

115TH CONGRESS
2D SESSION

S. 3540

To provide a coordinated regional response to manage effectively the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

IN THE SENATE OF THE UNITED STATES

OCTOBER 2 (legislative day, SEPTEMBER 28), 2018

Mr. SCHUMER (for himself, Mr. DURBIN, Mrs. MURRAY, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. CARPER, Ms. HEITKAMP, Mr. WARNER, Ms. BALDWIN, Mr. MURPHY, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. WARREN, Ms. HIRONO, Mr. WYDEN, Mr. BOOKER, Mr. VAN HOLLEN, Mr. SANDERS, Mr. JONES, Mr. BENNET, Mr. BLUMENTHAL, Mr. SCHATZ, Mr. MARKEY, Ms. KLOBUCHAR, Mr. CARDIN, Mr. UDALL, Mr. KAINE, Mr. REED, Mr. LEAHY, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide a coordinated regional response to manage effectively the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Central America Reform and Enforcement Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. Definitions.

TITLE I—ADVANCING REFORMS IN CENTRAL AMERICA TO
 ADDRESS THE FACTORS DRIVING MIGRATION

Subtitle A—Strengthening the Capacity of Central American Governments To
 Protect and Provide for Their Own People

- Sec. 111. United States Strategy for Engagement in Central America.
- Sec. 112. Authorization of appropriations for United States Strategy for Engagement in Central America.
- Sec. 113. Strengthening the rule of law and combating corruption.
- Sec. 114. Combating criminal violence and improving citizen security.
- Sec. 115. Tackling extreme poverty and advancing economic development.

Subtitle B—Conditions, Limitations, and Certifications on United States
 Assistance

- Sec. 121. Assistance funding available without condition.
- Sec. 122. Conditions on assistance related to combating, smuggling, and providing for screening and safety of migrants.
- Sec. 123. Conditions on assistance related to progress on specific issues.
- Sec. 124. Additional limitations.

Subtitle C—Effectively Coordinating United States Engagement in Central
 America

- Sec. 131. United States Coordinator for Engagement in Central America.

Subtitle D—United States Leadership for Engaging International Donors and
 Partners

- Sec. 141. Requirement for strategy to secure support of international donors and partners.

TITLE II—CRACKING DOWN ON CRIMINAL GANGS, CARTELS, AND
 COMPLICIT OFFICIALS

Subtitle A—Strengthening Cooperation Among Law Enforcement Agencies To
 Target Smugglers and Traffickers

- Sec. 211. Enhanced international cooperation to combat human smuggling and trafficking.
- Sec. 212. Enhanced investigation and prosecution of human smuggling and trafficking.
- Sec. 213. Information campaign on dangers of irregular migration.

Subtitle B—Strengthening the Ability of the United States Government To
 Crack Down on Smugglers, Traffickers, and Drug Cartels

- Sec. 221. Enhanced penalties for organized smuggling schemes.

- Sec. 222. Expanding financial sanctions on narcotics trafficking and money laundering.
- Sec. 223. Support for FBI transnational anti-gang task forces for countering criminal gangs.
- Sec. 224. Sense of Congress regarding the expansion of targeted sanctions related to corruption and human rights abuses.

Subtitle C—Creating New Penalties for Hindering Immigration, Border, and Customs Controls

- Sec. 231. Hindering immigration, border, and customs controls.

TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY AND IN THE REGION AND BY STRENGTHENING REPATRIATION INITIATIVES

Subtitle A—Providing Alternative Safe Havens in Mexico and the Region

- Sec. 311. Strengthening internal asylum systems in Mexico and other countries.

Subtitle B—Expanding Refugee Processing in Mexico and Central America for Third Country Resettlement

- Sec. 321. Expanding refugee processing in Mexico and Central America for third country resettlement.

Subtitle C—Establishing Legal Channels to the United States

- Sec. 331. Program to adjust the status of certain vulnerable refugees from Central America.

TITLE IV—MONITORING AND SUPPORTING UNACCOMPANIED ALIEN CHILDREN AFTER PROCESSING AT THE BORDER

- Sec. 401. Definitions; authorization of appropriations.
- Sec. 402. Family reunification.
- Sec. 403. Authorization of appropriations.

Subtitle A—Strengthening the Government’s Ability To Oversee the Safety and Well-Being of Children and Support Children Forcibly Separated From Their Families

- Sec. 411. Health care in shelters for unaccompanied alien children.
- Sec. 412. Services to unaccompanied alien children after placement.
- Sec. 413. Background checks to ensure the safe placement of unaccompanied alien children.
- Sec. 414. Responsibility of sponsor for immigration court compliance and child well-being.
- Sec. 415. Monitoring unaccompanied alien children.

Subtitle B—Funding to States and School Districts; Supporting Education and Safety

- Sec. 421. Funding to States to conduct State criminal checks and child abuse and neglect checks.
- Sec. 422. Unaccompanied alien children in schools.

TITLE V—ENSURING ORDERLY AND HUMANE MANAGEMENT OF
CHILDREN AND FAMILIES SEEKING PROTECTION

Subtitle A—Providing a Fair and Efficient Legal Process for Children and
Vulnerable Families Seeking Asylum

- Sec. 511. Court appearance compliance and legal orientation.
Sec. 512. Fair day in court for kids.
Sec. 513. Access to counsel and legal orientation at detention facilities.
Sec. 514. Report on access to counsel.
Sec. 515. Authorization of appropriations.

Subtitle B—Reducing Significant Delays in Immigration Court

- Sec. 521. Eliminate immigration court backlogs.
Sec. 522. Improved training for immigration judges and members of the Board
of Immigration Appeals.
Sec. 523. New technology to improve court efficiency.

Subtitle C—Reducing the Likelihood of Repeated Migration to the United
States

- Sec. 531. Establishing reintegration and monitoring services for repatriating
children.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Since 2008, incidents of murder, other vio-
4 lent crime, and corruption perpetrated by criminal
5 networks, armed gangs and groups, and illicit traf-
6 ficking organizations have remained at alarmingly
7 levels in El Salvador, Guatemala, and Honduras.

8 (2) In 2017, El Salvador and Honduras—

9 (A) continued to be among the most vio-
10 lent countries in Latin America and the world,
11 with 60 and 42 murders for every 100,000 peo-
12 ple, respectively; and

13 (B) were characterized by a high preva-
14 lence of gang-related violence and crimes involv-
15 ing sexual and gender-based violence.

1 (3) El Salvador and Honduras are both among
2 the top 3 countries in the world with the highest
3 child homicide rates, with more than 22 and 32
4 deaths per 100,000 children respectively, according
5 to the nongovernmental organization Save the Chil-
6 dren.

7 (4) A November 2017 report by the United Na-
8 tions Development Programme and UN Women
9 stated that femicide “is taking on a devastating
10 magnitude and trend in Central America, where 2 in
11 every 3 women murdered, are killed because of their
12 gender.”.

13 (5) Since 2014, elevated numbers of unaccom-
14 panied minors, women, and other vulnerable individ-
15 uals have fled violence in Central America’s North-
16 ern Triangle and left for the United States in search
17 of protection.

18 (6) Unaccompanied minors emigrating from El
19 Salvador, Guatemala, and Honduras cite violence,
20 forced gang recruitment, extortion, poverty, and lack
21 of opportunity as reasons for leaving their home
22 countries.

23 (7) Challenges to the rule of law in the North-
24 ern Triangle continue to be exacerbated by high lev-
25 els of impunity related to murders and violent crime.

1 In 2015, approximately 95 percent of murders tak-
2 ing place in Honduras and El Salvador remained
3 unresolved.

4 (8) The presence of major drug trafficking or-
5 ganizations in the Northern Triangle contributes to
6 violence, corruption, and criminality. According to
7 the Department of State's 2017 International Nar-
8 cotics Control Strategy Report, El Salvador, Guate-
9 mala, and Honduras continue to be transit countries
10 for illicit drugs originating from countries in South
11 America that are destined for the United States.

12 (9) In June 2018, the Office of the United Na-
13 tions High Commissioner for Human Rights found
14 that in El Salvador, a pattern of behavior among se-
15 curity personnel and weak institutional responses
16 may have resulted in extrajudicial executions and ex-
17 cessive use of force, with official figures indicating
18 an alarming increase in the number of persons (al-
19 leged gang-members) who have been killed by secu-
20 rity personnel.

21 (10) Widespread public sector corruption in the
22 Northern Triangle undermines economic and social
23 development and directly affects regional political
24 stability.

1 (11) Human rights defenders, journalists, trade
2 unionists, social leaders, and LGBT activists in the
3 Northern Triangle face dire conditions, as evidenced
4 by—

5 (A) the March 2016 murder of the promi-
6 nent Honduran environmental activist, Berta
7 Caceres; and

8 (B) the ongoing targeted killing of civil so-
9 ciety leaders in all 3 countries in the Northern
10 Triangle.

11 (12) The Northern Triangle struggles with high
12 levels of economic insecurity. In 2016, 60.9 percent
13 of Hondurans and 38 percent of Salvadorans lived
14 below the poverty line. In 2014, 59.3 percent of
15 Guatemalans lived below the poverty line.

16 (13) Weak investment climates, low levels of tax
17 collection, and low levels of educational opportunity
18 are barriers to inclusive economic growth and social
19 development in the Northern Triangle.

20 (14) In January 2018 and May 2018, the
21 Trump Administration announced the termination of
22 Temporary Protected Status designations for Hon-
23 duras and El Salvador, respectively, which would af-
24 fect more than 500,000 individuals and their United

1 States citizen children who may have to return to
2 dangerous conditions in those countries.

3 (15) In a November 2017 letter to the Depart-
4 ment of Homeland Security, then Secretary of State
5 Rex Tillerson warned that as a result of ending
6 Temporary Protected Status, the Governments of El
7 Salvador and Honduras “may take retaliatory ac-
8 tions counter to our long-standing national security
9 and economic interests like withdrawing their coun-
10 ternarcotics and anti-gang cooperation with the
11 United States, reducing their willingness to accept
12 the return of their deported citizens, or refraining
13 from efforts to control illegal migration.”.

14 **SEC. 3. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) United States support is necessary to ad-
17 dress irregular migration by addressing the violence
18 and humanitarian crisis in the Northern Triangle,
19 which has resulted in the elevated numbers of Cen-
20 tral American unaccompanied children, women, and
21 other refugees and migrants arriving at the South-
22 western border of the United States;

23 (2) the violence and humanitarian crisis is
24 linked to the severe challenges posed by—

1 (A) high rates of homicide, sexual and gen-
2 der-based violence, and violent crime per-
3 petrated by armed criminal actors, including
4 drug trafficking organizations and criminal
5 gangs, such as the MS-13 and 18th Street
6 gangs;

7 (B) endemic corruption carried out by or-
8 ganized networks and the weak rule of law, in-
9 cluding the limited institutional capacity of na-
10 tional police forces, public prosecutors, and
11 court systems; and

12 (C) the limited capabilities and lack of po-
13 litical will on the part of Northern Triangle
14 governments to establish the rule of law, guar-
15 antee security, and ensure the well-being of
16 their citizens;

17 (3) the United States must work with inter-
18 national partners—

19 (A) to address the complicated conditions
20 in the Northern Triangle that contribute to the
21 violence and humanitarian crisis; and

22 (B) to guarantee protections for vulnerable
23 populations, particularly women and children,
24 fleeing violence in the region;

1 (4) the Plan of the Alliance for Prosperity in
2 the Northern Triangle, which was developed by the
3 Governments of El Salvador, Guatemala, and Hon-
4 duras, with the technical assistance of the Inter-
5 American Development Bank, represents a com-
6 prehensive approach to address the complex situa-
7 tion in the Northern Triangle;

8 (5) the United States Strategy for Engagement
9 in Central America, as first developed by President
10 Obama and Vice President Biden, provides impor-
11 tant support for the Alliance for Prosperity and
12 other United States national security priorities, in-
13 cluding rule of law and anti-corruption initiatives;

14 (6) the Trump Administration's proposed cuts
15 in United States foreign assistance for Central
16 America for fiscal years 2018 and 2019, if imple-
17 mented, would undermine the United States ability
18 to work with the Governments of El Salvador, Gua-
19 temala, and Honduras to address critical United
20 States national security priorities and the factors
21 driving migration to the United States;

22 (7) the Trump Administration must reverse its
23 decision to terminate the Temporary Protected Sta-
24 tus designations for El Salvador and Honduras in

1 order to prevent negative consequences to United
2 States foreign policy objectives;

3 (8) the United States should partner with the
4 Government of Mexico—

5 (A) to strengthen Mexico’s internal asylum
6 system; and

7 (B) ensure that Mexico upholds inter-
8 national and humanitarian standards;

9 (9) combating corruption in the Northern Tri-
10 angle must remain a critical priority and the United
11 States must continue its public and financial support
12 for the United Nation’s Commission Against Impu-
13 nity in Guatemala (CICIG) and the Organization of
14 American States’ Mission to Support the Fight
15 Against Corruption and Impunity in Honduras
16 (MACCIH) as part of this effort;

17 (10) the Government of Guatemala should re-
18 verse its efforts—

19 (A) to terminate CICIG’s mandate; and

20 (B) to undermine the effectiveness of
21 CICIG’s ongoing operations, including prohib-
22 iting the current CICIG Commissioner from en-
23 tering the country; and

24 (11) it is imperative for the United States to
25 implement a multi-year strategy and sustain a long-

1 term commitment to addressing the underlying fac-
2 tors causing Central Americans to flee their coun-
3 tries by strengthening citizen security, the rule of
4 law, democratic governance, the protection of human
5 rights, and inclusive economic growth in the North-
6 ern Triangle.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) **INTELLIGENCE COMMUNITY.**—The term
10 “intelligence community” has the meaning given the
11 term in section 3(4) of the National Security Act of
12 1947 (50 U.S.C. 3003(4)).

13 (2) **NORTHERN TRIANGLE.**—The term “North-
14 ern Triangle” means El Salvador, Guatemala, and
15 Honduras.

16 (3) **PLACEMENT.**—The term “placement”
17 means the placement of an unaccompanied alien
18 child with a sponsor.

19 (4) **PLAN.**—The term “Plan” means the Plan
20 of the Alliance for Prosperity in the Northern Tri-
21 angle.

22 (5) **SPONSOR.**—The term “sponsor” means a
23 sponsor referred to in section 462(b)(4) of the
24 Homeland Security Act of 2002 (6 U.S.C.
25 279(b)(4)).

1 (6) UNACCOMPANIED ALIEN CHILD.—The term
2 “unaccompanied alien child” has the meaning given
3 the term in section 462(g) of the Homeland Security
4 Act of 2002 (6 U.S.C. 279(g)).

5 **TITLE I—ADVANCING REFORMS**
6 **IN CENTRAL AMERICA TO AD-**
7 **DRESS THE FACTORS DRIV-**
8 **ING MIGRATION**

9 **Subtitle A—Strengthening the Ca-**
10 **capacity of Central American Gov-**
11 **ernments To Protect and Pro-**
12 **vide for Their Own People**

13 **SEC. 111. UNITED STATES STRATEGY FOR ENGAGEMENT IN**
14 **CENTRAL AMERICA.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary of State
17 shall submit to Congress a 7-year, interagency strategy,
18 titled “the United States Strategy for Engagement in
19 Central America”, to advance reforms in Central Amer-
20 ican countries that address the factors driving migration.

21 (b) ELEMENTS.—The strategy under subsection (a)
22 shall include efforts to—

23 (1) strengthen the rule of law, improve access
24 to justice, and bolster the effectiveness and inde-

1 pendence of judicial systems and public prosecutors’
2 offices, and the effectiveness of civilian police forces;

3 (2) combat corruption and improve public sec-
4 tor transparency;

5 (3) confront and counter the violence and crime
6 perpetrated by armed criminal gangs, illicit traf-
7 ficking organizations, and organized crime;

8 (4) disrupt money laundering operations and
9 the illicit financial operations of criminal networks,
10 armed gangs, illicit trafficking organizations, and
11 human smugglers;

12 (5) strengthen democratic governance and pro-
13 mote greater respect for internationally recognized
14 human rights, labor rights, fundamental freedoms,
15 and the media, including through the protection of
16 human rights and environmental defenders, other
17 civil society activists, and journalists;

18 (6) enhance the capability of Central American
19 governments to protect and provide for vulnerable
20 and at-risk populations;

21 (7) address the underlying causes of poverty
22 and inequality;

23 (8) address the constraints to inclusive eco-
24 nomic growth in Central America;

1 (9) prevent and respond to endemic levels of
2 sexual and gender-based violence; and

3 (10) enhance accountability for government of-
4 ficials, including security force personnel, credibly al-
5 leged to have committed gross violations of human
6 rights or other crimes.

7 (c) COORDINATION AND CONSULTATION.—In formu-
8 lating the strategy under subsection (a), the Secretary of
9 State shall—

10 (1) coordinate with the Secretary of the Treas-
11 ury, the Secretary of Defense, the Secretary of
12 Homeland Security, the Attorney General, and the
13 Administrator of the United States Agency for
14 International Development; and

15 (2) consult with the Director of National Intel-
16 ligence.

17 (d) SUPPORT FOR CENTRAL AMERICAN EFFORTS.—
18 To the degree feasible, the strategy under subsection (a)
19 shall support or complement efforts being carried out by
20 the Governments of El Salvador, of Guatemala, and of
21 Honduras under the Plan, in coordination with the Inter-
22 American Development Bank and other bilateral and mul-
23 tilateral donors.

24 (e) PRIORITIZATION.—The strategy under subsection
25 (a) shall prioritize programs and initiatives to address the

1 key factors in Central American countries that contribute
2 to the flight of unaccompanied alien children and other
3 individuals to the United States.

4 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **UNITED STATES STRATEGY FOR ENGAGE-**
6 **MENT IN CENTRAL AMERICA.**

7 There are authorized to be appropriated
8 \$1,500,000,000 for fiscal year 2019 to carry out the strat-
9 egy described in section 111.

10 **SEC. 113. STRENGTHENING THE RULE OF LAW AND COM-**
11 **BATING CORRUPTION.**

12 (a) IN GENERAL.—In advancing the strategy under
13 section 111, of the amounts authorized to be appropriated
14 pursuant to section 112, \$550,000,000 are authorized to
15 be made available to the Secretary of State and the Ad-
16 ministrator of the United States Agency for International
17 Development to strengthen the rule of law, combat corrup-
18 tion, consolidate democratic governance, and defend
19 human rights.

20 (b) ASSISTANCE FOR CENTRAL AMERICA.—The Sec-
21 retary and the Administrator may use the amounts made
22 available under subsection (a) to provide assistance for
23 Central American countries through the activities de-
24 scribed in subsection (c).

1 (c) AUTHORIZED ACTIVITIES.—Activities described
2 in this section include—

3 (1) strengthening the rule of law in Central
4 American countries by providing support for—

5 (A) the Office of the Attorney General,
6 public prosecutors, judges, and courts in each
7 such country, including the enhancement of
8 their forensics capabilities and services;

9 (B) reforms leading to independent, merit-
10 based, selection processes for judges and pros-
11 ecutors, independent internal controls, and rel-
12 evant ethics and professional training, including
13 training on sexual and gender-based violence;

14 (C) the improvement of victim and witness
15 protection and access to justice; and

16 (D) the reform and improvement of prison
17 facilities and management;

18 (2) combating corruption by providing support
19 for—

20 (A) inspectors general and oversight insti-
21 tutions, including relevant training for inspec-
22 tors and auditors;

23 (B) international commissions against im-
24 punity, including the International Commission
25 Against Impunity in Guatemala and the Sup-

1 port Mission Against Corruption and Impunity
2 in Honduras;

3 (C) civil society watchdogs conducting
4 oversight of executive branch officials and func-
5 tions, police and security forces, and judicial of-
6 ficials and public prosecutors; and

7 (D) the enhancement of freedom of infor-
8 mation mechanisms;

9 (3) consolidating democratic governance by pro-
10 viding support for—

11 (A) the reform of civil services, related
12 training programs, and relevant career laws and
13 processes that lead to independent, merit-based,
14 selection processes;

15 (B) national legislatures and their capacity
16 to conduct oversight of executive branch func-
17 tions;

18 (C) the reform and strengthening of polit-
19 ical party and campaign finance laws and elec-
20 toral tribunals; and

21 (D) local governments and their capacity
22 to provide critical safety, education, health, and
23 sanitation services to citizens; and

24 (4) defending human rights by providing sup-
25 port for—

1 (A) human rights ombudsman offices;

2 (B) government protection programs that
3 provide physical protection to human rights de-
4 fenders, journalists, trade unionists, and civil
5 society activists at risk;

6 (C) civil society organizations that promote
7 and defend human rights, freedom of expres-
8 sion, freedom of the press, labor rights, environ-
9 mental protection, and LGBT rights; and

10 (D) civil society organizations that address
11 sexual, domestic, and inter-partner violence
12 against women and protect victims of such vio-
13 lence.

14 **SEC. 114. COMBATING CRIMINAL VIOLENCE AND IMPROV-**
15 **ING CITIZEN SECURITY.**

16 (a) IN GENERAL.—In advancing the strategy under
17 section 111, of the amounts authorized to be appropriated
18 pursuant to section 112, \$550,000,000 are authorized to
19 be made available to the Secretary of State and the Ad-
20 ministrator of the United States Agency for International
21 Development to counter the violence and crime per-
22 petrated by armed criminal gangs, illicit trafficking orga-
23 nizations, and human smugglers.

24 (b) ASSISTANCE FOR CENTRAL AMERICA.—The Sec-
25 retary and the Administrator may use the amounts made

1 available under subsection (a) to provide assistance for
2 Central American countries through the activities de-
3 scribed in subsection (c).

4 (c) AUTHORIZED ACTIVITIES.—Activities described
5 in this section include—

6 (1) professionalizing civilian police forces by
7 providing support for—

8 (A) the reform of personnel recruitment,
9 vetting and dismissal processes, including the
10 enhancement of polygraph capability for use in
11 such processes;

12 (B) inspectors general and oversight of-
13 fices, including relevant training for inspectors
14 and auditors, and independent oversight mecha-
15 nisms, as appropriate;

16 (C) community policing policies and pro-
17 grams;

18 (D) the establishment of special vetted
19 units;

20 (E) training and the development of proto-
21 cols regarding the appropriate use of force and
22 human rights;

23 (F) training on civilian intelligence collec-
24 tion (including safeguards for privacy and basic

1 civil liberties), investigative techniques, forensic
2 analysis, and evidence preservation;

3 (G) training on the management of com-
4 plex, multi-actor criminal cases; and

5 (H) equipment, such as nonintrusive in-
6 spection equipment;

7 (2) countering illicit trafficking by providing as-
8 sistance to the civilian law enforcement and armed
9 forces of Central American countries, including sup-
10 port for—

11 (A) the establishment of special vetted
12 units;

13 (B) the enhancement of intelligence collec-
14 tion capacity (including safeguards for privacy
15 and basic civil liberties);

16 (C) the reform of personnel recruitment,
17 vetting, and dismissal processes, including the
18 enhancement of polygraph capability for use in
19 such processes; and

20 (D) port, airport, and border security sys-
21 tems, including—

22 (i) computer infrastructure and data
23 management systems;

24 (ii) secure communications tech-
25 nologies;

1 (iii) nonintrusive inspection equip-
2 ment;

3 (iv) radar and aerial surveillance
4 equipment;

5 (v) canine units; and

6 (vi) training on the equipment, tech-
7 nologies, and systems listed in clauses (i)
8 through (v);

9 (3) disrupting illicit financial networks, includ-
10 ing by providing support for—

11 (A) finance ministries, including the en-
12 hancement of the capacity to use financial sanc-
13 tions to block the assets of individuals and or-
14 ganizations involved in money laundering and
15 the financing of armed criminal gangs, illicit
16 trafficking networks, human smugglers, and or-
17 ganized crime;

18 (B) financial intelligence units, including
19 the establishment and enhancement of anti-
20 money laundering programs; and

21 (C) the reform of bank secrecy laws; and

22 (4) improving crime prevention by providing
23 support for—

24 (A) educational initiatives to reduce sexual
25 and gender-based violence;

1 (B) the enhancement of police and judicial
2 capacity to identify, investigate, and prosecute
3 sexual and gender-based violence;

4 (C) the enhancement of programs for at-
5 risk and criminal-involved youth, including the
6 improvement of community centers throughout
7 El Salvador, Guatemala, and Honduras; and

8 (D) alternative livelihood programs.

9 (d) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) operational technology transferred to gov-
12 ernments in Central America for intelligence or law
13 enforcement purposes should be used solely for the
14 purposes for which the technology was intended;

15 (2) the United States should take all necessary
16 steps to ensure that the use of operation technology
17 described in paragraph (1) is consistent with United
18 States law, including protections of freedom of ex-
19 pression, freedom of movement, and freedom of as-
20 sociation; and

21 (3) the assistance to Central American armed
22 forces described in subsection (c)(2) should be lim-
23 ited to assistance that relates to—

24 (A) the armed forces activities to combat
25 illicit maritime and riverine trafficking; and

1 (B) illicit trafficking occurring at national
2 borders.

3 **SEC. 115. TACKLING EXTREME POVERTY AND ADVANCING**
4 **ECONOMIC DEVELOPMENT.**

5 (a) IN GENERAL.—Of the amounts authorized to be
6 appropriated pursuant to section 112, \$400,000,000 are
7 authorized to be made available to the Secretary of State
8 and the Administrator of the United States Agency for
9 International Development to improve economic develop-
10 ment and the underlying causes of poverty.

11 (b) ASSISTANCE FOR CENTRAL AMERICA.—The Sec-
12 retary and the Administrator may use the amounts made
13 available under subsection (a) to provide assistance for
14 Central American countries through the activities de-
15 scribed in subsection (c).

16 (c) AUTHORIZED ACTIVITIES.—Activities described
17 in this section include—

18 (1) strengthening human capital, including by
19 providing support for—

20 (A) workforce development and entrepre-
21 neurship training programs that are driven by
22 market demand, specifically programs that
23 prioritize women, at-risk youth, and minorities;

1 (B) improving early-grade literacy and the
2 improvement of primary and secondary school
3 curricula;

4 (C) relevant professional training for
5 teachers and educational administrators; and

6 (D) educational policy reform and improve-
7 ment of education sector budgeting;

8 (2) enhancing economic competitiveness and in-
9 vestment climate by providing support for—

10 (A) small business development centers
11 and programs that strengthen supply chain in-
12 tegration;

13 (B) trade facilitation and customs harmo-
14 nization programs;

15 (C) reducing energy costs through invest-
16 ments in clean technologies and the reform of
17 energy policies and regulations;

18 (D) the improvement of protections for in-
19 vestors, including dispute resolution and arbi-
20 tration mechanisms; and

21 (E) the improvement of labor and environ-
22 mental standards, in accordance with the Do-
23 minican Republic–Central America Free Trade
24 Agreement;

1 (3) strengthening food security, including by
2 providing support for—

3 (A) small-scale agriculture, including—

4 (i) technical training;

5 (ii) initiatives that facilitate access to
6 credit; and

7 (iii) policies and programs that
8 incentivize government agencies and pri-
9 vate institutions to buy from local pro-
10 ducers;

11 (B) agricultural value chain development
12 for farming communities;

13 (C) nutrition programs to reduce childhood
14 stunting rates; and

15 (D) investment in scientific research on cli-
16 mate change and climate resiliency; and

17 (4) improving the state of fiscal and financial
18 affairs, including by providing support for—

19 (A) domestic revenue generation, including
20 programs to improve tax administration, collec-
21 tion, and enforcement;

22 (B) strengthening public sector financial
23 management, including strategic budgeting and
24 expenditure tracking; and

1 (C) reform of customs and procurement
2 policies and processes.

3 **Subtitle B—Conditions, Limita-**
4 **tions, and Certifications on**
5 **United States Assistance**

6 **SEC. 121. ASSISTANCE FUNDING AVAILABLE WITHOUT CON-**
7 **DITION.**

8 The Secretary of State or the Administrator of the
9 United States Agency for International Development, as
10 appropriate, may obligate up to 25 percent of the amounts
11 appropriated pursuant to section 112 that are made avail-
12 able for the Governments of El Salvador, Guatemala, and
13 Honduras to carry out the United States Strategy for En-
14 gagement in Central America.

15 **SEC. 122. CONDITIONS ON ASSISTANCE RELATED TO COM-**
16 **BATING, SMUGGLING, AND PROVIDING FOR**
17 **SCREENING AND SAFETY OF MIGRANTS.**

18 (a) NOTIFICATION AND COOPERATION.—In addition
19 to the amounts authorized to be made available under sec-
20 tions 121 and 123, 25 percent of the amounts appro-
21 priated pursuant to section 112 that are made available
22 for assistance for the Governments of El Salvador, of Gua-
23 temala, and of Honduras may only be made available after
24 the Secretary of State, in consultation with the Secretary
25 of Homeland Security, consults with, and subsequently

1 certifies and reports to the appropriate congressional com-
2 mittees that such governments are taking effective steps,
3 in addition to steps taken during previous years, to—

4 (1) combat human smuggling and trafficking,
5 including investigating, prosecuting, and increasing
6 penalties for individuals responsible for such crimes;

7 (2) improve border security and border screen-
8 ing to detect and deter illicit smuggling and traf-
9 ficking, while respecting the rights of individuals
10 fleeing violence and seeking humanitarian protection
11 asylum, in accordance with international law;

12 (3) cooperate with United States Government
13 agencies and other governments in the region to fa-
14 cilitate the safe and timely repatriation of migrants
15 who do not qualify for refugee or other protected
16 status, in accordance with international law;

17 (4) improve reintegration services, in open part-
18 nership with civil society organizations, for repatri-
19 ated migrants in a manner that ensures the safety
20 and well-being of the individual and reduces the like-
21 lihood of repeated migration to the United States;
22 and

23 (5) cooperate with the United Nations High
24 Commissioner for Refugees to improve protections

1 for, and the processing of, vulnerable populations,
2 particularly women and children fleeing violence.

3 **SEC. 123. CONDITIONS ON ASSISTANCE RELATED TO**
4 **PROGRESS ON SPECIFIC ISSUES.**

5 (a) EFFECTIVE IMPLEMENTATION.—In addition to
6 the amounts authorized to be obligated under sections 121
7 and 122, 50 percent of the amounts appropriated pursu-
8 ant to section 112 that are made available for assistance
9 for the Governments of El Salvador, of Guatemala, and
10 of Honduras may only be made available after the Sec-
11 retary consults with, and subsequently certifies and re-
12 ports to, the appropriate congressional committees that
13 such governments are taking effective steps in their re-
14 spective countries, in addition to steps taken during the
15 previous calendar year, to—

16 (1) establish and ensure the proper functioning
17 of an autonomous, publicly accountable entity to
18 provide oversight of the Plan;

19 (2) combat corruption, including investigating
20 and prosecuting government officials, military per-
21 sonnel, and civilian police officers credibly alleged to
22 be corrupt;

23 (3) implement reforms and strengthen the rule
24 of law, including increasing the capacity and inde-
25 pendence of the judiciary and public prosecutors;

1 (4) counter the activities of armed criminal
2 gangs, illicit trafficking networks, and organized
3 crime;

4 (5) establish and implement a plan to create a
5 professional, accountable civilian police force and
6 curtail the role of the military in internal policing;

7 (6) investigate and prosecute, through the civil-
8 ian justice system, military and police personnel who
9 are credibly alleged to have violated human rights,
10 and to ensure that the military and the police are
11 cooperating in such cases;

12 (7) counter and prevent sexual and gender-
13 based violence;

14 (8) cooperate, as appropriate, with international
15 human rights entities and international commissions
16 against impunity, including the United Nation's
17 Commission Against Impunity in Guatemala
18 (CICIG), the Organization of American States' Mis-
19 sion to Support the Fight Against Corruption and
20 Impunity in Honduras (MACCIH), and any other
21 similar entities that may be established;

22 (9) implement electoral and political reforms,
23 including reforms related to improving the trans-
24 parency of financing political campaigns and polit-
25 ical parties;

1 (10) protect the right of political opposition
2 parties, journalists, trade unionists, human rights
3 defenders, and other civil society activists to operate
4 without interference;

5 (11) increase government revenues, including by
6 enhancing tax collection, strengthening customs
7 agencies, and reforming procurement processes;

8 (12) implement reforms to strengthen edu-
9 cational systems, vocational training programs, and
10 programs for at-risk youth;

11 (13) resolve commercial disputes, including the
12 confiscation of real property, between United States
13 entities and the respective governments; and

14 (14) implement a policy by which local commu-
15 nities, civil society organizations (including indige-
16 nous and marginalized groups), and local govern-
17 ments are consulted in the design, implementation,
18 and evaluation of the activities of the Plan that af-
19 fect such communities, organizations, or govern-
20 ments.

21 (b) **ADDITIONAL ELEMENTS.**—The Secretary of
22 State may not certify that the Government of Guatemala
23 is taking effective steps to address the issues listed in sub-
24 section (a) until after the Government of Guatemala—

1 (1) extends the mandate of the International
2 Commission against Impunity in Guatemala
3 (CICIG) beyond 2019; and

4 (2) permits the CICIG Commissioner and
5 CICIG staff to carry out their work with government
6 obstruction.

7 (c) EXCEPTION.—The certification and reporting re-
8 quirements under subsection (a) and section 122(a) shall
9 not apply to the amounts appropriated pursuant to section
10 112 for assistance to the International Commission
11 against Impunity in Guatemala and the Mission to Sup-
12 port the Fight against Corruption and Impunity in Hon-
13 duras.

14 **SEC. 124. ADDITIONAL LIMITATIONS.**

15 (a) DEPORTATIONS AND REPATRIATIONS.—None of
16 the amounts authorized to be appropriated pursuant to
17 section 112 may be used to assist in the deportation or
18 repatriation of any foreign person from a third country
19 to his or her country of origin or to another country.

20 (b) FUND TRANSFERS.—Notwithstanding any other
21 provision of law, the Secretary of State may not transfer
22 amounts appropriated for the Department of State to any
23 account managed by the Department of Homeland Secu-
24 rity for the purpose of assisting in the deportation or repa-
25 triation of any foreign person from a third country to his

1 or her country of origin or to another country, absent a
2 specific authorization from Congress for such transfer.

3 **Subtitle C—Effectively Coordinating United States Engage-**
4 **ment in Central America**

6 **SEC. 131. UNITED STATES COORDINATOR FOR ENGAGE-**
7 **MENT IN CENTRAL AMERICA.**

8 (a) DESIGNATION.—Not later than 30 days after the
9 date of the enactment of this Act, the President shall des-
10 ignate a senior official to coordinate all of the Federal
11 Government’s efforts, including coordination with inter-
12 national partners—

13 (1) to strengthen citizen security, the rule of
14 law, and economic prosperity in Central America;
15 and

16 (2) to protect vulnerable populations in the re-
17 gion.

18 (b) SUPERVISION.—The official designated under
19 subsection (a) shall report directly to the President.

20 (c) DUTIES.—The official designated under sub-
21 section (a) shall coordinate all of the efforts, activities, and
22 programs related to United States Strategy for Engage-
23 ment in Central America, including—

24 (1) coordinating with the Department of State,
25 the Department of Justice (including the Federal

1 Bureau of Investigation), the Department of Home-
2 land Security, the intelligence community, and inter-
3 national partners regarding United States efforts to
4 dismantle and disrupt armed criminal gangs, illicit
5 trafficking networks, and organized crime respon-
6 sible for high levels of violence, extortion, and cor-
7 ruption in Central America;

8 (2) coordinating with the Department of State,
9 the United States Agency for International Develop-
10 ment, and international partners regarding United
11 States efforts to prevent and mitigate the effects of
12 violent criminal gangs and transnational criminal or-
13 ganizations on vulnerable Central American popu-
14 lations, including women and children;

15 (3) coordinating with the Department of State,
16 the Department of Homeland Security, and inter-
17 national partners regarding United States efforts to
18 counter human smugglers illegally transporting Cen-
19 tral American migrants to the United States;

20 (4) coordinating with the Department of State,
21 the Department of Homeland Security, the United
22 States Agency for International Development, and
23 international partners, including the United Nations
24 High Commissioner for Refugees, to increase protec-
25 tions for vulnerable Central American populations,

1 improve refugee processing, and strengthen asylum
2 and migration systems throughout the region;

3 (5) coordinating with the Department of State,
4 the Department of Defense, the Department of Jus-
5 tice (including the Drug Enforcement Administra-
6 tion), the Department of the Treasury, the intel-
7 ligence community, and international partners re-
8 garding United States efforts to combat illicit nar-
9 cotics traffickers, interdict transshipments of illicit
10 narcotics, and disrupt the financing of the illicit nar-
11 cotics trade;

12 (6) coordinating with the Department of State,
13 the Department of the Treasury, the Department of
14 Justice, the intelligence community, the United
15 States Agency for International Development, and
16 international partners regarding United States ef-
17 forts to combat corruption, money laundering, and
18 illicit financial networks;

19 (7) coordinating with the Department of State,
20 the Department of Justice, the United States Agen-
21 cy for International Development, and international
22 partners regarding United States efforts to strength-
23 en the rule of law, democratic governance, and
24 human rights protections; and

1 (8) coordinating with the Department of State,
 2 the Department of Agriculture, the United States
 3 Agency for International Development, the Overseas
 4 Private Investment Corporation, the United States
 5 Trade and Development Agency, the Department of
 6 Labor, and international partners, including the
 7 Inter-American Development Bank, to strengthen
 8 the foundation for inclusive economic growth and
 9 improve food security, investment climate, and pro-
 10 tections for labor rights.

11 (d) CONSULTATION.—The official designated under
 12 subsection (a) shall consult with Congress, multilateral or-
 13 ganizations and institutions, foreign governments, and do-
 14 mestic and international civil society organizations.

15 **Subtitle D—United States Leader-**
 16 **ship for Engaging International**
 17 **Donors and Partners**

18 **SEC. 141. REQUIREMENT FOR STRATEGY TO SECURE SUP-**
 19 **PORT OF INTERNATIONAL DONORS AND**
 20 **PARTNERS.**

21 (a) DEFINED TERM.—In this section, the term “ap-
 22 propriate congressional committees” means—

23 (1) the Committee on Foreign Relations of the
 24 Senate;

1 (2) the Committee on Appropriations of the
2 Senate;

3 (3) the Committee on Foreign Affairs of the
4 House of Representatives; and

5 (4) the Committee on Appropriations of the
6 House of Representatives.

7 (b) STRATEGY.—Not later than 90 days after the
8 date of the enactment of this Act, the Secretary of State
9 shall submit a 3-year strategy to the appropriate congress-
10 sional committees that—

11 (1) describes how the United States will secure
12 support from international donors and regional part-
13 ners (including Colombia and Mexico) for the imple-
14 mentation of the Plan;

15 (2) identifies governments that are willing to
16 provide financial and technical assistance for the im-
17 plementation of the Plan and a description of such
18 assistance; and

19 (3) identifies the financial and technical assist-
20 ance to be provided by multilateral institutions, in-
21 cluding the Inter-American Development Bank, the
22 World Bank, the International Monetary Fund, the
23 Andean Development Corporation—Development
24 Bank of Latin America, and the Organization of

1 American States, and a description of such assist-
2 ance.

3 (c) DIPLOMATIC ENGAGEMENT AND COORDINA-
4 TION.—The Secretary of State, in coordination with the
5 Secretary of the Treasury, as appropriate, shall—

6 (1) carry out diplomatic engagement to secure
7 contributions of financial and technical assistance
8 from international donors and partners in support of
9 the Plan; and

10 (2) take all necessary steps to ensure effective
11 cooperation among international donors and part-
12 ners supporting the Plan.

13 (d) REPORT.—Not later than 1 year after submitting
14 the strategy under subsection (b), and annually thereafter,
15 the Secretary of State shall submit a report to the appro-
16 priate congressional committees that describes—

17 (1) the progress made in implementing the
18 strategy; and

19 (2) the financial and technical assistance pro-
20 vided by international donors and partners, includ-
21 ing the multilateral institutions listed in subsection
22 (b)(3).

23 (e) BRIEFINGS.—Upon a request from 1 of the ap-
24 propriate congressional committees, the Secretary of State
25 shall provide a briefing to such committee that describes

1 the progress made in implementing the strategy submitted
2 under subsection (b).

3 **TITLE II—CRACKING DOWN ON**
4 **CRIMINAL GANGS, CARTELS,**
5 **AND COMPLICIT OFFICIALS**

6 **Subtitle A—Strengthening Cooper-**
7 **ation Among Law Enforcement**
8 **Agencies To Target Smugglers**
9 **and Traffickers**

10 **SEC. 211. ENHANCED INTERNATIONAL COOPERATION TO**
11 **COMBAT HUMAN SMUGGLING AND TRAF-**
12 **FICKING.**

13 The Secretary of State, in coordination with the
14 heads of relevant Federal agencies, shall expand partner-
15 ship efforts with law enforcement entities in El Salvador,
16 Guatemala, Honduras, and Mexico seeking to combat
17 human smuggling and trafficking in those countries, in-
18 cluding—

19 (1) the creation or expansion of transnational
20 criminal investigative units to identify, disrupt, and
21 prosecute human smuggling and trafficking oper-
22 ations;

23 (2) participation by U.S. Immigration and Cus-
24 toms Enforcement and the Department of Justice in
25 the Bilateral Human Trafficking Enforcement Ini-

1 tiative with their Mexican law enforcement counter-
2 parts; and

3 (3) advanced training programs for investiga-
4 tors and prosecutors from El Salvador, Guatemala,
5 Honduras, and Mexico.

6 **SEC. 212. ENHANCED INVESTIGATION AND PROSECUTION**
7 **OF HUMAN SMUGGLING AND TRAFFICKING.**

8 (a) **IN GENERAL.**—The Attorney General and the
9 Secretary of Homeland Security shall expand collaborative
10 programs aimed at investigating and prosecuting human
11 smugglers and traffickers targeting Central American chil-
12 dren and families and operating at the southwestern bor-
13 der of the United States, including the continuation and
14 expansion of anti-trafficking coordination teams.

15 (b) **HOMELAND SECURITY INVESTIGATIONS.**—The
16 Secretary of Homeland Security, in consultation with the
17 Director of U.S. Immigration and Customs Enforcement,
18 shall increase the resources available to Homeland Secu-
19 rity Investigations to facilitate the expansion of its smug-
20 gling and trafficking investigations.

21 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
22 are authorized to be appropriated such sums as may be
23 necessary to carry out subsections (a) and (b).

1 **SEC. 213. INFORMATION CAMPAIGN ON DANGERS OF IR-**
2 **REGULAR MIGRATION.**

3 (a) IN GENERAL.—The Secretary of State, in con-
4 sultation with the heads of relevant Federal agencies, shall
5 design and implement public information campaigns in El
6 Salvador, Guatemala, and Honduras—

7 (1) to disseminate information about the dan-
8 gers of travel across Mexico to the United States;
9 and

10 (2) to combat misinformation about United
11 States immigration law or policy; and

12 (3) to provide accurate information about the
13 right to seek asylum.

14 (b) ELEMENTS.—The information campaigns imple-
15 mented pursuant to subsection (a) shall, to the greatest
16 extent possible—

17 (1) be targeted at populations and localities
18 with high migration rates;

19 (2) be in local languages;

20 (3) employ a variety of communications media;
21 and

22 (4) be developed in consultation with program
23 officials at the Department of Homeland Security,
24 the Department of State, and other government,
25 nonprofit, or academic entities in close contact with

1 migrant populations from El Salvador, Guatemala,
2 and Honduras, including repatriated migrants.

3 **Subtitle B—Strengthening the Ability**
4 **of the United States Govern-**
5 **ment To Crack Down on Smug-**
6 **glers, Traffickers, and Drug Car-**
7 **tels**

8 **SEC. 221. ENHANCED PENALTIES FOR ORGANIZED SMUG-**
9 **GLING SCHEMES.**

10 (a) IN GENERAL.—Section 274(a)(1)(B) of the Im-
11 migration and Nationality Act (8 U.S.C. 1324(a)(1)(B))
12 is amended—

13 (1) by redesignating clauses (iii) and (iv) as
14 clauses (iv) and (v), respectively;

15 (2) by inserting after clause (ii) the following:

16 “(iii) in the case of a violation of subparagraph
17 (A)(i) during and in relation to which the person,
18 while acting for profit or other financial gain, know-
19 ingly directs or participates in an effort or scheme
20 to assist or cause 10 or more persons (other than a
21 parent, spouse, sibling, or child of the offender) to
22 enter or to attempt to enter the United States at the
23 same time at a place other than a designated port
24 of entry or place other than designated by the Sec-

1 retary, be fined under title 18, United States Code,
2 imprisoned not more than 15 years, or both;” and

3 (3) in clause (iv), as redesignated, by inserting
4 “commits or attempts to commit sexual assault of,”
5 after “section 1365 of title 18, United States Code)
6 to,”.

7 (b) BULK CASH SMUGGLING.—Section 5332(b)(1) of
8 title 31, United States Code, is amended—

9 (1) in the paragraph heading, by striking
10 “TERM OF IMPRISONMENT” and inserting “IN GEN-
11 ERAL”; and

12 (2) by inserting “, fined under title 18, or
13 both” after “5 years”.

14 **SEC. 222. EXPANDING FINANCIAL SANCTIONS ON NAR-**
15 **COTICS TRAFFICKING AND MONEY LAUN-**
16 **DERING.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) In July 2011, President Obama released
19 “Strategy to Combat Transnational Organized
20 Crime”, which articulates a multidimensional re-
21 sponse to combat transnational organized crime, in-
22 cluding drug trafficking networks, armed criminal
23 gangs, and money laundering.

24 (2) The Strategy calls for expanded efforts to
25 dismantle illicit financial networks, including

1 through maximizing the use of the Foreign Nar-
2 cotics Kingpin Designation Act (21 U.S.C. 1901 et
3 seq.).

4 (b) FINANCIAL SANCTIONS EXPANSION.—

5 (1) IN GENERAL.—The Secretary of the Treas-
6 ury, the Attorney General, the Secretary of State,
7 the Secretary of Defense, and the Director of Cen-
8 tral Intelligence shall expand investigations, intel-
9 ligence collection, and analysis pursuant to the For-
10 eign Narcotics Kingpin Designation Act to increase
11 the identification and application of sanctions
12 against—

13 (A) significant foreign narcotics traf-
14 fickers, their organizations and networks; and

15 (B) foreign persons who provide material,
16 financial, or technological support to such traf-
17 fickers, organizations, and networks.

18 (2) TARGETS.—The activities described in para-
19 graph (1) shall specifically target foreign narcotics
20 traffickers, their organizations and networks, and
21 the foreign persons who provide material, financial,
22 or technological support to such traffickers, organi-
23 zations, and networks that are present and oper-
24 ating in Central America.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out subsection (b).

4 **SEC. 223. SUPPORT FOR FBI TRANSNATIONAL ANTI-GANG**
5 **TASK FORCES FOR COUNTERING CRIMINAL**
6 **GANGS.**

7 (a) FINDINGS.—Congress finds that the Federal Bu-
8 reau of Investigation’s Transnational Anti-Gang Task
9 Forces established in 2007 in El Salvador, through co-
10 operation between the FBI and the Department of State,
11 to combat criminal gangs, including the MS–13 and 18th
12 Street gangs, should be expanded.

13 (b) TASK FORCE EXPANSION.—The Director of the
14 Federal Bureau of Investigation, in coordination with the
15 Secretary of State, shall expand the efforts of the
16 Transnational Anti-Gang Task Forces in El Salvador,
17 Guatemala, and Honduras, including by—

18 (1) expanding transnational criminal investiga-
19 tions focused on criminal gangs in El Salvador, Gua-
20 temala, and Honduras, such as MS–13 and 18th
21 Street;

22 (2) expanding training and partnership efforts
23 with Salvadoran, Guatemalan, and Honduran law
24 enforcement entities in order to disrupt and dis-

1 mantle criminal gangs, both internationally and in
2 their respective countries;

3 (3) establishing or expanding special vetted in-
4 vestigative units; and

5 (4) collecting and disseminating intelligence to
6 support related United States-based investigations.

7 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
8 are authorized to be appropriated, to the Bureau of Inter-
9 national Narcotics and Law Enforcement Affairs, such
10 sums as may be necessary to carry out subsection (b).

11 **SEC. 224. SENSE OF CONGRESS REGARDING THE EXPAN-**
12 **SION OF TARGETED SANCTIONS RELATED TO**
13 **CORRUPTION AND HUMAN RIGHTS ABUSES.**

14 It is the sense of Congress that—

15 (1) the President should intensify targeting of
16 and impose sanctions regularly on a range of foreign
17 persons from or in Central America determined to
18 be responsible for human rights abuses, corruption-
19 related misconduct, and other misconduct identified
20 pursuant to the Global Magnitsky Human Rights
21 Accountability Act (22 U.S.C. 2656 note);

22 (2) the Director of National Intelligence, in co-
23 ordination with the Director of the Central Intel-
24 ligence Agency and other United States intelligence
25 agencies, as appropriate, should expand intelligence

1 collection and analysis in support of the efforts de-
 2 scribed in paragraph (1); and

3 (3) the efforts described in paragraph (1)
 4 should specifically target foreign persons, including
 5 foreign government officials, complicit in acts that
 6 weaken, run counter to, or undermine the strategy
 7 described in section 111.

8 **Subtitle C—Creating New Penalties**
 9 **for Hindering Immigration, Bor-**
 10 **der, and Customs Controls**

11 **SEC. 231. HINDERING IMMIGRATION, BORDER, AND CUS-**
 12 **TOMS CONTROLS.**

13 (a) IMMIGRATION AND NATIONALITY ACT.—The Im-
 14 migration and Nationality Act (8 U.S.C. 1101 et seq.) is
 15 amended by inserting after section 274D the following:

16 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**
 17 **TOMS CONTROLS.**

18 “(a) ILLICIT SPOTTING.—

19 “(1) IN GENERAL.—It shall be unlawful to
 20 knowingly surveil, track, monitor, or transmit the lo-
 21 cation, movement, or activities of any officer or em-
 22 ployee of a Federal, State, or tribal law enforcement
 23 agency—

24 “(A) with the intent to gain financially;

25 and

1 “(B) in furtherance of any violation of the
2 immigration laws, the customs and trade laws
3 of the United States (as defined in section 2 of
4 the Trade Facilitation and Trade Enforcement
5 Act of 2015 (Public Law 114–125)), any other
6 Federal law relating to transporting controlled
7 substances, agriculture, or monetary instru-
8 ments into the United States, or any Federal
9 law relating to border controls measures of the
10 United States.

11 “(2) PENALTY.—Any person who violates para-
12 graph (1) shall be fined under title 18, United
13 States Code, imprisoned for not more than 5 years,
14 or both.

15 “(b) DESTRUCTION OF UNITED STATES BORDER
16 CONTROLS.—

17 “(1) IN GENERAL.—It shall be unlawful to
18 knowingly and without lawful authorization—

19 “(A) destroy or significantly damage any
20 fence, barrier, sensor, camera, or other physical
21 or electronic device deployed by the Federal
22 Government to control an international border
23 of, or a port of entry to, the United States; or

24 “(B) otherwise seek to construct, excavate,
25 or make any structure intended to defeat, cir-

1 cumvent or evade such a fence, barrier, sensor
2 camera, or other physical or electronic device
3 deployed by the Federal Government to control
4 an international border of, or a port of entry to,
5 the United States.

6 “(2) PENALTY.—Any person who violates para-
7 graph (1) shall be fined under title 18, United
8 States Code, imprisoned for not more than 5 years,
9 or both.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 of such Act (8 U.S.C. 1101 et seq.) is amended by insert-
12 ing after the item relating to section 274D the following:

“Sec. 274E. Hindering immigration, border, and customs controls.”.

1 **TITLE III—MINIMIZING BORDER**
2 **CROSSINGS BY EXPANDING**
3 **PROCESSING OF REFUGEE**
4 **CHILDREN AND FAMILIES IN-**
5 **COUNTRY AND IN THE RE-**
6 **GION AND BY STRENGTH-**
7 **ENING REPATRIATION INITIA-**
8 **TIVES**

9 **Subtitle A—Providing Alternative**
10 **Safe Havens in Mexico and the**
11 **Region**

12 **SEC. 311. STRENGTHENING INTERNAL ASYLUM SYSTEMS IN**
13 **MEXICO AND OTHER COUNTRIES.**

14 (a) **IN GENERAL.**—The Secretary of State, in con-
15 sultation with the Secretary of Homeland Security, shall
16 work with international partners, including the United
17 Nations High Commissioner for Refugees, to support and
18 provide technical assistance to strengthen the domestic ca-
19 pacity of Mexico and other countries in the region to pro-
20 vide asylum to eligible children and families, in accordance
21 with international law and best practices, by—

22 (1) establishing and expanding temporary and
23 long-term in-country reception centers and shelter
24 capacity to meet the humanitarian needs of those

1 seeking asylum or other forms of international pro-
2 tection;

3 (2) improving the asylum registration system to
4 ensure that all individuals seeking asylum or other
5 humanitarian protection—

6 (A) are provided with adequate informa-
7 tion about their rights, including their right to
8 seek protection;

9 (B) are properly screened for security, in-
10 cluding biographic and biometric capture;

11 (C) receive due process and meaningful ac-
12 cess to existing legal protections; and

13 (D) receive proper documents in order to
14 prevent fraud and ensure freedom of movement
15 and access to basic social services;

16 (3) creating or expanding a corps of trained
17 asylum officers capable of evaluating and deciding
18 individual asylum claims consistent with inter-
19 national law and obligations; and

20 (4) developing the capacity to conduct best in-
21 terest determinations for unaccompanied alien chil-
22 dren to ensure that their needs are properly met,
23 which may include family reunification or resettle-
24 ment in the United States or another country based

1 on international protection needs and the best inter-
2 ests of the child.

3 (b) REPORT.—Not later than 60 days after the date
4 of the enactment of this Act, the Secretary of State, in
5 consultation with the Secretary of Homeland Security,
6 shall submit a report that describes the plans of the Sec-
7 retary of State to assist in developing the asylum proc-
8 essing capabilities described in subsection (a) to—

9 (1) the Committee on Foreign Relations of the
10 Senate;

11 (2) the Committee on Homeland Security and
12 Governmental Affairs of the Senate;

13 (3) the Committee on the Judiciary of the Sen-
14 ate;

15 (4) the Committee on Appropriations of the
16 Senate;

17 (5) the Committee on Foreign Affairs of the
18 House of Representatives;

19 (6) the Committee on Homeland Security of the
20 House of Representatives;

21 (7) the Committee on the Judiciary of the
22 House of Representatives; and

23 (8) the Committee on Appropriations of the
24 House of Representatives.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out subsection (a).

4 **Subtitle B—Expanding Refugee**
5 **Processing in Mexico and Cen-**
6 **tral America for Third Country**
7 **Resettlement**

8 **SEC. 321. EXPANDING REFUGEE PROCESSING IN MEXICO**
9 **AND CENTRAL AMERICA FOR THIRD COUN-**
10 **TRY RESETTLEMENT.**

11 (a) IN GENERAL.—The Secretary of State, in con-
12 sultation with the Secretary of Homeland Security, shall
13 coordinate with the United Nations High Commissioner
14 for Refugees to support and provide technical assistance
15 to the Government of Mexico and the governments of
16 other countries in the region to increase access to global
17 resettlement for eligible children and families with protec-
18 tion needs, in accordance with international law and best
19 practices, by—

20 (1) establishing and expanding in-country ref-
21 ugee reception centers to meet the humanitarian
22 needs of those seeking international protection;

23 (2) improving the refugee registration system to
24 ensure that all refugees—

1 (A) are provided with adequate informa-
2 tion about their rights, including their right to
3 seek protection;

4 (B) are properly screened for security, in-
5 cluding biographic and biometric capture;

6 (C) receive due process and meaningful ac-
7 cess to existing legal protections; and

8 (D) receive proper documents in order to
9 prevent fraud and ensure freedom of movement
10 and access to basic social services;

11 (3) creating or expanding a corps of trained
12 refugee officers capable of evaluating and deciding
13 individual claims for protection, consistent with
14 international law and obligations; and

15 (4) developing the capacity to conduct best in-
16 terest determinations for unaccompanied alien chil-
17 dren to ensure that—

18 (A) such children with international pro-
19 tection needs are properly registered; and

20 (B) their needs are properly met, which
21 may include family reunification or resettlement
22 in the United States or another country based
23 on international protection needs and the best
24 interests of the child.

1 (b) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act, the Secretary of State, in
3 consultation with the Secretary of Homeland Security,
4 shall submit a report to the committees listed in section
5 311(b) that describes the plans of the Secretary of State
6 to assist in developing the refugee processing capabilities
7 described in subsection (a).

8 (c) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the conditions in Mexico, as of the date of the
10 enactment of this Act, do not meet the necessary threshold
11 for the United States Government to sign a safe third
12 country agreement with the Government of Mexico.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as may be
15 necessary to carry out subsection (a).

16 **Subtitle C—Establishing Legal** 17 **Channels to the United States**

18 **SEC. 331. PROGRAM TO ADJUST THE STATUS OF CERTAIN** 19 **VULNERABLE REFUGEES FROM CENTRAL** 20 **AMERICA.**

21 (a) DEFINITIONS.—In this section:

22 (1) REFUGEE STATUS.—The term “refugee sta-
23 tus” has the meaning given the term in section
24 101(a)(42) of the Immigration and Nationality Act
25 (8 U.S.C. 1101(a)(42)), except that the alien may

1 apply inside his or her country of nationality if there
2 is a designated application processing center present.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Homeland Security.

5 (b) PURPOSE.—The purpose of this section is to es-
6 tablish a refugee processing program for nationals of El
7 Salvador, Guatemala, and Honduras to respond to country
8 conditions and the growing need to provide an alternative
9 to the dangerous journey to the United States of America.

10 (c) ADMISSION OF ELIGIBLE CENTRAL AMERICAN
11 ALIENS AS REFUGEES.—Notwithstanding the numerical
12 limitations set forth in section 207 of the Immigration and
13 Nationality Act (8 U.S.C. 1157), the Secretary shall ad-
14 just the status of an alien who is a national of El Salvador,
15 Guatemala, or Honduras to that of an alien admitted as
16 a refugee if the alien—

17 (1) applies for such refugee status at a Des-
18 ignated Application Processing Center (as defined in
19 subsection (e)); and

20 (2) is eligible under subsection (d).

21 (d) CENTRAL AMERICANS ELIGIBLE FOR REFUGEE
22 ADMISSION.—

23 (1) IN GENERAL.—Admission as a refugee or
24 adjustment of status to that of a refugee shall be

1 available to any alien, or members of the alien's
2 family, if—

3 (A) the alien is a national of El Salvador,
4 Guatemala, or Honduras;

5 (B) the alien otherwise meets the definition
6 of a refugee, except that the alien may apply
7 from inside his or her country of nationality;

8 (C)(i) the alien presents himself or herself
9 at a Designated Application Processing Center
10 for consideration of refugee status under this
11 section; or

12 (ii) in the case of an alien who is a minor,
13 a parent, legal guardian, the minor, or an adult
14 authorized by the minor to speak on his or her
15 behalf, presents an application for the minor;
16 and

17 (D) the alien passes all relevant medical,
18 national security, and background checks.

19 (2) EFFECT OF DENIAL OF REFUGEE STA-
20 TUS.—The denial of refugee status under the Cen-
21 tral American Minors Program—

22 (A) shall not be held determinative with re-
23 spect to an adjudication under this section; and

24 (B) shall not prejudice the results of an
25 adjudication under this section.

1 (e) DESIGNATED APPLICATION PROCESSING CEN-
2 TERS.—

3 (1) ESTABLISHMENT.—Not later than 180 days
4 after the date of the enactment of this Act, the Sec-
5 retary of State shall establish a minimum of 4 appli-
6 cation processing centers in 4 different physical loca-
7 tions, with the consent of the hosting nation, if nec-
8 essary.

9 (2) LOCATIONS.—The Secretary of State shall
10 ensure that 1 application processing center is estab-
11 lished—

12 (A) at each of the American embassies lo-
13 cated in El Salvador, Guatemala, and Hon-
14 duras; and

15 (B) in any other country in Central Amer-
16 ica selected by the Secretary of State.

17 (3) APPLICATION FOR REFUGEE STATUS.—The
18 Secretary of State shall ensure that any alien who
19 is physically present at the application processing
20 center is permitted—

21 (A) to apply for refugee status under this
22 section;

23 (B) to include his or her family in the ap-
24 plication for refugee status, regardless of such
25 alien's status; and

1 (C) if the alien applying for refugee status
2 is an unaccompanied minor, to have legal coun-
3 sel present at all interviews.

4 (4) ADJUDICATION.—Applications submitted at
5 application processing centers under this section
6 shall be adjudicated by refugee officers from the
7 Refugee, Asylum and International Operations Di-
8 rectorate at U.S. Citizenship and Immigration Serv-
9 ices.

10 (f) EXCEPTIONS.—Subsections (c)(1) and (d)(1)(C)
11 shall be waived by the Secretary if the alien, or his or
12 her family—

13 (1) is a national of El Salvador or Honduras;

14 (2) was in temporary protected status under
15 section 244 of the Immigration and Nationality Act
16 (8 U.S.C. 1254a) on the date on which his or her
17 country of nationality's designation under subsection
18 (b) of such section was terminated;

19 (3) has maintained physical presence in the
20 United States since the effectiveness date of the
21 most recent designation, extension, or termination;
22 and

23 (4) would be eligible to reapply, under such sec-
24 tion 244, if his or her country of nationality's des-
25 ignation had not been terminated.

1 (g) APPLICATION FEES.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the Secretary shall ensure that applicants
4 for refugee status are not charged fees in order to
5 apply for humanitarian relief under this section.

6 (2) PREVIOUS DENIAL.—The Secretary may
7 charge a reasonable fee to an alien who applies for
8 refugee status under this section after having pre-
9 viously been denied refugee status unless such denial
10 occurred before the alien attained 21 years of age.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as may be
13 necessary to carry out this section.

14 **TITLE IV—MONITORING AND**
15 **SUPPORTING UNACCOM-**
16 **PANIED ALIEN CHILDREN**
17 **AFTER PROCESSING AT THE**
18 **BORDER**

19 **SEC. 401. DEFINITIONS; AUTHORIZATION OF APPROPRIA-**
20 **TIONS.**

21 (a) DEFINITIONS.—In this title:

22 (1) DEPARTMENT.—The term “Department”
23 means the Department of Health and Human Serv-
24 ices.

1 (2) DIRECTOR.—The term “Director” means
2 the Director of the Office of Refugee Resettlement
3 of the Department.

4 (3) FLORES SETTLEMENT AGREEMENT.—The
5 term “Flores settlement agreement” means the Stip-
6 ulated Settlement Agreement filed in the United
7 States District Court for the Central District of
8 California on January 17, 1997 (CV 85–4544–
9 RJK).

10 (4) LOCAL EDUCATIONAL AGENCY.—The term
11 “local educational agency” has the meaning given
12 the term in section 8101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 7801).

14 (5) RESIDENT ADULT.—The term “resident
15 adult” means any individual who is at least 18 years
16 of age and regularly lives, shares common areas, and
17 sleeps in a sponsor or prospective sponsor’s home.

18 (6) SECRETARY.—The term “Secretary” means
19 the Secretary of Health and Human Services.

20 (7) SPECIALIZED INSTRUCTIONAL SUPPORT
21 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
22 SERVICES.—The terms “specialized instructional
23 support personnel” and “specialized instructional
24 support services” have the meanings given such

1 terms in section 8101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801).

3 (8) ZERO TOLERANCE POLICY.—The term “zero
4 tolerance policy” means the policy described in the
5 memorandum of the Attorney General entitled
6 “Zero-Tolerance for Offenses Under 8 U.S.C. §
7 1325(a)”, issued on April 6, 2018.

8 **SEC. 402. FAMILY REUNIFICATION.**

9 (a) DIRECTIVES TO FEDERAL AGENCIES.—

10 (1) FAMILY REUNIFICATION.—Consistent with
11 section 235 of the William Wilberforce Trafficking
12 Victims Protection Reauthorization Act of 2008 (8
13 U.S.C. 1232) and other applicable Federal law, the
14 Secretary shall reallocate resources to facilitate the
15 immediate family reunification of each child sepa-
16 rated from his or her parent or guardian at or near
17 a port of entry or within 100 miles of the border or
18 otherwise removed from her or her parent or legal
19 guardian by the Secretary, the Secretary of Home-
20 land Security, the Attorney General, the Director of
21 the Bureau of Prisons, or any agent or agency
22 thereof, if such reunification is in the best interest
23 of the child.

24 (2) COMPLIANCE WITH FEDERAL LAW.—The
25 Secretary, the Secretary of Homeland Security, the

1 Attorney General, the Director of the Bureau of
2 Prisons, and any other head of a Federal agency in-
3 volved in the proceedings against a parent or guard-
4 ian separated from the parent or guardian's child
5 (as described in paragraph (1)) shall immediately
6 change policies, procedures, and practices—

7 (A) to reunify the child separated from his
8 or her parent or guardian; and

9 (B) to comply with section 235 of the Wil-
10 liam Wilberforce Trafficking Victims Protection
11 Reauthorization Act of 2008 (8 U.S.C. 1232),
12 the Flores settlement agreement, and other ap-
13 plicable Federal law.

14 (b) PARENTAL RIGHTS.—Consistent with the laws of
15 the State in which the child is located, only an order from
16 a court of competent jurisdiction may terminate the rights
17 of a parent or guardian over an unaccompanied alien
18 child, including any such child separated from the parent
19 or guardian at such a border.

20 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
22 as may be necessary to carry out this title.

1 **Subtitle A—Strengthening the Gov-**
2 **ernment’s Ability To Oversee**
3 **the Safety and Well-Being of**
4 **Children and Support Children**
5 **Forcibly Separated From Their**
6 **Families**

7 **SEC. 411. HEALTH CARE IN SHELTERS FOR UNACCOM-**
8 **PANIED ALIEN CHILDREN.**

9 (a) ACCESS TO SERVICES.—The Secretary shall di-
10 rect the Director, in carrying out the functions transferred
11 to the Director under section 462(a) of the Homeland Se-
12 curity Act of 2002 (6 U.S.C. 279(a))—

13 (1) to ensure that unaccompanied alien children
14 who have not been placed with a sponsor have access
15 to comprehensive, age-appropriate medical, behav-
16 ioral, and mental health care services, including evi-
17 dence-based and trauma-informed treatments, pro-
18 vided by qualified health care professionals with the
19 appropriate certifications, licensure, training, and
20 expertise in treating children, including infants, tod-
21 dlers, and other children who are younger than 13
22 years of age; and

23 (2) to issue guidance to grantees, not later than
24 60 days after the date of the enactment of this Act,

1 on the procedures for prescribing, reporting, and ad-
2 ministration of psychotropic medication.

3 (b) NATIONAL CHILD TRAUMATIC STRESS INITIA-
4 TIVE.—

5 (1) GRANTS AUTHORIZED.—Out of amounts ap-
6 propriated pursuant to section 403 to carry out this
7 section, the Secretary shall award grants, contracts,
8 or cooperative agreements to public and nonprofit
9 private entities and Indian tribes and tribal organi-
10 zations (as defined in section 4 of the Indian Self-
11 Determination and Educational Assistance Act (25
12 U.S.C. 5304)), for the purpose of developing and
13 maintaining programs that respond to the needs of
14 unaccompanied alien children in the care of the Of-
15 fice of Refugee Resettlement.

16 (2) BEST PRACTICES FOR TRAUMATIZED CHIL-
17 DREN.—The National Child Traumatic Stress Initia-
18 tive coordinating center described in section
19 582(a)(1) of the Public Health Service Act (42
20 U.S.C. 290hh–1(a)(1)) shall develop, and make pub-
21 lically available, best practices for providing evi-
22 dence-based and trauma-informed health care treat-
23 ment to unaccompanied alien children in the care of
24 the Office of Refugee Resettlement (including such
25 children who are traumatized by separation from

1 parents or guardians by the Federal Government to
2 facilitate enforcement of the zero tolerance policy
3 and other infants, toddlers, and children who are
4 younger than 13 years of age)—

5 (A) to carry out programs under para-
6 graph (1);

7 (B) to provide services under section
8 412(a); and

9 (C) to conduct assessments under section
10 412(a)(1)(A).

11 (c) OVERSIGHT ON ACCESS TO QUALITY HEALTH
12 CARE.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, and every 3
15 years thereafter, the Comptroller General of the
16 United States shall conduct an evaluation of the
17 medical, behavioral, and mental health services pro-
18 vided to unaccompanied alien children in the care of
19 the Office of Refugee Resettlement and submit a re-
20 port and recommendations to the Department, the
21 Committee on Health, Education, Labor, and Pen-
22 sions of the Senate, the Committee on the Judiciary
23 of the Senate, the Committee on Energy and Com-
24 merce of the House of Representatives, and the

1 Committee on the Judiciary of the House of Rep-
2 resentatives.

3 (2) CONTENT.—Each report under paragraph
4 (1) shall address—

5 (A) the extent to which entities with which
6 the Office of Refugee Resettlement contracts
7 meet established standards for ensuring the
8 safety and well-being of alien children in their
9 care;

10 (B) the quality and appropriateness of the
11 health care services provided to such children,
12 including the administration of medications and
13 treatment;

14 (C) the extent to which medical, behav-
15 ioral, and mental health services address the
16 needs of traumatized children and mitigate the
17 long-term health consequences of trauma expo-
18 sure;

19 (D) the adequacy of practices to assess the
20 qualifications, including training and licensure,
21 of the professionals administering care, includ-
22 ing the expertise of such professionals in pro-
23 viding trauma-informed care;

24 (E) the adequacy of appropriately-trained
25 health care staff at the Office of Refugee Reset-

1 tlement tasked with assessing the adequacy of
2 care provided to children in their care; and

3 (F) oversight, investigations, and actions
4 taken to address allegations against contracted
5 entities of mistreatment, abuse, or neglect of
6 children under any program under Federal or
7 State law.

8 **SEC. 412. SERVICES TO UNACCOMPANIED ALIEN CHILDREN**
9 **AFTER PLACEMENT.**

10 (a) **TRAUMA-INFORMED, RISK-BASED, POST-PLACE-**
11 **MENT SERVICES.**—

12 (1) **IN GENERAL.**—Using amounts appropriated
13 pursuant to section 403 to carry out this section, the
14 Secretary shall assist each unaccompanied alien
15 child in a placement with a sponsor by—

16 (A) completing an individualized assess-
17 ment of the need for services to be provided
18 after placement; and

19 (B) providing such post-placement services
20 during the pendency of all immigration pro-
21 ceedings or until no longer necessary, whichever
22 is later.

23 (2) **MINIMUM SERVICES.**—The services referred
24 to in paragraph (1)(B) shall include—

1 (A) for the unaccompanied alien child, at
2 least 1 post-placement case management serv-
3 ices visit not later than 30 days after placement
4 with a sponsor and the referral of the child to
5 service providers in the community;

6 (B) for the family of the child’s sponsor,
7 orientation and other functional family support
8 services, as determined to be necessary in the
9 individualized assessment; and

10 (C) for each unaccompanied alien child
11 traumatized by separation of such child from
12 the child’s parent or guardian by the Federal
13 Government, comprehensive, trauma-informed
14 services to assist such child.

15 (b) EFFECTIVE USE OF CHILD ADVOCATES FOR THE
16 MOST VULNERABLE UNACCOMPANIED ALIEN CHIL-
17 DREN.—The Secretary shall—

18 (1) direct the Director—

19 (A) to identify and track the referral rates
20 of unaccompanied alien children to child advo-
21 cates by care providers and investigate in-
22 stances in which such a rate is low;

23 (B) to ensure that the referral criteria es-
24 tablished by the Director are appropriately ap-

1 plied when a care provider determines if such a
2 child is eligible for referral to a child advocate;

3 (C) to provide technical assistance to care
4 providers to ensure compliance with such cri-
5 teria;

6 (D) to establish a process for stakeholders
7 and the public to refer unaccompanied alien
8 children, including those placed with a sponsor,
9 to the child advocate program to determine if
10 such child meets the referral criteria for ap-
11 pointment of a child advocate; and

12 (E) to refer to a child advocate each unac-
13 companied alien child described in subsection
14 (a)(2)(C); and

15 (2) ensure that each child advocate for an unac-
16 companied alien child—

17 (A) is provided access to materials nec-
18 essary to advocate effectively for the best inter-
19 est of the child, including direct access to sig-
20 nificant incident reports, home studies, and
21 similar materials and information; and

22 (B) is notified when new materials and in-
23 formation described in subparagraph (A) relat-
24 ing to the child are created or become available.

1 **SEC. 413. BACKGROUND CHECKS TO ENSURE THE SAFE**
2 **PLACEMENT OF UNACCOMPANIED ALIEN**
3 **CHILDREN.**

4 (a) **CRIMINAL AND CIVIL RECORD CHECKS.**—

5 (1) **REQUIREMENT.**—In carrying out the func-
6 tions transferred to the Director under section
7 462(a) of the Homeland Security Act of 2002 (6
8 U.S.C. 279(a)), from amounts appropriated pursu-
9 ant to section 401(b) to carry out this section, the
10 Director shall perform, consistent with best practices
11 in the field of child welfare, and a prospective spon-
12 sor and all resident adults in the home of the pro-
13 spective sponsor shall submit to the following record
14 checks (which shall be completed as expeditiously as
15 possible):

16 (A) Fingerprint-based checks (except as
17 described in paragraph (2)) in national crime
18 information databases, as defined in section
19 534(e)(3) of title 28, United States Code.

20 (B) A search of the State criminal registry
21 or repository for any State (except as described
22 in paragraph (3)) in which the prospective
23 sponsor or resident adult has resided during the
24 5 years preceding the search.

25 (C) A search of the National Sex Offender
26 Registry established under section 119 of the

1 Adam Walsh Child Protection and Safety Act of
2 2006 (42 U.S.C. 16919).

3 (D) A search (except as described in para-
4 graphs (2) and (3)) of State-based child abuse
5 and neglect registries and databases for any
6 State in which the prospective sponsor or resi-
7 dent adult has resided during the 5 years pre-
8 ceeding the search.

9 (2) PARENTS AND GUARDIANS.—For purposes
10 of paragraph (1), if the prospective sponsor is the
11 parent or guardian of the child involved, the Direc-
12 tor shall have discretion to determine whether the
13 Director shall perform, and the prospective sponsor
14 and resident adults described in paragraph (1) shall
15 submit to, a check described in subparagraph (A) or
16 (D) of paragraph (1).

17 (3) WAIVERS.—

18 (A) IN GENERAL.—If the Secretary deter-
19 mines that it is not feasible to conduct the
20 check described in subparagraph (B) or (D) of
21 paragraph (1) for a State, including infeasibility
22 due to a State’s refusal or nonresponse in
23 response to a request for related information, or
24 that the average time to receive results from a
25 State for such a check is more than 10 business

1 days, the Secretary may waive the requirements
2 of that subparagraph with respect to the State
3 involved for a period of not more than 1 year.
4 The Secretary may renew the waiver in accord-
5 ance with this subparagraph.

6 (B) PROHIBITION ON DELEGATION.—The
7 Secretary may not delegate the responsibility
8 under subparagraph (A) to another officer or
9 employee of the Department.

10 (C) STATES WHERE WAIVERS APPLY.—The
11 Secretary shall make available, on a website of
12 the Department, the list of States for which the
13 requirements of subparagraph (B) or (D) of
14 paragraph (1) are waived under this paragraph.

15 (4) USE OF RECORD CHECKS.—The information
16 revealed by a record check performed pursuant to
17 this section shall be used only by the Director for
18 the purpose of determining whether a potential
19 sponsor is a suitable sponsor for a placement for an
20 unaccompanied alien child.

21 (b) PLACEMENT DETERMINATIONS GENERALLY.—

22 (1) DENIALS REQUIRED FOR CERTAIN
23 CRIMES.—The Director shall deny any placement for
24 a prospective sponsor (other than the parent or
25 guardian of the child involved), and may deny any

1 placement for a prospective sponsor who is the par-
2 ent or guardian of the child involved subject to sub-
3 section (c), if the record checks performed pursuant
4 to this section reveal that the prospective sponsor or
5 a resident adult in the home of the prospective spon-
6 sor was convicted at age 18 or older of a crime that
7 is a felony consisting of any of the following:

8 (A) Domestic violence, stalking, child
9 abuse, child neglect, or child abandonment, if
10 the prospective sponsor or resident adult served
11 at least 1 year imprisonment for a crime speci-
12 fied in this subparagraph, or if the prospective
13 sponsor or resident adult was convicted of 2 or
14 more crimes specified in this subparagraph, not
15 arising out of a single scheme of criminal mis-
16 conduct.

17 (B) A crime against a child involving por-
18 nography.

19 (C) Human trafficking.

20 (D) Rape or sexual assault.

21 (E) Homicide.

22 (2) DENIALS CONSIDERED FOR CERTAIN OF-
23 FENSES.—The Director may deny a placement for a
24 prospective sponsor if the record checks performed
25 pursuant to this section reveal that the prospective

1 sponsor or a resident adult in the home of a pro-
2 spective sponsor was adjudged guilty of a civil of-
3 fense or was convicted of a crime not covered by
4 paragraph (1). The Director, in making a deter-
5 mination about whether to approve or deny the
6 placement, shall consider all of the following factors:

7 (A) The type of offense.

8 (B) The number of offenses the sponsor or
9 resident adult has been adjudged guilty or con-
10 victed of.

11 (C) The length of time that has elapsed
12 since the adjudication or conviction.

13 (D) The nature of the offense.

14 (E) The age of the individual at the time
15 of the adjudication or conviction.

16 (F) The relationship between the offense
17 and the capacity to care for a child.

18 (G) Evidence of rehabilitation of the indi-
19 vidual.

20 (H) Opinions of community and family
21 members concerning the individual.

22 (c) PLACEMENT DETERMINATIONS CONCERNING
23 PARENTS OR GUARDIANS.—The Director may deny a
24 placement for a prospective sponsor who is the parent or
25 guardian of the child involved if the record checks per-

1 formed pursuant to this section reveal that the prospective
2 sponsor or a resident adult in the home of a prospective
3 sponsor was adjudged guilty of a civil offense or was con-
4 victed of a crime. The Director, in making a determination
5 about whether to approve or deny the placement, shall
6 consider all of the factors described in subsection (b)(2).

7 (d) APPEALS PROCESS.—

8 (1) INFORMATION.—The Secretary shall provide
9 information to each prospective sponsor on how such
10 sponsor may appeal—

11 (A) a placement determination under this
12 section, including—

13 (i) prompt notice of the opportunity to
14 so appeal; and

15 (ii) instructions about how to partici-
16 pate in the appeals process; and

17 (B) the results of a record check per-
18 formed pursuant to this section or the accuracy
19 or completeness of the information yielded by
20 the record check, as provided in paragraph (2),
21 including—

22 (i) prompt notice of the opportunity to
23 so appeal; and

24 (ii) instructions about how to partici-
25 pate in the appeals process.

1 (2) APPEAL.—Each Federal agency responsible
2 for administering or maintaining the information in
3 a database, registry, or repository used in a record
4 check performed pursuant to this section or respon-
5 sible for the accuracy or completeness of the infor-
6 mation yielded by the record check shall—

7 (A) establish a process for an appeal con-
8 cerning the results of that record check, or that
9 accuracy or completeness; and

10 (B) complete such process not later than
11 30 days after the date on which such an appeal
12 is filed.

13 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to prohibit the Director from estab-
15 lishing additional checks or procedures (besides the checks
16 required in this section) for sponsors, to enable the Direc-
17 tor to—

18 (1) oversee and promote the health, safety, and
19 well-being of unaccompanied alien children; or

20 (2) prevent the exploitation, neglect, or abuse of
21 unaccompanied alien children.

1 **SEC. 414. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION**
2 **COURT COMPLIANCE AND CHILD WELL-**
3 **BEING.**

4 (a) **IN GENERAL.**—Using amounts appropriated pur-
5 suant to section 401(b) to carry out this section, the Sec-
6 retary, in consultation with the Attorney General, shall es-
7 tablish procedures to ensure that legal orientation pro-
8 grams regarding immigration court and rights and respon-
9 sibilities for the well-being of unaccompanied alien chil-
10 dren are provided to all prospective sponsors of unaccom-
11 panied alien children prior to an unaccompanied alien
12 child’s placement with such a sponsor.

13 (b) **PROGRAM ELEMENTS.**—The procedures de-
14 scribed in subsection (a) shall include a requirement that
15 each legal orientation program described in such sub-
16 section shall provide information on the sponsor’s rights
17 and responsibilities to—

18 (1) ensure the unaccompanied alien child ap-
19 pears at immigration proceedings and communicate
20 with the court involved regarding the child’s change
21 of address and other relevant information;

22 (2) immediately enroll the child in school, and
23 shall provide information and resources if the spon-
24 sor encounters difficulty enrolling such child in
25 school;

1 (3) provide access to health care, including
2 mental health care as needed, and any necessary
3 age-appropriate health screening to the child;

4 (4) report potential child traffickers and other
5 persons seeking to victimize or exploit unaccom-
6 panied alien children, or otherwise engage such chil-
7 dren in criminal, harmful, or dangerous activity;

8 (5) seek assistance from the Department re-
9 garding the health, safety, and well-being of the
10 child placed with the sponsor; and

11 (6) file a complaint, if necessary, with the Sec-
12 retary or the Secretary of Homeland Security re-
13 garding treatment of unaccompanied alien children
14 while under the care of the Office of Refugee Reset-
15 tlement or the Department of Homeland Security,
16 respectively.

17 **SEC. 415. MONITORING UNACCOMPANIED ALIEN CHIL-**
18 **DREN.**

19 (a) **RISK-BASED POST-PLACEMENT SERVICES.**—

20 (1) **IN GENERAL.**—Using amounts appropriated
21 pursuant to section 401(b) to carry out this section,
22 the Secretary shall, to assist each unaccompanied
23 alien child in a placement with a sponsor—

1 (A) complete an individualized assessment
2 of the need for services to be provided after
3 placement; and

4 (B) provide such post-placement services
5 during the pendency of removal proceedings or
6 until no longer necessary.

7 (2) MINIMUM SERVICES.—For the purposes of
8 paragraph (1), the services shall, at a minimum, in-
9 clude—

10 (A) for the unaccompanied alien child, at
11 least one post-placement case management serv-
12 ices visit within 30 days after placement with a
13 sponsor and the referral of unaccompanied alien
14 children to service providers in the community;
15 and

16 (B) for the family of the child’s sponsor,
17 orientation and other functional family support
18 services, as determined to be necessary in the
19 individualized assessment.

20 (b) EFFECTIVE USE OF CHILD ADVOCATES FOR THE
21 MOST VULNERABLE UNACCOMPANIED ALIEN CHIL-
22 DREN.—The Secretary shall—

23 (1) direct the Director—

24 (A) to identify and track the referral rates
25 of unaccompanied alien children to child advo-

1 cates by care providers and investigate in-
2 stances in which such a rate is low;

3 (B) to ensure that the referral criteria es-
4 tablished by the Director are appropriately ap-
5 plied when a care provider determines if such a
6 child is eligible for referral to a child advocate;

7 (C) to provide technical assistance to care
8 providers to ensure compliance with such cri-
9 teria; and

10 (D) to establish a process for stakeholders
11 and the public to refer unaccompanied alien
12 children, including those placed with a sponsor,
13 to the child advocate program to determine if
14 such child meets the referral criteria for ap-
15 pointment of a child advocate; and

16 (2) ensure that each child advocate for an unac-
17 companied alien child shall—

18 (A) be provided access to materials nec-
19 essary to advocate effectively for the best inter-
20 est of the child, including direct access to sig-
21 nificant incident reports, home studies, and
22 similar materials and information; and

23 (B) be notified when new materials and in-
24 formation described in subparagraph (A) relat-
25 ing to the child are created or become available.

1 **Subtitle B—Funding to States and**
2 **School Districts; Supporting**
3 **Education and Safety**

4 **SEC. 421. FUNDING TO STATES TO CONDUCT STATE CRIMI-**
5 **NAL CHECKS AND CHILD ABUSE AND NE-**
6 **GLECT CHECKS.**

7 (a) **DEFINED TERM.**—In this section, the term
8 “State” means each of the 50 States of the United States
9 and the District of Columbia.

10 (b) **PAYMENTS TO STATES TO CONDUCT STATE**
11 **CRIMINAL REGISTRY OR REPOSITORY SEARCHES AND TO**
12 **CONDUCT CHILD ABUSE AND NEGLECT CHECKS.**—

13 (1) **IN GENERAL.**—Using amounts appropriated
14 pursuant to section 401(b) to carry out this section,
15 the Secretary shall, in accordance with this sub-
16 section, make payments to States, through each
17 agency in each State tasked with administering the
18 State criminal registry or repository required under
19 section 411(a)(1)(B) or the State child abuse and
20 neglect registry required under section 411(a)(1)(D),
21 to assist with searches of such registries, reposi-
22 tories, or databases for prospective sponsors of unac-
23 companied alien children and resident adults in the
24 home of such prospective sponsors, in accordance
25 with section 411.

1 (2) ALLOTMENTS.—

2 (A) STATE CRIMINAL REGISTRY AND RE-
3 POSITORY SEARCHES.—In each fiscal year,
4 using amounts appropriated pursuant to section
5 401(b) to carry out this section with respect to
6 the program providing payments to States to
7 assist with criminal registry or repository
8 searches, the Secretary shall allot to each State
9 participating in such program, through the
10 agency in each such State tasked with admin-
11 istering the State criminal registry or repository
12 described in section 411(a)(1)(B), an amount
13 that bears the same relationship to such funds
14 as the number of searches of such State crimi-
15 nal registry or repository conducted in accord-
16 ance with section 411(a)(1)(B) in the State
17 bears to the total number of such searches in
18 all States participating in the program.

19 (B) CHILD ABUSE AND NEGLECT
20 CHECKS.—In each fiscal year, using amounts
21 appropriated pursuant to section 401(b) to
22 carry out this section with respect to the pro-
23 gram providing payments to States to assist
24 with child abuse and neglect registry and data-
25 base searches, the Secretary shall allot to each

1 State participating in such program, through
2 the agency in each such State tasked with ad-
3 ministering the State child abuse and neglect
4 registries and databases described in section
5 411(a)(1)(D), an amount that bears the same
6 relationship to such funds as the number of
7 searches of such child abuse and neglect reg-
8 istries and databases conducted in accordance
9 with section 411(a)(1)(D) in the State bears to
10 the total number of such searches in all States
11 participating in the program.

12 (C) TRANSITION RULE.—In the first fiscal
13 year in which funds are made available under
14 this title to carry out this section, the Secretary
15 shall make allotments to each State partici-
16 pating in the programs under this section in ac-
17 cordance with subparagraphs (A) and (B),
18 based on the Secretary's estimate of the num-
19 ber of the searches described in each such sub-
20 paragraph, respectively, that each of the States
21 are expected to conduct in such fiscal year.

22 (3) STATE APPLICATIONS.—Each State agency
23 described in paragraph (1) desiring an allotment
24 under subparagraph (A) or (B) of paragraph (2)
25 shall submit an application at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require, which shall include an assurance
3 that the State agency will respond promptly to all
4 requests from the Director, within a reasonable time
5 period determined by the Director, to conduct a
6 search required under section 411 in a timely man-
7 ner, and a description of how funds will be used to
8 meet such assurance.

9 **SEC. 422. UNACCOMPANIED ALIEN CHILDREN IN SCHOOLS.**

10 (a) IMMEDIATE ENROLLMENT.—To be eligible for
11 funding under the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. 6301 et seq.), a local educational
13 agency shall—

14 (1) ensure that unaccompanied alien children in
15 the area served by the local educational agency are
16 immediately enrolled in school following placement
17 with a sponsor, and any available academic or other
18 records are transferred to such school; and

19 (2) remove barriers to enrollment and full par-
20 ticipation in educational programs and services of-
21 fered by the local educational agency for unaccom-
22 panied alien children (including barriers related to
23 documentation, age, language, and lack of a parent
24 or guardian), which shall include reviewing and re-

1 vising policies that may have a negative effect on
2 such children.

3 (b) GRANTS AUTHORIZED.—Using amounts appro-
4 priated pursuant to section 403 to carry out this section,
5 the Secretary of Education shall award grants, on a com-
6 petitive basis, to eligible local educational agencies, or con-
7 sortia of neighboring local educational agencies, described
8 in subsection (c) to enable the local educational agencies
9 or consortia to enhance opportunities for, and provide
10 services to, immigrant children and youth, including unac-
11 companied alien children, in the area served by the local
12 educational agencies or consortia.

13 (c) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

14 (1) IN GENERAL.—A local educational agency,
15 or a consortium of neighboring local educational
16 agencies, is eligible for a grant under subsection (b)
17 if, during the fiscal year for which a grant is award-
18 ed under this section, there are 25 or more unac-
19 companied alien children enrolled in the public
20 schools served by the local educational agency or the
21 consortium, respectively.

22 (2) DETERMINATIONS OF NUMBER OF UNAC-
23 COMPANIED ALIEN CHILDREN.—The Secretary of
24 Education shall determine the number of unaccom-
25 panied alien children for purposes of paragraph (1)

1 based on the most accurate data available that is
2 provided to the Secretary of Education by the Direc-
3 tor or the Department of Homeland Security.

4 (d) APPLICATIONS.—A local educational agency, or
5 a consortia of neighboring local educational agencies, de-
6 siring a grant under this section shall submit an applica-
7 tion to the Secretary of Education, which shall include a
8 description of how the grant will be used to enhance op-
9 portunities for, and provide services to, immigrant chil-
10 dren and youth (including unaccompanied alien children)
11 and their families, provide trauma-informed services and
12 supports (including mental health care services for such
13 children and youth), improve engagement with the spon-
14 sors of such children or youth, and provide specialized in-
15 structional support services (which may include hiring spe-
16 cialized instructional support personnel with expertise in
17 providing services to such children and youth).

1 **TITLE V—ENSURING ORDERLY**
2 **AND HUMANE MANAGEMENT**
3 **OF CHILDREN AND FAMILIES**
4 **SEEKING PROTECTION**

5 **Subtitle A—Providing a Fair and**
6 **Efficient Legal Process for Chil-**
7 **dren and Vulnerable Families**
8 **Seeking Asylum**

9 **SEC. 511. COURT APPEARANCE COMPLIANCE AND LEGAL**
10 **ORIENTATION.**

11 (a) ACCESS TO LEGAL ORIENTATION PROGRAMS TO
12 ENSURE COURT APPEARANCE COMPLIANCE.—

13 (1) IN GENERAL.—The Secretary of Homeland
14 Security, in consultation with the Attorney General,
15 shall establish procedures, consistent with the proce-
16 dures established pursuant to section 412, to ensure
17 that legal orientation programs are available for all
18 aliens detained by the Department of Homeland Se-
19 curity.

20 (2) PROGRAM ELEMENTS.—Programs under
21 paragraph (1) shall inform aliens described in such
22 paragraph regarding—

23 (A) the basic procedures of immigration
24 hearings;

1 (B) their rights and obligations relating to
2 such hearings under Federal immigration laws
3 to ensure appearance at all immigration pro-
4 ceedings;

5 (C) their rights under Federal immigration
6 laws, including available legal protections and
7 the procedure for requesting such protection;

8 (D) the consequences of filing frivolous
9 legal claims and of failing to appear for pro-
10 ceedings; and

11 (E) any other subject that the Attorney
12 General considers appropriate, such as a con-
13 tact list of potential legal resources and pro-
14 viders.

15 (3) ELIGIBILITY.—An alien shall be given ac-
16 cess to legal orientation programs under this sub-
17 section regardless of the alien’s current immigration
18 status, prior immigration history, or potential for
19 immigration relief.

20 (b) PILOT PROJECT FOR NONDETAINED ALIENS IN
21 REMOVAL PROCEEDINGS.—

22 (1) IN GENERAL.—The Attorney General shall
23 develop and administer a 2-year pilot program at
24 not fewer than 2 immigration courts to provide non-

1 detained aliens with pending asylum claims access to
2 legal information.

3 (2) REPORT.—At the conclusion of the pilot
4 program under this subsection, the Attorney General
5 shall submit a report to the Committee on the Judi-
6 ciary of the Senate and the Committee on the Judi-
7 ciary of the House of Representatives that describes
8 the extent to which nondetained aliens are provided
9 with access to counsel.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Executive Office of
12 Immigration Review of the Department of Justice such
13 sums as may be necessary to carry out this section.

14 **SEC. 512. FAIR DAY IN COURT FOR KIDS.**

15 (a) APPOINTMENT OF COUNSEL IN REMOVAL PRO-
16 CEEDINGS; RIGHT TO REVIEW CERTAIN DOCUMENTS IN
17 REMOVAL PROCEEDINGS.—Section 240(b) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1229a(b)) is
19 amended—

20 (1) in paragraph (4)—

21 (A) in subparagraph (A)—

22 (i) by striking “, at no expense to the
23 Government,”; and

24 (ii) by striking the comma at the end
25 and inserting a semicolon;

1 (B) by redesignating subparagraphs (B)
2 and (C) as subparagraphs (D) and (E), respec-
3 tively;

4 (C) by inserting after subparagraph (A)
5 the following:

6 “(B) the Attorney General may appoint or
7 provide counsel, at Government expense, to
8 aliens in immigration proceedings;

9 “(C) the alien, or the alien’s counsel, not
10 later than 7 days after receiving a notice to ap-
11 pear under section 239(a), shall receive a com-
12 plete copy of the alien’s immigration file (com-
13 monly known as an ‘A-file’) in the possession of
14 the Department of Homeland Security (other
15 than documents protected from disclosure under
16 section 552(b) of title 5, United States Code);”;
17 and

18 (D) in subparagraph (D), as redesignated,
19 by striking “, and” and inserting “; and”; and
20 (2) by adding at the end the following:

21 “(8) FAILURE TO PROVIDE ALIEN REQUIRED
22 DOCUMENTS.—A removal proceeding may not pro-
23 ceed until the alien, or the alien’s counsel, if the
24 alien is represented—

1 “(A) has received the documents required
2 under paragraph (4)(C); and

3 “(B) has been provided at least 10 days to
4 review and assess such documents.”.

5 (b) CLARIFICATION REGARDING THE AUTHORITY OF
6 THE ATTORNEY GENERAL TO APPOINT COUNSEL TO
7 ALIENS IN IMMIGRATION PROCEEDINGS.—

8 (1) IN GENERAL.—Section 292 of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1362) is amend-
10 ed to read as follows:

11 **“SEC. 292. RIGHT TO COUNSEL.**

12 “(a) IN GENERAL.—Except as provided in sub-
13 sections (b) and (c), in any removal proceeding and in any
14 appeal proceeding before the Attorney General from any
15 such removal proceeding, the subject of the proceeding
16 shall have the privilege of being represented by such coun-
17 sel as may be authorized to practice in such proceeding
18 as he or she may choose. This subsection shall not apply
19 to screening proceedings described in section
20 235(b)(1)(A).

21 “(b) ACCESS TO COUNSEL FOR UNACCOMPANIED
22 ALIEN CHILDREN.—

23 “(1) IN GENERAL.—In any removal proceeding
24 and in any appeal proceeding before the Attorney
25 General from any such removal proceeding, an unac-

1 accompanied alien child (as defined in section 462(g)
2 of the Homeland Security Act on 2002 (6 U.S.C.
3 279(g))) shall be represented by Government-ap-
4 pointed counsel, at Government expense.

5 “(2) LENGTH OF REPRESENTATION.—Once a
6 child is designated as an unaccompanied alien child
7 under paragraph (1), the child shall be represented
8 by counsel at every stage of the proceedings from
9 the child’s initial appearance through the termi-
10 nation of immigration proceedings, and any ancillary
11 matters appropriate to such proceedings even if the
12 child attains 18 years of age or is reunified with a
13 parent or legal guardian while the proceedings are
14 pending.

15 “(3) NOTICE.—Not later than 72 hours after
16 an unaccompanied alien child is taken into Federal
17 custody, the alien shall be notified that he or she will
18 be provided with legal counsel in accordance with
19 this subsection.

20 “(4) WITHIN DETENTION FACILITIES.—The
21 Secretary of Homeland Security shall ensure that
22 unaccompanied alien children have access to counsel
23 inside all detention, holding, and border facilities.

24 “(c) PRO BONO REPRESENTATION.—

1 “(1) IN GENERAL.—To the maximum extent
2 practicable, the Attorney General should make every
3 effort to utilize the services of competent counsel
4 who agree to provide representation to such children
5 under subsection (b) without charge.

6 “(2) DEVELOPMENT OF NECESSARY INFRA-
7 STRUCTURES AND SYSTEMS.—The Attorney General
8 shall develop the necessary mechanisms to identify
9 counsel available to provide pro bono legal assistance
10 and representation to children under subsection (b)
11 and to recruit such counsel.

12 “(d) CONTRACTS; GRANTS.—The Attorney General
13 may enter into contracts with, or award grants to, non-
14 profit agencies with relevant expertise in the delivery of
15 immigration-related legal services to children to carry out
16 the responsibilities under this section, including providing
17 legal orientation, screening cases for referral, recruiting,
18 training, and overseeing pro bono attorneys. Nonprofit
19 agencies may enter into subcontracts with, or award
20 grants to, private voluntary agencies with relevant exper-
21 tise in the delivery of immigration related legal services
22 to children in order to carry out this section.

23 “(e) MODEL GUIDELINES ON LEGAL REPRESENTA-
24 TION OF CHILDREN.—

1 “(1) DEVELOPMENT OF GUIDELINES.—The Ex-
2 ecutive Office for Immigration Review, in consulta-
3 tion with voluntary agencies and national experts,
4 shall develop model guidelines for the legal represen-
5 tation of alien children in immigration proceedings,
6 which shall be based on the children’s asylum guide-
7 lines, the American Bar Association Model Rules of
8 Professional Conduct, and other relevant domestic or
9 international sources.

10 “(2) PURPOSE OF GUIDELINES.—The guide-
11 lines developed under paragraph (1) shall be de-
12 signed to help protect each child from any individual
13 suspected of involvement in any criminal, harmful,
14 or exploitative activity associated with the smuggling
15 or trafficking of children, while ensuring the fairness
16 of the removal proceeding in which the child is in-
17 volved.

18 “(f) DUTIES OF COUNSEL.—Counsel provided under
19 this section shall—

20 “(1) represent the unaccompanied alien child in
21 all proceedings and matters relating to the immigra-
22 tion status of the child or other actions involving the
23 Department of Homeland Security;

24 “(2) appear in person for all individual merits
25 hearings before the Executive Office for Immigration

1 Review and interviews involving the Department of
2 Homeland Security;

3 “(3) owe the same duties of undivided loyalty,
4 confidentiality, and competent representation to the
5 child as is due to an adult client; and

6 “(4) carry out other such duties as may be pro-
7 scribed by the Attorney General or the Executive Of-
8 fice for Immigration Review.

9 “(g) SAVINGS PROVISION.—Nothing in this section
10 may be construed to supersede—

11 “(1) any duties, responsibilities, disciplinary, or
12 ethical responsibilities an attorney may have to his
13 or her client under State law;

14 “(2) the admission requirements under State
15 law; or

16 “(3) any other State law pertaining to the ad-
17 mission to the practice of law in a particular juris-
18 diction.”.

19 (2) RULEMAKING.—The Attorney General shall
20 promulgate regulations to implement section 292 of
21 the Immigration and Nationality Act, as added by
22 paragraph (1), in accordance with the requirements
23 set forth in section 3006A of title 18, United States
24 Code.

1 **SEC. 513. ACCESS TO COUNSEL AND LEGAL ORIENTATION**
2 **AT DETENTION FACILITIES.**

3 The Secretary of Homeland Security shall provide ac-
4 cess to counsel for all aliens detained in a facility under
5 the supervision of U.S. Immigration and Customs En-
6 forcement, U.S. Customs and Border Protection, or the
7 Department of Health and Human Services, or in any pri-
8 vate facility that contracts with the Federal Government
9 to house, detain, or hold aliens.

10 **SEC. 514. REPORT ON ACCESS TO COUNSEL.**

11 (a) REPORT.—Not later than December 31 of each
12 year, the Secretary of Homeland Security, in consultation
13 with the Attorney General, shall prepare and submit a re-
14 port to the Committee on the Judiciary of the Senate and
15 the Committee on the Judiciary of the House of Rep-
16 resentatives regarding the extent to which aliens described
17 in section 292(b) of the Immigration and Nationality Act,
18 as added by section 512(b), have been provided access to
19 counsel.

20 (b) CONTENTS.—Each report submitted under para-
21 graph (a) shall include, for the immediately preceding 1-
22 year period—

23 (1) the number and percentage of aliens de-
24 scribed in section 292(b) of the Immigration and
25 Nationality Act, as added by section 512(b), who

1 were represented by counsel, including information
2 specifying—

3 (A) the stage of the legal process at which
4 each such alien was represented;

5 (B) whether the alien was in government
6 custody; and

7 (C) the nationality and ages of such aliens;
8 and

9 (2) the number and percentage of aliens who
10 received legal orientation presentations, including
11 the nationality and ages of such aliens.

12 **SEC. 515. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to the Executive Office of Immigration Review of
15 the Department of Justice such sums as may be necessary
16 to carry out sections 512 through 514.

17 (b) BUDGETARY EFFECTS.—The budgetary effects of
18 this Act, for the purpose of complying with the Statutory
19 Pay-As-You-Go-Act of 2010, shall be determined by ref-
20 erence to the latest statement titled “Budgetary Effects
21 of PAYGO Legislation” for this Act, submitted for print-
22 ing in the Congressional Record by the Chairman of the
23 Senate Budget Committee, provided that such statement
24 has been submitted prior to the vote on passage.

1 **Subtitle B—Reducing Significant**
2 **Delays in Immigration Court**

3 **SEC. 521. ELIMINATE IMMIGRATION COURT BACKLOGS.**

4 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—

5 The Attorney General shall increase the total number of
6 immigration judges to adjudicate pending cases and effi-
7 ciently process future cases by at least 75 judges during
8 each of the fiscal years 2019, 2020, 2021, and 2022.

9 (b) QUALIFICATION; SELECTION.—The Attorney
10 General shall—

11 (1) ensure that all newly hired immigration
12 judges and Board of Immigration Appeals members
13 are highly qualified and trained to conduct fair, im-
14 partial adjudications in accordance with applicable
15 due process requirements; and

16 (2) in selecting immigration judges, may not
17 give any preference to candidates with prior govern-
18 ment experience compared to equivalent subject-mat-
19 ter expertise resulting from nonprofit, private bar, or
20 academic experience.

21 (c) NECESSARY SUPPORT STAFF FOR IMMIGRATION
22 JUDGES.—To address the shortage of support staff for
23 immigration judges, the Attorney General shall ensure
24 that each immigration judge has sufficient support staff,

1 adequate technological and security resources, and appro-
2 priate courtroom facilities.

3 (d) ANNUAL INCREASES IN BOARD OF IMMIGRATION
4 APPEALS PERSONNEL.—The Attorney General shall in-
5 crease the number of Board of Immigration Appeals staff
6 attorneys (including necessary additional support staff) to
7 efficiently process cases by at least—

8 (1) 23 attorneys during fiscal year 2019;

9 (2) an additional 23 attorneys during fiscal
10 year 2020; and

11 (3) an additional 23 attorneys during fiscal
12 year 2021.

13 (e) GAO REPORT.—The Comptroller General of the
14 United States shall—

15 (1) conduct a study of the hurdles to efficient
16 hiring of immigration court judges within the De-
17 partment of Justice; and

18 (2) propose solutions to Congress for improving
19 the efficiency of the hiring process.

20 **SEC. 522. IMPROVED TRAINING FOR IMMIGRATION JUDGES**
21 **AND MEMBERS OF THE BOARD OF IMMIGRA-**
22 **TION APPEALS.**

23 (a) IN GENERAL.—To ensure efficient and fair pro-
24 ceedings, the Director of the Executive Office for Immi-
25 gration Review shall facilitate robust training programs

1 for immigration judges and members of the Board of Im-
2 migration Appeals.

3 (b) MANDATORY TRAINING.—Training facilitated
4 under subsection (a) shall include—

5 (1) expanding the training program for new im-
6 migration judges and Board members;

7 (2) continuing education regarding current de-
8 velopments in immigration law through regularly
9 available training resources and an annual con-
10 ference; and

11 (3) methods to ensure that immigration judges
12 are trained on properly crafting and dictating deci-
13 sions and standards of review, including improved
14 on-bench reference materials and decision templates.

15 **SEC. 523. NEW TECHNOLOGY TO IMPROVE COURT EFFI-
16 CIENCY.**

17 The Director of the Executive Office for Immigration
18 Review will modernize its case management and related
19 electronic systems, including allowing for electronic filing,
20 to improve efficiency in the processing of immigration pro-
21 ceedings.

1 **Subtitle C—Reducing the Likeli-**
2 **hood of Repeated Migration to**
3 **the United States**

4 **SEC. 531. ESTABLISHING REINTEGRATION AND MONI-**
5 **TORING SERVICES FOR REPATRIATING CHIL-**
6 **DREN.**

7 (a) CONSULTATION WITH UNHCR.—The Secretary
8 of Homeland Security, the Secretary of Health and
9 Human Services, and the Secretary of State shall consult
10 with the United Nations High Commissioner for Refugees
11 (referred to in this section as the “UNHCR”), Central
12 American governments, and nongovernmental organiza-
13 tions with expertise in child welfare and unaccompanied
14 migrant children to develop a child-centered repatriation
15 process for unaccompanied children being returned to
16 their country of origin that requires a determination of
17 the best interest of the child before the child is repatriated
18 to his or her country of origin.

19 (b) COLLABORATION WITH REGIONAL GOVERN-
20 MENTS AND NONGOVERNMENTAL ORGANIZATIONS.—The
21 Secretary of State and the Administrator of the United
22 States Agency for International Development, in coordina-
23 tion with the Secretary of Homeland Security, shall col-
24 laborate with regional governments and international and

1 domestic nongovernmental organizations to reduce chil-
2 dren’s need to emigrate again by—

3 (1) establishing and expanding comprehensive
4 long-term reintegration services at the municipal
5 level for repatriated unaccompanied children once re-
6 turned to their communities of origin;

7 (2) establishing monitoring and verification
8 services to determine the well-being of repatriated
9 children in order to determine if United States pro-
10 tection and screening functioned effectively in identi-
11 fying persecuted and trafficked children;

12 (3) providing emergency referrals to the
13 UNHCR for registration and safe passage to an es-
14 tablished emergency transit center for refugees for
15 any repatriated children who are facing immediate
16 risk of harm; and

17 (4) ensuring that international and domestic
18 civil society organizations with expertise in child wel-
19 fare, unaccompanied migrant children, and inter-
20 national protection needs have access to government
21 run reception centers for repatriated children—

22 (A) to identify children with protection
23 needs; and

1 (B) to offer child services following their
2 return to their communities.

○