

# **Border Security and Accountability Act of 2015**

## **Fact Sheet**

Border security has become the most overused and least understood concept in Congress. Overheated, simplistic rhetoric has spawned far too many expensive projects that did more harm than good and failed to meet their own ill-defined goals. Too many campaigns carried out in the name of border security have undermined civil and human rights, eroded environmental protections and stifled the commerce and trade our border communities depend on – all while failing to improve our quality of life.

We clearly need a new, more serious approach. The Border Security and Accountability Act of 2015 secures our nation, prevents real criminal activity, upholds our basic values and respects individual liberties at the same time. It is pro-family, pro-business and pro-security without sacrificing one interest for another.

### **Establishes a Humane and Accountable Border Security Strategy**

The Act establishes a humane, accountable and more effective border security strategy that understands the local and regional impacts of border security infrastructure, respects civil and human rights, promotes commerce and trade, protects the environment and supports the 197.4 million people that call the border region home. Among other features, the Act:

- Requires the Secretary of Homeland Security (Secretary) to develop a comprehensive border security strategy and plan to implement this strategy.
- Requires the Secretary, where practical, to give first priority to low-impact border enforcement techniques.
- Requires the Secretary to develop strategies and practices that avoid or mitigate the adverse effect of border security on the economy, environmental and border communities.
- Boosts funds for the Department of Homeland Security's (DHS) Office of the Inspector General and Office for Civil Rights and Civil Liberties.
- Establishes the Southern Border Security Commission to achieve and maintain a humane and accountable border security strategy.
- Requires use of force, immigration laws, environmental concerns, civil rights, constitutional rights, human rights and cultural training of all Federal law enforcement agents involved in border security.
- Requires the Department of Homeland Security to comply with the Department of Justice's Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity.

### **Strengthens Border Security and Economy**

Despite the importance of ports of entry to our nation's security and economy, port of entry modernization efforts have been significantly underfunded and Customs and Border Protection (CBP) staffing has not kept pace with growing demand. Poor infrastructure and inadequate staffing at ports of entry stunt our economic competitiveness. According to a [study](#) by the University of Southern California (USC), adding one CBP officer to each of the study's land passenger vehicle crossings (ports of entry) would inject \$17 million into the economy. The Act would improve our border's current infrastructure and capacity by:

- Providing \$500 million for CBP to modernize and expand border infrastructure and transportation at land ports of entry.

- Providing funds to hire, train and assign to duty 5,000 additional full-time CBP officers and 350 full-time support staff for all U.S. ports of entry.
- Prohibiting fees on border crossings.

### **Reduces Wasteful Spending and Improves Efficiency**

A recent [report](#) by the Department of Homeland Security's Office of the Inspector General found that after spending 8 years and hundreds of millions in taxpayer dollars, the use of Unmanned Aircraft Systems (drones) at the border is both ineffective and wasteful. The Inspector General recommended that Customs and Border Patrol (CBP) "abandon plans to spend \$443 million more on additional aircraft(s) and put those funds to better use." The Act would reduce wasteful spending and improve efficiency by:

- Requiring a comprehensive assessment of the state of border security before the acquisition or deployment of new border security assets, personnel and technology.

### **Repeals Homeland Security's Unconstitutional Authority to Waive ALL Laws on the Border**

The Act would repeal the authority granted to the Secretary to waive all laws – except for the Constitution – for the construction of roads and barriers on the border. To date, the Secretary has invoked the waiver authority five times. The majority of laws waived exist to protect the environment, wildlife, historic and archaeological sites, and Native American sacred sites and religious practices. The Congressional Research Service has [not been able to identify](#) any other provision in American history as broad and sweeping.

### **Restores Transparency and Accountability in Border Enforcement**

Several [reports](#) have highlighted the inefficiencies and lack of transparency in CBP's use-of-force policies and practices. Since January 2010, at least 22 people have been killed or seriously injured by CBP officials.<sup>1</sup> However, there has never been a criminal conviction for CBP officers' use of lethal force against migrants.<sup>2</sup> A [report](#) by the American Immigration Council found that 97 percent of complaints issued against CBP officers go without action. This lack of accountability is unacceptable. The Act would restore transparency and accountability in border enforcement by:

- Requiring the Secretary to issue policies governing use of force.
- Requiring the deployment of body-worn cameras for CBP field personnel no later than 18 months after the enactment of the Act.
- Requiring CBP to implement a uniform process of receiving and investigating complaints.
- Requiring CBP to publish the number of complaints and their resolution.

### **Reduce Border Crossing Deaths**

According to a [report](#) by the International Organization for Migration, in the past 14 years more than 6,000 people have died trying to migrate across our southern border. This year alone, at least 117 bodies have been recovered along migration routes in southern Arizona, compared with 108 bodies during the same period last year.<sup>3</sup> This is a humanitarian crisis. Many more men, women and children are destined

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<sup>1</sup> The Center for Latin American Studies, University of Arizona. (2013). *In the Shadow of the Wall: Family Separation, Immigration Enforcement, and Security*. Retrieved on December 2, 2015, from [file:///X:/Docs/Committee/Legislation/Border%20Bill/UA\\_Immigration\\_Report2013print.pdf](file:///X:/Docs/Committee/Legislation/Border%20Bill/UA_Immigration_Report2013print.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> Duara, Nigel. (2015). *Why Border Crossings are Down but Deaths are up in Brutal Arizona Desert*. Retrieved on December 2, 2015, from <http://www.latimes.com/nation/la-na-ff-immigrant-border-deaths-20151021-story.html>.

to die in unauthorized border crossings on the U.S.-Mexico border unless things change. The Act addresses border crossing deaths by:

- Requiring the deployment of 20 additional rescue beacons to save migrants in distress.
- Requiring a comprehensive study of the impact of border enforcement policy on border crossing deaths.
- Requiring CBP to standardize and publish the collection of data on border crossing deaths.

### **Prioritizes Consultation with Border Communities**

The Act prioritizes consultation with border communities by:

- Requiring consultation in the development and implementation of border enforcement policies, strategies and training.
- Establishing Border Community Liaison Offices in every border patrol sector.

### **Strengthens Cooperation with Mexico**

The Act strengthens cooperation with the Government of Mexico. At a minimum, coordination shall include (1) border security (e.g., reduction of human trafficking and smuggling and reduction of drug smuggling and trafficking), (2) education of immigration laws (e.g. Eligibility status for non-immigrants), and (3) circular migration (e.g., development of economic opportunities in Mexico).

### **Combats Human Smuggling**

The Act combats human smuggling by requiring the Secretary to develop and implement a plan to combat human smuggling.