



H.R. 4088

The SAVE (Secure America with Verification and Enforcement) Act of 2007

Introduced by Rep. Heath Shuler (D-N.C.) November 6, 2007

89 original cosponsors

TITLE I: SECURE AMERICA'S BORDERS

SECTION 101: MANPOWER

- Border Patrol Agents –
 - This section amends the Intelligence Reform and Terrorism Prevention Act of 2004 to authorize 8,000 additional border patrol agents, modify the distribution process to prioritize and reflect the current shortage, and extend recruitment through 2012.
 - Border Patrol Agents increase in the following distribution:
 - 2,500 in 2008
 - 2,000 in 2009
 - 1,500 in 2010
 - 1,000 in 2011
 - 1,000 in 2012
- Investigative Personnel –
 - At least 350 hires must be assigned to specifically investigate alien smuggling.
 - Authorizes a 50% funding increase over the FY07 budget to increase size, improve communication, upgrade technology, and allocate information rewards money to the Tunnel Task Force (a dedicated team investigating tunnels built across the international border for purposes of drugs smuggling, human smuggling and WMD smuggling).
- Recruitment of Former Members of the Armed Forces and Members of Reserve Components of the Armed Forces –
 - The Secretary of Homeland Security and Secretary of Defense will jointly establish a program for recruiting former members of the Armed Forces or National Guard to join the U.S. Customs and Border Protection Service.

- Mandates a Congressional Report to relevant committees outlining the desire and feasibility of offering recruitment incentives to former members of the Armed Services and National Guard.
- The amendment recommends the repayment of student loans as an incentive for a two year commitment.
 - Recommends a special federal employee provision for new U.S. Customs and Border Protection Service agents to receive maximum loan repayments up to \$20,000 a year or \$80,000 throughout employment.
- Another recommended incentive would involve a predetermined relocation bonus and/or a predetermined retention bonus as outlined in the employee's service agreement.

SECTION 102: TECHNOLOGY

- Equipment Sharing Between the Department of Homeland Security and the Department of Defense –
 - The Departments of Defense and Homeland Security are required to develop a plan for equipment sharing including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment.
 - Mandates a Congressional Report within 6 months of enactment assessing the potential risks involved with equipment sharing to citizens and foreign policy interests
 - Mandates a plan to improve satellite communications and 2-way communications between border patrol agents, ports of entry, border patrol stations, and state and local law enforcement agencies.
 - The Secretary is required to purchase new technology including drones, infrared cameras, sensors, mobile lighting units, radar, and infrared heat.
 - Authorizes appropriations for new equipment between FY2008 to FY2012

SECTION 103: INFRASTRUCTURE

- Infrastructure Improvements –
 - Authorizes appropriations between FY2008 and FY2012 for larger office facilities, sport utility vehicles, the construction of all weather roads (accounting for environmental and land owner needs), additional fencing, and vehicle barriers.

SECTION 104: AERIAL VEHICLES AND SURVEILLANCE SYSTEMS

- Unmanned Aerial Vehicle Pilot Program –
 - Mandates a pilot program to test the potential of unmanned aerial vehicles on the northern border.

- Require the Secretary to purchase and maintain necessary machinery including Unmanned Aerial Vehicles, additional sensors, satellite command and control, and other operational equipment.
- Aerial Surveillance Program –
 - Mandates the Secretary to develop a program within 90 days of enactment to fully integrate all aerial surveillance technologies.
- Assessment and Consultation Requirements –
 - Requires the Secretary of Homeland Security to access all the options for aerial surveillance and whether or not they work.
 - Requires consultation with the Secretary of Defense and Administrator of the FAA about technologies or equipment that can be deployed along international borders with respect to airspace.
- Integrated and Automated Surveillance Program –
 - Creates a ‘virtual fence’ along international borders, comprising UAVs, drones, cameras, poles, sensors, satellites, radar coverage and other equipment to ensure that each mile of international border is watched and controlled.
 - Requires integration of the Automated Surveillance Program to operate without additional manpower.
 - Discloses contracts valued higher than \$5 million for work necessary in development of the “virtual fence” and its operation.

SUBTITLE B: STRATEGIES AND PROGRESS FOR SECURING AMERICA’S BORDERS

SECTION 111: NATIONAL STRATEGY TO SECURE THE BORDERS

- Requirement for National Strategy –
 - Requires development of a national strategy to secure the borders and all ports of entry to the United States by December 31, 2010. Specifically, the strategy must: assess terrorist threats; assess risk assessment at ports of entry; address staffing needs; describe border security roles between federal, state, and local government; assess existing efforts and border technologies; ensure free flow of lawful travel; assess the need for additional detention facilities and beds; outline performance metrics to ensure accountability, and schedule implementation of the strategy’s objectives.

- Consultation –
 - Requires the Secretary of Homeland Security to consult state, local, tribal communities, and appropriate private sector entities.
- Coordination –
 - Mandates that the National Strategy to Secure the Borders is consistent with the National Strategy for Maritime Security (Homeland Security Presidential Directive 13).
- Submission to Congress –
 - Requires that the National Strategy to Secure the Border is submitted one year (December 31, 2008) after enactment with consistent progress reports submitted to Congress as early as 30 days after enactment.

SECTION 112: ACCOUNTABLE FINANCING OF A SECURE BORDER INITIATIVE

- Comptroller General of the United States and the Government Accountability Office (GAO) –
 - Permits Comptroller General to make a report to Congress about any inappropriate contract and program administration including significant delays, lack of rigorous contract management, insufficient departmental oversight, unfair competition, and other high risk business practices associated with the Secure Border Initiative.
 - If such a report is made, the Secretary of Homeland Security will respond to the appropriate Congressional Committees with 30 days.
 - Requires the Secretary of Homeland Security to submit a report within 60 days notifying Congress about any proposed purchase of a U.S. port by a foreign entity.
 - Secretary must describe the proposed purchase in detail, any security concerns, and means to address the problem.

SUBTITLE C: RAPID RESPONSE MEASURES

SECTION 121: EMERGENCY 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 in consultation with the President will supply agents to the extent it will not “significantly impair” the ability to provide border security for another part of the border.

- Provides agents with the authority to pursue and apprehend illegal entrants, except in the unusual case where the temporary use of fixed deployment positions is necessary.
- Makes emergency deployment applicable to collective bargaining agreements (notably: overtime and vacation)

SECTION 122: BORDER PATROL MAJOR ASSETS

- Provides exclusive administrative and operational control of border security assets to the Department of Homeland Security including aircraft, watercraft, vehicles, detention space, and associated personnel.
- Increases the number of helicopters and power boats
 - Ensures they are appropriate for the mission and that there are appropriate training programs available to use such equipment.
- Requires at least one police-type vehicle for every four 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 to equip each agent working in the nighttime hours.

SECTION 124: PERSONAL EQUIPMENT

- Directs the Secretary to ensure that every agent is equipped with reliable and effective weapons, high-quality and climate-appropriate uniforms, and state of the art body armor.
 - Initial cost and replacement of such equipment shall not be assumed by the agents.

SUBTITLE D: BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SECTION 125: AUTHORIZATION OF APPROPRIATIONS

- **Authorizes funding from FY2008 through FY2012**

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 of Homeland Security, to develop a plan, within 180 days of enactment, to expand the programs of the Customs-Trade Partnership Against Terrorism.
 - This includes additional personnel along the northern and southern border, and programs including 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, and 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 Department of homeland Security to check against all available terrorist watch lists
- Strengthens penalties and prosecution of alien smugglers
 - Smuggler is defined as a person who knowingly helps an unlawful alien enter the United States. This includes:
 - Guiding the individual
 - Recruiting or encouraging an individual to illegally enter
 - Transporting the individual
 - Harboring and concealing the individual
 - Conspiring to help an individual
 - Violators will be fined for each alien under Title 18, imprisoned, or both as outlined in the following scenarios:
 - Not more than 5 years if unspecified
 - Not more than 1 year for smuggling family including: spouse, child, niece, or nephew
 - Not more than 10 years for purpose of profit or commercial advantage
 - More than 1 year if the individual intends to commit an offense against the United States (notably drug smuggling): First violation
 - Not less than 3 years or more than 10 years: Second Violation
 - Not less than 5 years or more than 15 years: Third and all additional violations

- Not more than 20 years if the offense against the United States results in serious bodily injury
 - Not more than 30 years for an individual intending to engage in terrorist activity
 - Any amount of years to life if the offense involves kidnapping or aggravated sexual assault
- Exempts high seas rescues (Cuba and Haiti) if the if the Coast Guard is first notified of the circumstances and the individuals are immediately given over to authorities or medical personnel after reaching shore
- Exempts a religious denomination aiding illegal aliens already present in the United States as long as the alien is a member of that religious denomination for at least 1 year
- Violators for maritime human smuggling will be fined for each alien under Title 18, imprisoned, or both as outlined in the following scenarios:
 - Not more than 5 years if unspecified
 - Not more than 10 years for: peonage, slavery and trafficking; shipping; interference with vessels; stolen property; transportation for illegal sexual activity; or drugs
 - Not more than 15 years if the offense against the United States results in serious bodily injury
 - Any amount of years to life if the offense involves death, kidnapping, or aggravated sexual assault
- Allows sentencing enhancements or stiffer penalties for: continued pattern of violations, ongoing commercial organization, aliens transported in groups of ten or more, transportation of aliens in a manner that endangered their lives.

SECTION 142: BORDER SECURITY ON CERTAIN FEDERAL LAND

- Protected land is defined as land under the jurisdiction of the Department of Agriculture or the Department of the Interior
- 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
- Authorizes additional law enforcement officers enforce the border in protected lands including:
 - 22 officers for the U.S. Fish and Wildlife Service:
 - 4 for California
 - 9 for Arizona
 - 2 for New Mexico
 - 7 for Texas

- 22 officers for the National Park Service:
 - 13 for Arizona
 - 9 for Texas
- 19 officers for the Bureau of Land Management:
 - 5 for California
 - 4 for Arizona
 - 5 for New Mexico
 - 6 for Texas
- Requires the Secretary with jurisdiction over the land to submit an inventory of costs incurred in consequence of illegal border activity.

SECTION 151: BORDER LAW ENFORCEMENT ACT

SECTION 152: FINDINGS

- It's the obligation of the Federal government to adequately secure the nation's borders
- Net growth of illegal aliens has increased by approximately 500,000 a year
- Estimated 11,000,000 unauthorized aliens in the United States
- 65 percent of illegal narcotics enter through the Southwest Border
- Border communities incur costs exceeding \$89,000,000 annually
- Local law enforcement along the border is provided no assistance in covering expenses relating to drugs and illegal aliens
- The United States shares 1,989 miles of border with Mexico and 5,525 miles of border with Canada

SECTION 153: BORDER RELIEF GRANT PROGRAM

- Grants are awarded to law enforcement offices with 25 miles of the border including sheriffs' offices and police departments serving a city, town, tribe, or political subdivision
- Grants are awarded for the following purposes:
 - To Conduct regular law enforcement operations
 - To transfer illegal aliens
 - To enforce federal drug trafficking laws
 - To hire, equip, train, and deploy officers
 - To detain and house illegal aliens
 - To construct detention facilities
- Those seeking a grant must submit application with a description of why assistance is sought

SECTION 154: AUTHORIZATION OF APPROPRIATIONS

- \$200,000,000 is made available for FY2008 and each succeeding fiscal year for border relief grants

TITLE II– MANDATORY WORK AUTHORIZATION VERIFICATION

SECTION 155: REGULATIONS

- Makes this Act active within 90 days of passage

SECTION 201: MANDATORY EMPLOYMENT AUTHORIZATION VERIFICATION

- Requires all 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.
- Requires Federal agencies, Federal contractors and subcontractors, and large employers with more than 250 employees to meet verification requirements within one year of enactment.
- Requires employers with 100 or more employees to meet verification requirements within two years of enactment.
- Requires employers with 30 or more employees to meet verification requirements within three years of enactment.
- Requires all employers to meet verification requirements on all employees within four years of enactment.
- Prevents employers from being penalized if they employ an individual due to an error in the E-Verify program and terminate the employee after being informed about the mistake
- Sanctions employer for each employee whose employment eligibility was not verified and creates a rebuttable presumption that the employer has violated the law.

SECTION 202: MANDATORY NOTIFICATION OF SOCIAL SECURITY NUMBER MISMATCHES AND MULTIPLE USES

- 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
 - Such employees will have 10 business days to correct the mismatch with the Social Security Administration or the employer is required to terminate employment

- 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.
 - Such notice will include the name and location of each employer and will direct the individual to submit proof that he or she is the legal person
- Requires the Commissioner of Social Security and Department of Homeland Security to resolve Social Security mismatches and identify unauthorized users

SECTION 203: ESTABLISHMENT OF ELECTRONIC BIRTH AND DEATH REGISTRATION SYSTEMS

- 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 be uniform for all states
 - Requires the Department of Defense to process information regarding the death of military personnel and their dependants within one year
 - Requires the Department of State to improve registration and notification for births and deaths abroad
 - Requires states to retain birth and death data within three years of enactment
 - Requires a Congressional report within 6 months of enactment to address penalties regarding fraud and misused of records

SECTION 204: PENALTY FOR FAILURE TO FILE CORRECT INFORMATION RETURNS

- Requires the Secretary of Homeland Security to assess the maximum allowable penalties on employers designated in any tax year by the Social Security Administration as being the most “egregious noncompliant employers.”

SUBTITLE B: NONDEDUCTIBILITY OF WAGES PAID TO UNAUTHORIZED ALIENS

SECTION 205: AUTHORIZATION OF APPROPRIATIONS

- Authorizes funding to carry out SECTION 211

SECTION 211: CLARIFICATION THAT WAGES PAID TO UNAUTHORIZED ALIENS MAY NOT BE DEDUCTED FROM GROSS INCOME

- Prevents employers who hire illegal aliens from deducting wages paid on behalf of an unauthorized alien to reflect gross income for tax purposes
 - Collection of such tax may begin within 6 years of the last return filed

TITLE III: REDUCE ILLEGAL IMMIGRATION THROUGH INTERIOR ENFORCEMENT

SECTION 301: INCREASE INVESTIGATIVE EFFORTS

- Authorizes 1,150 additional Immigration and Customs Enforcement Agents (ICE).
- Authorizes 140 additional Criminal Alien Program (CAP) officers to identify and remove criminal aliens encountered in federal, state, and local detention facilities.
- Allow the Department of Homeland Security to train at least 250 state and local law enforcement officers in federal immigration procedure.

SECTION 302: INCREASED OVERSIGHT OF AGENTS

- Increases the number of Special Agents in the Office of Professional Responsibility to ensure ethical behavior.

SECTION 303: REWARDS PROGRAM

- Creates a rewards program in the Department of Homeland Security that would gather information to help eliminate the commercial production or sale of fraudulent documents used to enter or remain in the United States illegally.
- Rewards individuals who furnish information or testimony leading to:
 - The arrest or conviction of an individual who conspires, attempts, or aids and abets the production of 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 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.
- Limits awards to \$100,000 of which anything exceeding \$50,000 must be personally approved by the Secretary of Homeland Security
- Requires the Secretary of Homeland Security to implement an advertising strategy to solicit information.

SECTION 304: INCREASED DETENTION FACILITIES FOR ALIENS APPREHENDED FOR ILLEGAL ENTRY

- Provides 8,000 additional beds for illegal aliens detained by immigration officials.

- Mandates the Department of Homeland Security to contract with private facilities whenever possible.
- Requires the Department of Homeland Security to construct facilities where private facilities are not available
- Requires at least 500 beds in a family detention facility
- Charges the Secretary of Homeland Security with providing humane conditions.

SECTION 305: FINDINGS AND PURPOSE

- Federal courts along the southwest border have a greater percentage of their caseload affected by immigration cases than any other Federal court
- Criminal immigration cases in southwest border district courts total more than 49 percent of total criminal caseloads in those districts
- The current number of judges is inadequate to handle the current caseload
- Congress should authorize additional district court judges

SECTION 306: 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 307: MEDIA CAMPAIGN

- Requires the Secretary of Labor and Secretary of Homeland Security to inform the public about changes in immigration policies.
 - The Secretary of Labor and Secretary of Homeland Security may employ a combination of print, television, internet, and radio media to notify employers about changes to the employment verification process
- Directs the Secretary of Homeland Security explain the scope of this legislation, the associated timelines, and the penalties for noncompliance.
- Directs the Secretary of Homeland Security to develop a multilingual media campaign
- Directs the Secretary of Homeland Security to cooperate with the Government of Mexico to raise awareness about new laws