1) full implementation of U.S.-VISIT's entry and exit components at every port of entry; and (2) making interoperable all DHS-operated immigration screening systems. Requires the collection and storage of 10 fingerprints from each alien processed through U.S. -VISIT (current requirement is two).
SECURITY AGAINST GANGS?	No	Requires DHS to track Central American Border Gangs and report to Congress about their activities. Allows DHS to deport any illegal alien who is a suspected member of a street gang.
REMOVES ALIENS WHO DRINK AND DRIVE?	Not Specified	Authorizes the Department of Justice or state and local law enforcement to detain an unlawfully present alien who commits a drunk driving offense or refuses a Breathalyzer test. Transfers such aliens to federal custody for deportation and reimburses the state or local law enforcement agency for any costs involved.
ENVIRONMENTAL PROTECTIONS?	<p>Requires Secretary of Homeland Security, Secretary of Agriculture, and Secretary of the Interior to develop a border protection strategy for protected lands including units of the National Park System, National Forest land, land under control of the U.S. Fish and Wildlife Service and Bureau of Land Management, and other relevant land.</p> <p>Authorizes additional law enforcement officers to enforce the border in protected lands including 22 officers for the U.S. Fish and Wildlife Service and 22 officers for the National Park Service.</p> <p>Requires the Secretary with jurisdiction over the land to submit an inventory of costs incurred in consequence of illegal border activity.</p>	Requires DHS to consult with the Department of Interior to evaluate border security vulnerabilities on protected land and discuss solutions.
REPAIR PRIVATE INFRASTRUCTURE?	No	Requires DHS to reimburse property owners up to \$50,000 for costs associated with repairing damages caused by illegal aliens.

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MEDIA CAMPAIGN?	<p>Requires Secretary of Labor and Secretary of Homeland Security to inform the public about changes to immigration policies including penalties for noncompliance and timelines. The Secretaries may employ combination of print, television, internet, radio, and multilingual media.</p> <p>Directs the DHS to cooperate with the government of Mexico to spread awareness.</p>	Not Specified
SPENDING OVERSIGHT?	<p>Permits the Government Accountability Office to report to Congress about significant delays, lack of rigorous management, insufficient departmental oversight, unfair competition, and other high risk practices.</p> <p>Discloses contracts valued higher than \$5 million for work on the “virtual fence” operation.</p> <p>Local law enforcement grant applications must describe why assistance is sought and how the money would be used.</p> <p>Any reward for document fraud information exceeding \$50,000 must be personally approved by the Secretary of Homeland Security.</p>	DHS’s Inspector General is required to submit a report examining cost overruns, other financial problems, and possible solutions.
MADE IN AMERICA?	No	Requires Border Patrol uniforms to be manufactured in the United States.
OATH OF ALLEGIANCE?	No	Requires an oath of allegiance to the United States prior to naturalization.

Please contact Rosemary Jenks, Director of Government Relations, or Jonathan Osborne at NumbersUSA at (202) 543-1341 if you have questions about this chart or the accuracy of anything in it.

ⁱ Following the house debate and passage of H.R. 4437, congress passed and the President signed H.R. 6061, the Secure Fence Act of 2006, which requires DHS to construct 700 miles of double layer fencing along the southern border.