

## The SAVE Act (H.R. 4088)

The Secure America through Verification and Enforcement (SAVE) Act of 2007 (H.R. 4088) aims at reducing the presence of illegal immigrants in the U.S. through increased border enforcement and by bolstering several existing interior enforcement measures. While the SAVE Act does not address all of the problems in our immigration system, it tackles a major cause of illegal immigration—the ease with which illegal aliens obtain employment—by mandating the use of the E-Verify system, formerly called Basic Pilot.

### Border Enforcement

The SAVE Act aims at increasing border enforcement by adding technology, infrastructure and personnel at the border. It also provides grants to border towns and counties to assist with enforcement of criminal law. Finally, it revises the alien smuggling and harboring provisions of INA §274.

**Technology.** The act increases the use of technology at the border by:

- Developing and implementing a plan for the use of Department of Defense equipment at the border (SAVE §102(a));
- Providing border patrol agents with 2-way satellite communications and GPS positioning (SAVE §§102(c)&123(b)&(c)), sport utility vehicles (SAVE §103(a)(1)), access to helicopters and power boats (SAVE §122(b)), portable computers (SAVE §123(a)), night vision equipment (SAVE §123(d)), body armor (SAVE §124(a)) and additional weaponry (SAVE §124(b));
- Testing a program utilizing unmanned aerial vehicles, additional sensors and satellite command and control to oversee the border (SAVE §104); and
- Acquiring other technology to establish a security perimeter — a virtual fence — along U.S. borders (SAVE §104(e)).

**Infrastructure.** The act targets the physical infrastructure along the border by

- Authorizing the construction of additional fencing in urban areas and vehicle barriers (SAVE §103(a)(4)&(5)); and
- Authorizing the construction or acquisition of additional detention facilities with a total of 8,000 new beds (SAVE §304).

**Border Personnel.** The act raises the number and efficacy of border agents by:

- Authorizing an increase in border patrol agents by a total of 8,000 over five years (SAVE §101(a));
- Increasing investigators dedicated to smuggling activities by 350 (SAVE §101(b)(1));
- Increasing the budget of the task force used to pinpoint smuggling tunnels by 50% (SAVE §101(b)(2)); and
- Encouraging recruitment of former armed services personnel to work along the border (SAVE §101(c)).
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**Border Towns and Counties.** The act provides grants to local towns and counties to mitigate the impact of criminal activity by aliens crossing the border and to assist them in transferring illegal aliens to law enforcement authorities (SAVE §132).

**Alien Smuggling and Harboring.** The act significantly amends the alien smuggling and harboring provisions currently in force by:

- Increasing many penalties for violation of the law;
- Adding penalties of up to 30 years where the smuggler or person harboring the alien knew or had reason to know the alien was engaged in terrorist activity; and
- Removing statutory prohibitions (1) for conspiracy to harbor or smuggle an alien and (2) for aiding and abetting the harboring or smuggling of an illegal alien (SAVE §141).

### **Interior Enforcement**

The SAVE Act also attempts to create incentives for illegal aliens to repatriate to their home countries by reducing employment opportunities. It attempts this by:

- Making participation in the E-Verify electronic employment verification program mandatory on all employers within 4 years of enactment (SAVE §201).
  - Federal agencies, federal contractors and employers with more than 250 employees would be required to comply immediately;
  - Employers with 100 or more employees would be required to comply in 2 years;
  - Employers with 30 or more employees would be required to comply within 3 years; and
  - All other employers would be required to comply within 4 years.An employer is not required by statute to terminate an employee whose employment eligibility cannot be discerned by E-Verify, but faces a rebuttable presumption that it knowingly hired an illegal alien.
- Requiring employers to inform employees for whom the name and social security numbers provided to the Social Security Administration do not match the Social Security Administration's records that they must correct the no-match within 10 days or be terminated. (SAVE §202(a))
- Requiring any individual on whose social security account number income has been reported by two or more employers to submit proof to the Social Security Administration that the individual is the person to whom the social security number was issued and that he or she worked for those employers. (SAVE §202(b)).
- And, disallowing deductions to employers for wages paid to unauthorized aliens. (SAVE §211)