

FLAKE AMENDMENT SA 4810

TEXT OF AMENDMENT

SA 4810. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2578, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2016, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. OPERATION STREAMLINE.

(a) Findings.—Congress finds the following:

(1) The Border Patrol’s Yuma Sector has long grappled with the crossing of undocumented aliens and has seen illegal traffic decline precipitously from the early 2000s to the present.

(2) A combination of increased manpower, technology implementation, and the delivery of appropriate consequences have resulted in gains in border security in the Yuma Sector.

(3) A key to the success in the Yuma Sector has been the implementation of Operation Streamline, a program established in 2005 that was described by former Department of Homeland Security Secretary Janet Napolitano as “a DHS partnership with the Department of Justice, . . . a geographically focused operation that aims to increase the consequences for illegally crossing the border by criminally prosecuting illegal border-crossers.”

(4) The Yuma County Sheriff’s Office, which is known for its “zero-tolerance” approach, cites 100 percent prosecution of illegal border crossers as a shared goal of a partnership including Federal, State, and local law enforcement agencies.

(5) Among the various consequences delivered to illegal crossers by the Department of Homeland Security, Operation Streamline is associated with a recidivism rate that is well below average and has seen a steady decrease in recidivism in recent years.

(6) The United States Attorney’s Office for the District of Arizona will reportedly no longer be prosecuting those apprehended crossing the border illegally for the first time.

(7) According to the Sheriff of Yuma County, Operation Streamline “had a deterrent effect in Yuma County, which gained a reputation as an area to avoid crossing into because if caught, you were assured to go to court and possibly face penalties”, but now the program “has been severely diluted.”

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) gains made in border security in the Yuma Sector and positive trends in recidivism rates are of critical importance to those living and working in the border region and to the Nation as a whole;

(2) refusing to prosecute first time illegal border crossers under Operation Streamline will jeopardize border security gains;

(3) the border security steps that have led to some measure of improvement on the border, such as the historical implementation of Operation Streamline, should be preserved; and

(4) the Executive Branch should immediately remove any issued or related prohibition, policy, guidance, or direction to cease prosecuting first time illegal border crossers under Operation Streamline.