

116TH CONGRESS  
1ST SESSION

# S. 1303

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 2, 2019

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

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       “Humanitarian Upgrades to Manage and Assist our Na-  
6       tion’s Enforcement Act of 2019” or the “HUMANE Act  
7       of 2019”.

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

Sec. 1. Short title; table of contents.

- Sec. 2. Family unification.
- Sec. 3. Repatriation of unaccompanied alien children.
- Sec. 4. Child welfare and law enforcement information sharing.
- Sec. 5. Accountability for children and taxpayers.
- Sec. 6. Custody of unaccompanied alien children in removal proceedings under section 240 of the Immigration and Nationality Act.
- Sec. 7. Fraud in connection with the transfer of custody of unaccompanied alien children.
- Sec. 8. Notification of States and foreign governments, reporting, and monitoring.
- Sec. 9. Reports to Congress.
- Sec. 10. Asylum processing.
- Sec. 11. Biometric and DNA collection.
- Sec. 12. Standard operating procedures; facilities standards.
- Sec. 13. Regional processing centers.
- Sec. 14. Authorization to hire additional U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement personnel.
- Sec. 15. Ports of entry infrastructure improvements.
- Sec. 16. Foreign engagement strategy.
- Sec. 17. Deterring visa overstays.

**1 SEC. 2. FAMILY UNIFICATION.**

2 (a) IN GENERAL.—Section 235 of the Immigration  
 3 and Nationality Act (8 U.S.C. 1225) is amended by add-  
 4 ing at the end the following:

5 “(e) PROTECTIVE CUSTODY OF ARRIVING ALIEN  
 6 CHILDREN ACCOMPANIED BY PARENTS.—

7 “(1) IN GENERAL.—Notwithstanding any other  
 8 provision of law, including section 3142 of title 18,  
 9 United States Code, any judicial determination (in-  
 10 cluding any judicial determination made in *Flores v.*  
 11 *Sessions et. al.* (9th Cir. July 5, 2017; C.D. CA.  
 12 July 24, 2015)), consent decree, or settlement agree-  
 13 ment issued before the date of enactment of the  
 14 HUMANE Act of 2019, and section 236.3 of title  
 15 8, Code of Federal Regulations (or a successor regu-  
 16 lation), the Secretary of Homeland Security is not

1 required to implement the terms of the stipulated  
2 settlement agreement filed on January 17, 1997, in  
3 the United States District Court for the Central  
4 District of California in Flores v. Reno, CV 85–  
5 4544–RJK (commonly known as the “Flores settle-  
6 ment agreement”), and may not use any Federal  
7 Funds to implement such agreement, with respect to  
8 an alien child who is younger than 18 years of age  
9 if such child is accompanied by a parent or legal  
10 guardian.

11 “(2) FAMILY RESIDENTIAL CENTERS.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B), the Secretary of Homeland  
14 Security shall house any alien child described in  
15 paragraph (1) who is unlawfully present in the  
16 United States together with the parent of such  
17 child in a family residential center or a regional  
18 processing center maintained by the Secretary  
19 of Homeland Security during the pendency of  
20 civil or criminal proceedings.

21 “(B) EXCEPTION.—The Secretary of  
22 Homeland Security may not temporarily house  
23 an alien child referred to in subparagraph (A)  
24 in the manner described in such subparagraph  
25 if the Secretary—

1 “(i) is unable to verify that an indi-  
2 vidual accompanying the alien child is the  
3 parent of the alien child;

4 “(ii) determines that the accom-  
5 panying parent of the alien child—

6 “(I) has a violent criminal his-  
7 tory; or

8 “(II) has committed or been con-  
9 victed of—

10 “(aa) an aggravated felony;

11 “(bb) a crime involving the  
12 attempted use of physical force  
13 or the threatened use of a deadly  
14 weapon;

15 “(cc) an assault resulting in  
16 bodily injury (as defined in sec-  
17 tion 2266 of title 18, United  
18 States Code); or

19 “(dd) an offense described  
20 in section 212(a)(2) or  
21 237(a)(2);

22 “(iii) determines that the alien child  
23 has been a victim of domestic abuse or sex-  
24 ual abuse; or

25 “(iv) the alien child is—

1 “(I) a victim of trafficking;

2 “(II) at risk of becoming a victim  
3 of trafficking;

4 “(III) in danger of abuse or ne-  
5 glect at the hands of the accom-  
6 panying parent of the alien child; or

7 “(IV) a danger to himself or her-  
8 self or to others.

9 “(C) CONDITIONS FOR CUSTODY.—The  
10 Secretary of Homeland Security shall ensure  
11 that—

12 “(i) each family residential facility or  
13 regional processing center, as applicable, is  
14 secure and safe; and

15 “(ii) each alien child and each accom-  
16 panying parent at a family residential fa-  
17 cility or regional processing center—

18 “(I) has suitable living accom-  
19 modations;

20 “(II) has access to drinking  
21 water and food;

22 “(III) has timely access to med-  
23 ical assistance, including mental  
24 health assistance;

1                   “(IV) has access to recreational  
2 facilities, educational services, enter-  
3 tainment options, clothing, family visi-  
4 tation, and legal counsel (to the great-  
5 est extent practicable in accordance  
6 with section 292); and

7                   “(V) has access to any other  
8 service necessary for the adequate  
9 care of a minor child.

10                   “(3) PROTECTIVE CUSTODY OF ACCOMPANIED  
11 ALIEN CHILDREN INELIGIBLE FOR HOUSING IN A  
12 FAMILY RESIDENTIAL CENTER.—If an alien child de-  
13 scribed in paragraph (1) may not be housed with the  
14 accompanying parent of the alien child in a family  
15 residential center or regional processing center in ac-  
16 cordance with paragraph (2)(A), the child shall be  
17 treated as an unaccompanied alien child under the  
18 William Wilberforce Trafficking Victims Protection  
19 Reauthorization Act of 2008 (8 U.S.C. 1232 et  
20 seq.).

21                   “(4) PRIORITIZATION OF ACCOMPANIED MINOR  
22 AND FAMILY UNIT PROCEEDINGS.—To the maximum  
23 extent practicable, the Secretary of Homeland Secu-  
24 rity and the Attorney General shall prioritize civil  
25 and criminal proceedings and decisions on requests

1 for relief from removal of accompanied alien children  
2 and families who are in custody under this sub-  
3 section.”.

4 (b) APPLICABILITY.—The amendments made by this  
5 Act shall apply regardless of the date of the occurrence  
6 of an action giving rise to the admissibility or custody of  
7 the accompanied child or parent.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion, or in the amendments made by this section, may be  
10 construed as terminating the settlement agreement filed  
11 on January 17, 1997, in the United States District Court  
12 for the Central District of California in Flores v. Reno,  
13 CV 85–4544–RJK (commonly known as the “Flores set-  
14 tlement agreement”), with respect to an unaccompanied  
15 alien child (as defined in section 462(g)(2) of the Home-  
16 land Security Act of 2002 (6 U.S.C. 279(g)(2))).

17 **SEC. 3. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**  
18 **DREN.**

19 (a) IN GENERAL.—Section 235(a) of the William  
20 Wilberforce Trafficking Victims Protection Reauthoriza-  
21 tion Act of 2008 (8 U.S.C. 1232(a)) is amended—

22 (1) in paragraph (2)—

23 (A) by amending the paragraph heading to  
24 read as follows: “RULES FOR UNACCOMPANIED  
25 ALIEN CHILDREN.—”;

1 (B) in subparagraph (A), in the matter  
2 preceding clause (i), by striking “who is a na-  
3 tional or habitual resident of a country that is  
4 contiguous with the United States shall be  
5 treated in accordance with subparagraph (B)”  
6 and inserting “shall be treated in accordance  
7 with subparagraph (B) or subsection (b), as ap-  
8 propriate”; and

9 (C) in subparagraph (C)—

10 (i) by amending the subparagraph  
11 heading to read as follows: “AGREEMENTS  
12 WITH FOREIGN COUNTRIES.—”; and

13 (ii) in the matter preceding clause (i),  
14 by inserting “and any other foreign coun-  
15 try that the Secretary determines to be ap-  
16 propriate” after “countries contiguous to  
17 the United States”;

18 (2) by redesignating paragraphs (3), (4), and  
19 (5) as paragraphs (4), (5), and (6), respectively; and

20 (3) inserting after paragraph (2) the following:

21 “(3) MANDATORY EXPEDITED REMOVAL OF  
22 CRIMINALS AND GANG MEMBERS.—Notwithstanding  
23 any other provision of law, the Secretary of Home-  
24 land Security shall place an unaccompanied alien  
25 child in a proceeding in accordance with section 235



1 of the Immigration and Nationality Act (8 U.S.C.  
2 1225), if the Secretary determines or has reason to  
3 believe that the alien—

4 “(A) has been convicted of any offense car-  
5 rying a maximum term of imprisonment of  
6 more than 180 days;

7 “(B) has been convicted of, or found to be  
8 a juvenile offender based on, an offense that in-  
9 volved—

10 “(i) the use or attempted use of phys-  
11 ical force, or threatened use of a deadly  
12 weapon;

13 “(ii) the purchase, sale, offering for  
14 sale, exchange, use, ownership, possession,  
15 or carrying, or, of attempting or conspiring  
16 to purchase, sell, offer for sale, exchange,  
17 use, own, possess, or carry, any weapon,  
18 part, or accessory which is a firearm or de-  
19 structive device (as defined in section  
20 921(a) of title 18, United States Code) in  
21 violation of any law;

22 “(iii) child abuse and neglect (as de-  
23 fined in section 40002(a)(3) of the Vio-  
24 lence Against Women Act of 1994 (34  
25 U.S.C. 12291(a)(3)));

1           “(iv) assault resulting in bodily injury  
2           (as defined in section 2266 of title 18,  
3           United States Code);

4           “(v) the violation of a protection order  
5           (as defined in section 2266 of title 18,  
6           United States Code);

7           “(vi) driving while intoxicated or driv-  
8           ing under the influence (as such terms are  
9           defined in section 164 of title 23, United  
10          States Code); or

11          “(vii) any offense under foreign law  
12          (except a purely political offense) that, if  
13          the offense had been committed in the  
14          United States, would render the alien inad-  
15          missible under section 212(a) of the Immi-  
16          gration and Nationality Act (8 U.S.C.  
17          1182(a));

18          “(C) has been convicted of, or found to be  
19          a juvenile offender based on, more than 1 crimi-  
20          nal offense (other than minor traffic offenses);

21          “(D) has been convicted of, or found to be  
22          a juvenile offender based on a crime of violence  
23          or an offense under Federal, State, or Tribal  
24          law, that has, as an element, the use or at-

1           tempted use of physical force or the threatened  
2           use of physical force or a deadly weapon;

3           “(E) has engaged in, is engaged in, or is  
4           likely to engage after entry in any terrorist ac-  
5           tivity (as defined in section 212(a)(3)(B)(iii) of  
6           the Immigration and Nationality Act (8 U.S.C.  
7           1182(a)(3)(B)(iii))), or intends to participate or  
8           has participated in the activities of a foreign  
9           terrorist organization (as designated under sec-  
10          tion 219 of the Immigration and Nationality  
11          Act (8 U.S.C. 1189));

12          “(F) has engaged in, is engaged in, or any  
13          time after a prior admission engages in activity  
14          described in section 237(a)(4) of the Immigra-  
15          tion and Nationality Act (8 U.S.C. 1227(a)(4));

16          “(G) is or was a member of a criminal  
17          gang (as defined in section 101(a)(53) of the  
18          Immigration and Nationality Act (8 U.S.C.  
19          1101(a)(53)));

20          “(H) provided materially false, fictitious,  
21          or fraudulent information regarding age or  
22          identity to the United States Government with  
23          the intent to inaccurately classify as an unac-  
24          panied alien child; or

1           “(I) has entered the United States more  
2           than once in violation of section 275(a) of the  
3           Immigration and Nationality Act (8 U.S.C.  
4           1325(a)), knowing that the entry was unlaw-  
5           ful.”.

6           (b) **PRIORITIZATION OF PROCEEDINGS.**—The Sec-  
7           retary of Homeland Security and the Attorney General  
8           shall ensure that immigration proceedings and any claims  
9           for relief, including asylum, for an unaccompanied minor  
10          child are prioritized and expeditiously adjudicated.

11 **SEC. 4. CHILD WELFARE AND LAW ENFORCEMENT INFOR-**  
12 **MATION SHARING.**

13          Section 235(b) of the William Wilberforce Trafficking  
14          Victims Protection Reauthorization Act of 2008 (8 U.S.C.  
15          1232(b)) is amended by adding at the end the following:

16               “(5) **INFORMATION SHARING.**—

17               “(A) **IMMIGRATION STATUS.**—If the Sec-  
18               retary of Health and Human Services considers  
19               placing an unaccompanied alien child with a po-  
20               tential sponsor, the Secretary of Homeland Se-  
21               curity shall notify the Secretary of Health and  
22               Human Services of the immigration status of  
23               such potential sponsor before making such  
24               placement.

1           “(B) OTHER INFORMATION.—The Sec-  
2           retary of Health and Human Services, upon re-  
3           quest, shall provide to the Secretary of Home-  
4           land Security and the Attorney General any rel-  
5           evant information relating to an unaccompanied  
6           alien child who is, or has been, in the custody  
7           of the Secretary of Health and Human Serv-  
8           ices, including the location of such child and  
9           any person to whom custody of the child has  
10          been transferred, for any legitimate law enforce-  
11          ment objective, including the enforcement of the  
12          immigration laws.”.

13 **SEC. 5. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.**

14          Section 235(b) of the William Wilberforce Trafficking  
15          Victims Protection Reauthorization Act of 2008, as  
16          amended by section 4, is further amended by adding at  
17          the end the following:

18               “(6) INSPECTION OF FACILITIES.—The Inspec-  
19               tor General of the Department of Health and  
20               Human Services shall conduct regular inspections of  
21               facilities utilized by the Secretary of Health and  
22               Human Services to provide care and custody of un-  
23               accompanied alien children who are in the immediate  
24               custody of the Secretary to ensure that such facili-

1       ties are operated in the most efficient manner prac-  
2       ticable.

3               “(7) FACILITY OPERATIONS COSTS.—The Sec-  
4       retary of Health and Human Services shall ensure  
5       that facilities utilized to provide care and custody of  
6       unaccompanied alien children are operated efficiently  
7       and at a rate of cost that is not greater than \$500  
8       per day for each child housed or detained at such fa-  
9       cility, unless the Secretary certifies that compliance  
10      with this requirement is temporarily impossible due  
11      to emergency circumstances.”.

12 **SEC. 6. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN**  
13                       **IN REMOVAL PROCEEDINGS UNDER SECTION**  
14                       **240 OF THE IMMIGRATION AND NATIONALITY**  
15                       **ACT.**

16       (a) IN GENERAL.—Section 235(c)(2) of the William  
17 Wilberforce Trafficking Victims Protection Reauthoriza-  
18 tion Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by  
19 adding at the end the following:

20                       “(C) CHILDREN IN REMOVAL PRO-  
21                       CEEDINGS UNDER SECTION 240.—

22                       “(i) LIMITATION ON PLACEMENT.—  
23                       Notwithstanding any settlement or consent  
24                       decree previously issued before the date of  
25                       the enactment of this subparagraph, sec-

1           tion 236.3 of title 8, Code of Federal Reg-  
2           ulations, or a similar successor regulation,  
3           an unaccompanied alien child who has been  
4           placed in a proceeding under section 240  
5           of the Immigration and Nationality Act (8  
6           U.S.C. 1229a) may not be placed in the  
7           custody of a nongovernmental sponsor or  
8           otherwise released from the immediate cus-  
9           tody of the United States Government un-  
10          less—

11                   “(I) the nongovernmental spon-  
12                   sor is a biological or adoptive parent  
13                   or legal guardian of the unaccom-  
14                   panied alien child;

15                   “(II) the parent or legal guardian  
16                   is legally present in the United States  
17                   at the time of such placement;

18                   “(III) the parent or legal guard-  
19                   ian has undergone a mandatory bio-  
20                   metric criminal history check;

21                   “(IV) if the nongovernmental  
22                   sponsor is the biological parent, the  
23                   parent’s relationship to the alien child  
24                   has been verified through DNA test-

1 ing conducted by the Secretary of  
2 Health and Human Services;

3 “(V) if the nongovernmental  
4 sponsor is the adoptive parent, the  
5 parent’s relationship to the alien child  
6 has been verified with the judicial  
7 court that issued the final legal adop-  
8 tion decree by the Secretary of Health  
9 and Human Services; and

10 “(VI) the Secretary of Health  
11 and Human Services has determined  
12 that the alien child is not a danger to  
13 himself or herself, a danger to the  
14 community, or a flight risk.

15 “(ii) EXCEPTIONS.—If the Secretary  
16 of Health and Human Services determines  
17 that an unaccompanied alien child is a vic-  
18 tim of severe forms of trafficking in per-  
19 sons (as defined in section 103 of the  
20 Trafficking Victims Protection Act of 2000  
21 (22 U.S.C. 7102)), a special needs child  
22 with a disability (as defined in section 3 of  
23 the Americans with Disabilities Act of  
24 1990 (42 U.S.C. 12102)), a child who has  
25 been a victim of physical or sexual abuse



1 under circumstances that indicate that the  
2 child's health or welfare has been signifi-  
3 cantly harmed or threatened, or a child  
4 with mental health needs that require on-  
5 going assistance from a social welfare  
6 agency, such child may be placed with a  
7 grandparent or adult sibling if the grand-  
8 parent or adult sibling meets the require-  
9 ments for parents or legal guardians under  
10 subclauses (II), (III), and (IV) of clause  
11 (i).

12 “(iii) FAILURE TO APPEAR.—

13 “(I) CIVIL PENALTY.—Except as  
14 provided in subclause (II), if an unac-  
15 companied alien child who was placed  
16 with a sponsor fails to appear in a  
17 mandatory court appearance, the  
18 sponsor shall be subject to a civil pen-  
19 alty of \$250 per day until the alien  
20 appears in court, up to a maximum  
21 penalty of \$5,000.

22 “(II) BURDEN OF PROOF.—The  
23 penalty under subclause (I) shall not  
24 apply to a sponsor who—

1           “(aa) appears in person and  
2           proves to the immigration court  
3           that the failure to appear by the  
4           unaccompanied alien child was  
5           not the fault of the sponsor; and

6           “(bb) supplies the immigra-  
7           tion court with documentary evi-  
8           dence that supports the assertion  
9           described in item (aa).

10           “(iv) PROHIBITION ON PLACEMENT  
11           WITH SEX OFFENDERS AND HUMAN TRAF-  
12           FICKERS.—The Secretary of Health and  
13           Human Services may not place an unac-  
14           companied alien child under this subpara-  
15           graph in the custody of an individual who  
16           has been convicted of, or the Secretary has  
17           reason to believe was otherwise involved in  
18           the commission of—

19           “(I) a sex offense (as defined in  
20           section 111 of the Sex Offender Reg-  
21           istration and Notification Act (34  
22           U.S.C. 20911));

23           “(II) a crime involving severe  
24           forms of trafficking in persons (as de-  
25           fined in section 103 of the Trafficking

1 Victims Protection Act of 2000 (22  
2 U.S.C. 7102)); or

3 “(III) an offense under Federal,  
4 State, or Tribal law that has, as an  
5 element of the offense, the use or at-  
6 tempted use of physical force or the  
7 threatened use of physical force or a  
8 deadly weapon.

9 “(v) REQUIREMENTS OF CRIMINAL  
10 BACKGROUND CHECK.—Each biometric  
11 criminal history check required under  
12 clause (i)(III) shall be conducted using a  
13 set of fingerprints or other biometric iden-  
14 tifier through—

15 “(I) the Federal Bureau of Inves-  
16 tigation;

17 “(II) criminal history repositories  
18 of all States that the individual lists  
19 as current or former residences; and

20 “(III) any other Federal or State  
21 database or repository that the Sec-  
22 retary of Health and Human Services  
23 determines to be appropriate.”.

24 (b) HOME STUDIES AND FOLLOW-UP SERVICES FOR  
25 UNACCOMPANIED ALIEN CHILDREN.—Section 235(c)(3)

1 of the William Wilberforce Trafficking Victims Protection  
2 Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)) is  
3 amended—

4 (1) by redesignating subparagraph (C) as sub-  
5 paragraph (D); and

6 (2) by striking subparagraph (B) and inserting  
7 the following:

8 “(B) HOME STUDIES.—

9 “(i) IN GENERAL.—Except as pro-  
10 vided under clause (ii), the Secretary of  
11 Health and Human Services shall deter-  
12 mine whether a home study is necessary  
13 before placing a child with an individual.

14 “(ii) REQUIRED HOME STUDIES.—A  
15 home study shall be conducted for a  
16 child—

17 “(I) who is a victim of a severe  
18 form of trafficking in persons or is a  
19 special needs child with a disability  
20 (as defined in section 3 of the Ameri-  
21 cans with Disabilities Act of 1990 (42  
22 U.S.C. 12102));

23 “(II) who has been a victim of  
24 physical or sexual abuse under cir-  
25 cumstances that indicate that the

1 child's health or welfare has been sig-  
2 nificantly harmed or threatened;

3 “(III) whose proposed sponsor  
4 presents a risk of abuse, maltreat-  
5 ment, exploitation, or trafficking to  
6 the child based on all available objec-  
7 tive evidence if more than 2 other  
8 children are residing with the pro-  
9 posed sponsor, or if such sponsor has  
10 custody of at least 1 other unaccom-  
11 panied alien child; or

12 “(IV) if more than 2 other chil-  
13 dren are residing with the proposed  
14 sponsor, or if such sponsor has cus-  
15 tody of at least 1 other unaccom-  
16 panied alien child.

17 “(C) FOLLOW-UP SERVICES AND ADDI-  
18 TIONAL HOME STUDIES.—

19 “(i) PENDENCY OF REMOVAL PRO-  
20 CEEDINGS.—Not less frequently than once  
21 every 180 days until the date on which ini-  
22 tial removal proceedings are completed and  
23 the immigration judge issues an order of  
24 removal, grants voluntary departure under  
25 section 240B, or grants the alien relief

1 from removal, the Secretary of Health and  
2 Human Services shall conduct follow-up  
3 services for any child for whom a home  
4 study was conducted and who was placed  
5 with a nongovernmental sponsor.

6 “(ii) CHILDREN WITH MENTAL  
7 HEALTH OR OTHER NEEDS.—Not less fre-  
8 quently than once every 180 days, until the  
9 date that is 2 years after the date on  
10 which a child is placed with a nongovern-  
11 mental sponsor, the Secretary of Health  
12 and Human Services shall conduct follow-  
13 up services for any child with mental  
14 health needs or other needs who could ben-  
15 efit from ongoing assistance from a social  
16 welfare agency.

17 “(iii) CHILDREN AT RISK.—Not less  
18 frequently than once every 90 days until  
19 the date that is 2 years after the date on  
20 which a child is placed with a nongovern-  
21 mental sponsor, the Secretary of Health  
22 and Human Services shall conduct home  
23 studies and follow-up services, including  
24 partnering with local community programs

1 that focus on early morning and after  
2 school programs for at-risk children who—

3 “(I) need a secure environment  
4 to engage in studying, training, and  
5 skills-building programs; and

6 “(II) are at risk for recruitment  
7 by criminal gangs or other  
8 transnational criminal organizations  
9 in the United States.”.

10 **SEC. 7. FRAUD IN CONNECTION WITH THE TRANSFER OF**  
11 **CUSTODY OF UNACCOMPANIED ALIEN CHIL-**  
12 **DREN.**

13 (a) IN GENERAL.—Chapter 47 of title 18, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing:

16 **“§ 1041. Fraud in connection with the transfer of cus-**  
17 **tody of unaccompanied alien children**

18 “(a) IN GENERAL.—It shall be unlawful for a person  
19 to obtain custody of an unaccompanied alien child (as de-  
20 fined in section 462(g) of the Homeland Security Act of  
21 2002 (6 U.S.C. 279(g))—

22 “(1) by making any materially false, fictitious,  
23 or fraudulent statement or representation; or

24 “(2) by making or using any false writing or  
25 document with the knowledge that such writing or

1 document contains any materially false, fictitious, or  
 2 fraudulent statement or entry.

3 “(b) PENALTIES.—

4 “(1) IN GENERAL.—Any person who violates, or  
 5 attempts or conspires to violate, subsection (a) shall  
 6 be fined under this title and imprisoned for not less  
 7 than 1 year.

8 “(2) ENHANCED PENALTY FOR TRAF-  
 9 FICKING.—If the primary purpose of a violation, at-  
 10 tempted violation, or conspiracy to violate this sec-  
 11 tion was to subject the child to sexually explicit ac-  
 12 tivity or any other form of exploitation, the offender  
 13 shall be fined under this title and imprisoned for not  
 14 less than 15 years.”.

15 (b) CLERICAL AMENDMENT.—The chapter analysis  
 16 for chapter 47 of title 18, United States Code, is amended  
 17 by adding at the end the following:

“1041. Fraud in connection with the transfer of custody of unaccompanied alien  
 children.”.

18 **SEC. 8. NOTIFICATION OF STATES AND FOREIGN GOVERN-**  
 19 **MENTS, REPORTING, AND MONITORING.**

20 Section 235 of the William Wilberforce Trafficking  
 21 Victims Protection Reauthorization Act of 2008 (8 U.S.C.  
 22 1232), as amended by this Act, is further amended by  
 23 adding at the end the following:

24 “(k) NOTIFICATION TO STATES.—



1           “(1) BEFORE PLACEMENT.—The Secretary of  
2           Homeland Security or the Secretary of Health and  
3           Human Services shall notify the Governor of a State  
4           no later than 48 hours before placing an unaccom-  
5           panied alien child who is in the custody of such Sec-  
6           retary into the care of a facility or sponsor in such  
7           State.

8           “(2) INITIAL REPORTS.—Not later than 60  
9           days after the date of the enactment of this sub-  
10          section, the Secretary of Health and Human Serv-  
11          ices shall submit a report to the Governor of each  
12          State in which an unaccompanied alien child was  
13          discharged to a sponsor or placed in a facility while  
14          remaining in the legal custody of the Secretary dur-  
15          ing the period beginning October 1, 2013, and end-  
16          ing on the date of the enactment of this subsection.

17          “(3) MONTHLY REPORTS.—The Secretary of  
18          Health and Human Services shall submit a monthly  
19          report to the Governor of each State in which, dur-  
20          ing the reporting period, an unaccompanied alien  
21          child was discharged to a sponsor or placed in a fa-  
22          cility while remaining in the legal custody of the  
23          Secretary of Health and Human Services.

24          “(4) CONTENTS.—Each report required to be  
25          submitted to the Governor of a State under para-

1 graph (2) or (3) shall identify the number of unac-  
2 companied alien children placed in the State during  
3 the reporting period, disaggregated by—

4 “(A) the locality in which the aliens were  
5 placed; and

6 “(B) the age of such aliens.

7 “(l) NOTIFICATION OF FOREIGN COUNTRY.—The  
8 Secretary of Homeland Security shall provide information  
9 regarding each unaccompanied alien child to the govern-  
10 ment of the country of which the child is a national to  
11 assist such government with the identification and reunifi-  
12 cation of such child with their parent or other qualifying  
13 relative.

14 “(m) MONITORING REQUIREMENT.—The Secretary  
15 of Health and Human Services shall—

16 “(1) require all sponsors to agree—

17 “(A) to receive approval from the Sec-  
18 retary of Health and Human Services before  
19 changing the location in which the sponsor is  
20 housing an unaccompanied alien child placed in  
21 the sponsor’s custody; and

22 “(B) to provide a current address for the  
23 child and the reason for the change of address;

24 “(2) provide regular and frequent monitoring of  
25 the physical and emotional well-being of each unac-

1        accompanied alien child who has been discharged to a  
2        sponsor or remained in the legal custody of the Sec-  
3        retary until the child’s immigration case is resolved;  
4        and

5                “(3) not later than 60 days after the date of  
6        the enactment of this subsection, submit a plan to  
7        Congress for implementing the requirements under  
8        paragraphs (1) and (2).”.

9        **SEC. 9. REPORTS TO CONGRESS.**

10        (a) **REPORTS ON CARE OF UNACCOMPANIED ALIEN**  
11 **CHILDREN.**—Not later than September 30, 2020, the Sec-  
12 retary of Health and Human Services shall submit to Con-  
13 gress, and make publicly available, a report that in-  
14 cludes—

15                (1) a detailed summary of the contracts in ef-  
16        fect to care for and house unaccompanied alien chil-  
17        dren, including the names and locations of contrac-  
18        tors and the facilities being used;

19                (2) for each contractor and facility referred to  
20        in paragraph (1), the cost per day to care for and  
21        house an unaccompanied alien child, including an ex-  
22        planation of such cost;

23                (3) the number of unaccompanied alien children  
24        who have been released to a sponsor, if any;

1           (4) a list of the States to which unaccompanied  
2 alien children have been released from the custody of  
3 the Secretary of Health and Human Services to the  
4 care of a sponsor or placement in a facility;

5           (5) the number of unaccompanied alien children  
6 who have been released to a sponsor who is not law-  
7 fully present in the United States, including the  
8 country of nationality or last habitual residence and  
9 age of such children;

10          (6) a determination of whether more than 1 un-  
11 accompanied alien child has been released to the  
12 same sponsor, including the number of children who  
13 were released to such sponsor;

14          (7) an assessment of the extent to which the  
15 Secretary of Health and Human Services is moni-  
16 toring the release of unaccompanied alien children,  
17 including home studies done and electronic moni-  
18 toring devices used;

19          (8) an assessment of the extent to which the  
20 Secretary of Health and Human Services is making  
21 efforts—

22               (A) to educate unaccompanied alien chil-  
23 dren about their legal rights; and

24               (B) to provide unaccompanied alien chil-  
25 dren with access to pro bono counsel; and

1           (9) the extent of the public health issues of un-  
2           accompanied alien children, including contagious dis-  
3           eases, the benefits or medical services provided, and  
4           the outreach to States and localities about public  
5           health issues, that could affect the public.

6           (b) REPORTS ON REPATRIATION AGREEMENTS.—  
7           Not later than September 30, 2020, the Secretary of State  
8           shall submit to Congress, and make publicly available, a  
9           report that—

10           (1) includes a copy of any repatriation agree-  
11           ment in effect for unaccompanied alien children;

12           (2) describes any such repatriation agreement  
13           that is being considered or negotiated; and

14           (3) describes the funding provided by the  
15           United States Government to the 20 countries that  
16           have the highest number of nationals entering the  
17           United States as unaccompanied alien children, in-  
18           cluding amounts provided—

19           (A) to deter the nationals of each country  
20           from illegally entering the United States; and

21           (B) to care for or reintegrate repatriated  
22           unaccompanied alien children in the country of  
23           nationality or last habitual residence.

24           (c) REPORTS ON RETURNS TO COUNTRY OF NATION-  
25           ALITY.—Not later than September 30, 2020, the Sec-

1   retary of Homeland Security shall submit to Congress,  
2   and make publicly available, a report that identifies—

3           (1) the number of unaccompanied alien children  
4       who have voluntarily returned to their country of na-  
5       tionality or habitual residence, disaggregated by—

6                   (A) country of nationality or habitual resi-  
7       dence; and

8                   (B) age of the unaccompanied alien chil-  
9       dren;

10          (2) the number of unaccompanied alien children  
11       who have been returned to their country of nation-  
12       ality or habitual residence, including the length of  
13       time such children were present in the United  
14       States;

15          (3) the number of unaccompanied alien children  
16       who have not been returned to their country of na-  
17       tionality or habitual residence pending travel docu-  
18       ments or other requirements from such country, in-  
19       cluding how long they have been waiting to return;  
20       and

21          (4) the number of unaccompanied alien children  
22       who were granted relief in the United States, wheth-  
23       er through asylum, any other immigration benefit or  
24       status, or deferred action.

1 (d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not  
2 later than September 30, 2020, and not less frequently  
3 than every 90 days thereafter, the Secretary of Homeland  
4 Security, in coordination with the Director of the Execu-  
5 tive Office for Immigration Review, shall submit to Con-  
6 gress, and make publicly available, a report that identi-  
7 fies—

8 (1) the number of unaccompanied alien children  
9 who, after proceedings under section 235B of the  
10 Immigration and Nationality Act (were returned to  
11 their country of nationality or habitual residence,  
12 disaggregated by—

13 (A) country of nationality or residence; and

14 (B) age and gender of such aliens;

15 (2) the number of unaccompanied alien children  
16 who, after proceedings under section 235(b) of the  
17 Immigration and Nationality Act (8 U.S.C.  
18 1225(b)), prove a claim of admissibility and are  
19 placed in proceedings under section 240 of that Act  
20 (8 U.S.C. 1229a);

21 (3) the number of unaccompanied alien children  
22 who fail to appear at a removal hearing that such  
23 alien was required to attend;

24 (4) the number of sponsors who were levied a  
25 penalty, including the amount and whether the pen-

1 alty was collected, for the failure of an unaccom-  
2 panied alien child to appear at a removal hearing;  
3 and

4 (5) the number of aliens that are classified as  
5 unaccompanied alien children, the ages and coun-  
6 tries of nationality of such children, and the orders  
7 issued by the immigration judge at the conclusion of  
8 proceedings under section 235(b) of the Immigration  
9 and Nationality Act for such children.

10 **SEC. 10. ASYLUM PROCESSING.**

11 Section 208 of the Immigration and Nationality Act  
12 (8 U.S.C. 1158(a)) is amended—

13 (1) in subsection (a), by striking “(whether or  
14 not at a designated port of arrival and including an  
15 alien who is brought to the United States after hav-  
16 ing been interdicted in international or United  
17 States waters),” and inserting “at a designated port  
18 of entry (including an alien who is brought to the  
19 United States after having been interdicted in inter-  
20 national or United States waters),”; and

21 (2) in subsection (b)(2)(A)—

22 (A) in clause (v), by striking “or” at the  
23 end;

24 (B) in clause (vi), by striking the period at  
25 the end and inserting “; or” at the end; and



1 (C) by adding at the end the following:

2 “(vii) the alien arrived in the United  
3 States anywhere other than at a des-  
4 ignated port of entry.”.

5 **SEC. 11. BIOMETRIC AND DNA COLLECTION.**

6 (a) COLLECTION OF BIOMETRIC INFORMATION.—

7 The Commissioner of U.S. Customs and Border Protec-  
8 tion shall verify parentage or other family relationships  
9 of individuals apprehended along the border or at des-  
10 ignated ports of entry, in accordance with section 411(c)  
11 of the Homeland Security Act of 2002 (6 U.S.C. 211(c)),  
12 by photographing and collecting biometric information  
13 from all alien children apprehended by U.S. Customs and  
14 Border Protection who were younger than 18 years of age  
15 at the time of such apprehension.

16 (b) COLLECTION OF DNA SAMPLES.—

17 (1) IN GENERAL.—The Secretary of Homeland  
18 Security or the Attorney General shall verify parent-  
19 age or other family relationships of individuals ap-  
20 prehended along the border or at designated ports of  
21 entry, in accordance with section 3(a) of the DNA  
22 Analysis Backlog Elimination Act of 2000 (34  
23 U.S.C. 40702(a)), shall conduct DNA analysis from  
24 all alien children younger than 18 years of age who  
25 are in the custody of U.S. Customs and Border Pro-



1           (1) INITIAL REVIEW AND UPDATE.—Not later  
2 than 270 days after the date of the enactment of  
3 this Act, the Secretary of Homeland Security shall  
4 review and update the regulations under part 115 of  
5 title 6, Code of Federal Regulations, which set  
6 standards to prevent, detect, and respond to sexual  
7 abuse and assault in immigration detention facilities  
8 and other holding facilities under the jurisdiction of  
9 the Department of Homeland Security.

10           (2) QUADRENNIAL REVIEW.—The Secretary of  
11 Homeland Security shall review and update the reg-  
12 ulations referred to in paragraph (1) not less fre-  
13 quently than once every 4 years.

14 **SEC. 13. REGIONAL PROCESSING CENTERS.**

15           Subtitle C of title IV of the Homeland Security Act  
16 of 2002 (6 U.S.C. 231 et seq.) is amended by adding at  
17 the end the following:

18 **“SEC. 437. REGIONAL PROCESSING CENTERS.**

19           “(a) IN GENERAL.—The Secretary shall establish at  
20 least 4 regional processing centers located in high traffic  
21 sectors of U.S. Border Patrol, as determined by the Sec-  
22 retary, along the southern border land border of the  
23 United States. All family units apprehended by U.S. Cus-  
24 toms and Border Protection in such sectors shall be expe-

1 ditiously transported to the nearest regional processing  
2 center.

3 “(b) PURPOSE.—The regional processing centers es-  
4 tablished pursuant to subsection (a) shall carry out family  
5 unit processing activities, including—

6 “(1) criminal history checks;

7 “(2) identity verification;

8 “(3) DNA analysis;

9 “(4) medical screenings;

10 “(5) asylum interviews and credible fear deter-  
11 minations under section 235 of the Immigration and  
12 Nationality Act (8 U.S.C. 1225); and

13 “(6) other activities prescribed by the Sec-  
14 retary.

15 “(c) PERSONNEL AND LIVING CONDITIONS.—The re-  
16 gional processing centers established pursuant to sub-  
17 section (a) shall include—

18 “(1) personnel assigned from—

19 “(A) U.S. Customs and Border Protection;

20 “(B) U.S. Immigration and Customs En-  
21 forcement;

22 “(C) the Federal Emergency Management  
23 Agency;

24 “(D) U.S. Citizenship and Immigration  
25 Services; and

1           “(E) the Office of Refugee Resettlement of  
2           the Department of Health and Human Services;

3           “(2) upon agreement with the Secretary of De-  
4           fense, personnel assigned from the Department of  
5           Defense;

6           “(3) sufficient medical staff, including physi-  
7           cians specializing in pediatric or family medicine,  
8           nurse practitioners, and physician assistants;

9           “(4) licensed social workers;

10          “(5) mental health professionals; and

11          “(6) a sufficient number of detention beds to  
12          detain all family units apprehended by U.S. Customs  
13          and Border Protection in the sector of the U.S. Bor-  
14          der Patrol in which such regional processing center  
15          is located for not fewer than 20 days.

16          “(d) IMMIGRATION JUDGES.—During the 2-year pe-  
17          riod beginning on the date of the enactment of this sec-  
18          tion, the Attorney General shall assign not fewer than 2  
19          immigration judges to each southwest border family resi-  
20          dential center or other southwest border location agreed  
21          upon by the Attorney General and the Secretary of Home-  
22          land Security to expeditiously adjudicate the immigration  
23          proceedings of family units and other aliens arrested and  
24          detained by the Department of Homeland Security.

1       “(e) CRIMINAL HISTORY CHECKS AND DNA ANAL-  
2 YSIS.—

3           “(1) IN GENERAL.—Each biometric criminal  
4 history check carried out under subsection (b)(1)  
5 shall be conducted using a set of fingerprints or  
6 other biometric identifier obtained from—

7           “(A) the Federal Bureau of Investigation;

8           “(B) the criminal history repositories of all  
9 States that the individual listed as a current or  
10 former residence; and

11           “(C) any other appropriate Federal or  
12 State database or repository, as determined by  
13 the Secretary of Health and Human Services.”.

14       “(2) USE OF RAPID DNA INSTRUMENTS.—DNA  
15 analysis under subsection (b)(3) may be carried out  
16 with Rapid DNA instruments.

17       “(f) EXCEPTIONS FOR ADDITIONAL PURPOSES.—

18 Subject to operational and spatial availability, in the event  
19 of a major disaster or emergency declared under the Rob-  
20 ert T. Stafford Disaster Relief and Emergency Assistance  
21 Act (42 U.S.C. 5121 et seq.) or any homeland security  
22 crisis requiring the establishment of a departmental Joint  
23 Task Force under section 708(b), the Secretary may tem-  
24 porarily utilize a regional processing center to carry out  
25 operations relating to such declaration or crisis.

1       “(g) PRIVATE DONATIONS.—The Department of  
2 Homeland Security may accept donations from the private  
3 sector, nongovernmental organizations, and other groups  
4 independent of the Federal Government for the care of  
5 children and family units detained at a regional processing  
6 center established under subsection (a), including—

7               “(1) medical goods and services;

8               “(2) school supplies;

9               “(3) toys;

10              “(4) clothing; and

11              “(5) any other items intended to promote the  
12 well being of such children and family units.

13       “(h) DEFINITIONS.—In this section, the terms ‘DNA  
14 analysis’, ‘DNA sample’, and ‘Rapid DNA instruments’  
15 have the meanings given such terms under section 3(c)  
16 of the DNA Analysis Backlog Elimination Act of 2000 (34  
17 U.S.C. 40702(c)).”.

18 **SEC. 14. AUTHORIZATION TO HIRE ADDITIONAL U.S. CUS-**  
19 **TOMS AND BORDER PROTECTION AND U.S.**  
20 **IMMIGRATION AND CUSTOMS ENFORCEMENT**  
21 **PERSONNEL.**

22       (a) OFFICERS.—The Commissioner of U.S. Customs  
23 and Border Protection shall hire, train, and assign not  
24 fewer than 600 new Office of Field Operations Officers  
25 (above the current attrition level) during every fiscal year

1 until the total number of Office of Field Operations Offi-  
2 cers equals and sustains the requirements identified each  
3 year in the Workload Staffing Model.

4 (b) SUPPORT STAFF.—The Commissioner is author-  
5 ized to hire, train, and assign support staff, including  
6 technicians, to perform non law enforcement administra-  
7 tive functions to support the new Office of Field Oper-  
8 ations officers hired pursuant to subsection (a).

9 (c) AGRICULTURE SPECIALISTS.—Not later than  
10 September 30, 2021, the Secretary of Homeland Security  
11 shall hire, train, and assign to duty 631 U.S. Customs  
12 and Border Protection Agriculture Specialists to ports of  
13 entry along the southern and northern borders of the  
14 United States.

15 (d) TRAFFIC FORECASTS.—In calculating the num-  
16 ber of Office of Field Operations Officers needed at each  
17 port of entry through the Workload Staffing Model, the  
18 Commissioner shall—

19 (1) rely on data collected regarding the inspec-  
20 tions and other activities conducted at each such  
21 port of entry; and

22 (2) consider volume from seasonal surges, other  
23 projected changes in commercial and passenger vol-  
24 umes, the most current commercial forecasts, and  
25 other relevant information.



1 (e) GAO REPORT.—If the Commissioner does not  
2 hire 600 additional Office of Field Operations officers pur-  
3 suant to subsection (a) during fiscal year 2020, or during  
4 any subsequent fiscal year in which the hiring require-  
5 ments set forth in the Workload Staffing Model have not  
6 been achieved, the Comptroller General of the United  
7 States shall—

8 (1) conduct a review of U.S. Customs and Bor-  
9 der Protection hiring practices to determine the rea-  
10 sons that such requirements were not achieved and  
11 other issues related to hiring by U.S. Customs and  
12 Border Protection; and

13 (2) submit a report to the Committee on Home-  
14 land Security and Governmental Affairs of the Sen-  
15 ate and the Committee on Homeland Security of the  
16 House of Representatives that describes the results  
17 of the review conducted under paragraph (1).

18 (f) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
19 PERSONNEL INCREASES.—The Director of U.S. Immigra-  
20 tion and Customs Enforcement shall hire, train, and as-  
21 sign—

22 (1) not fewer than 1,000 new Enforcement and  
23 Removal Operations Officers;

1           (2) not fewer than 665 Enforcement and Re-  
2           moval Operations support personnel to address case  
3           management responsibilities;

4           (3) not fewer than 128 attorneys in the Office  
5           of the Principal Legal Advisor; and

6           (4) not fewer than 41 support staff within the  
7           Office of the Principal Legal Advisor to assist immi-  
8           gration judges within the Executive Office for Immi-  
9           gration Review with removal, asylum, and custody  
10          determination proceedings.

11 **SEC. 15. PORTS OF ENTRY INFRASTRUCTURE IMPROVE-**  
12 **MENTS.**

13          (a) **ADDITIONAL PORTS OF ENTRY.—**

14           (1) **AUTHORITY.—**The Secretary of Homeland  
15           Security may construct new ports of entry along the  
16           northern and southern borders of the United States  
17           at locations determined by the Secretary, after ap-  
18           propriate consultations pursuant to paragraph (2).

19           (2) **CONSULTATIONS.—**

20           (A) **REQUIREMENT TO CONSULT.—**The  
21           Secretary of Homeland Security shall consult  
22           with the Secretary of State, the Secretary of  
23           the Interior, the Secretary of Agriculture, the  
24           Secretary of Transportation, the Administrator  
25           of the General Services Administration, and ap-

1           appropriate representatives of State and local gov-  
2           ernments, and Indian tribes, and property own-  
3           ers in the United States before selecting a loca-  
4           tion for any new port constructed pursuant to  
5           paragraph (1).

6           (B) CONSIDERATIONS.—The purpose of  
7           the consultations required under subparagraph  
8           (A) shall be to minimize any negative impacts  
9           of new ports of entry on the environment, cul-  
10          ture, commerce, and quality of life of the com-  
11          munities and residents located near such new  
12          ports of entry.

13          (b) EXPANSION AND MODERNIZATION OF HIGH-PRI-  
14          ORITY BORDER PORTS OF ENTRY.—Not later than Sep-  
15          tember 30, 2021, the Secretary of Homeland Security  
16          shall modernize the top 10 high-priority ports of entry on  
17          the southern border of the United States.

18          (c) PORT OF ENTRY PRIORITIZATION.—The Sec-  
19          retary of Homeland Security shall complete the expansion  
20          and modernization of ports of entry pursuant to sub-  
21          section (b), to the extent practicable, before constructing  
22          any new ports of entry pursuant to subsection (a).

23          (d) NOTIFICATION.—

24                  (1) NEW PORTS OF ENTRY.—Not later than 15  
25          days after determining the location of a new port of

1 entry pursuant to subsection (a), the Secretary of  
2 Homeland Security shall submit a report to the enti-  
3 ties listed in paragraph (2) that includes—

4 (A) the location of the new port of entry;

5 (B) a description of the need for, and an-  
6 ticipated benefits of, the new port of entry;

7 (C) a description of the consultations un-  
8 dertaken by the Secretary pursuant to sub-  
9 section (a)(2);

10 (D) any actions that will be taken to mini-  
11 mize negative impacts of the new port; and

12 (E) the anticipated timeline for completing  
13 the construction of the new port of entry.

14 (2) RECIPIENTS.—The entities listed in this  
15 paragraph are—

16 (A) the members of Congress that rep-  
17 resent the State or congressional district in  
18 which the new port of entry will be located;

19 (B) the Committee on Homeland Security  
20 and Governmental Affairs of the Senate;

21 (C) the Committee on Finance of the Sen-  
22 ate;

23 (D) the Committee on the Judiciary of the  
24 Senate;

1 (E) the Committee on Homeland Security  
2 of the House of Representatives;

3 (F) the Committee on Ways and Means of  
4 the House of Representatives; and

5 (G) the Committee on the Judiciary of the  
6 House of Representatives.

7 (3) TOP 10 HIGH-VOLUME PORTS.—Not later  
8 than 180 days after the date of the enactment of  
9 this Act, the Secretary of Homeland Security shall  
10 submit a report to the congressional committees list-  
11 ed under paragraph (2) that—

12 (A) lists the top 10 high-volume ports of  
13 entry on the southern border of the United  
14 States; and

15 (B) the Secretary’s plan for expanding the  
16 primary and secondary inspection lanes at each  
17 port of entry referred to in subparagraph (A).

18 **SEC. 16. FOREIGN ENGAGEMENT STRATEGY.**

19 (a) IN GENERAL.—Not later than 270 days after the  
20 date of the enactment of this Act, the Secretary of State,  
21 in coordination with the Secretary of Homeland Security,  
22 shall submit a strategy to the congressional committees  
23 listed in subsection (c) that describes how the United  
24 States Government will—

1           (1) engage with the Government of Mexico and  
2           the Government of Guatemala regarding new oppor-  
3           tunities for cooperation on Mexico’s border with  
4           Guatemala;

5           (2) foster cooperation between Mexican and  
6           Guatemalan authorities at high-volume ports of  
7           entry to synchronize border security technologies be-  
8           tween Mexico and Guatemala to improve border se-  
9           curity and trade facilitation; and

10          (3) help modernize infrastructure and tech-  
11          nology at ports of entry in Guatemala, including  
12          nonintrusive inspection equipment, to more fully  
13          automate the inspection process.

14          (b) IMPLEMENTATION.—No later than 1 year after  
15          the date of the enactment of this Act, the Secretary of  
16          State, in coordination with the Secretary of Homeland Se-  
17          curity, shall submit a report to the congressional commit-  
18          tees listed in subsection (c) that describes the steps that  
19          have been taken to implement the strategy described in  
20          subsection (a).

21          (c) RECIPIENTS.—The congressional committees list-  
22          ed in this paragraph are—

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

1           (2) the Committee on the Judiciary of the Sen-  
2       ate;

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

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

7       **SEC. 17. DETERRING VISA OVERSTAYS.**

8           (a) ADMISSION OF NONIMMIGRANTS.—Section 214 of  
9       the Immigration and Nationality Act (8 U.S.C. 1184) is  
10      amended by striking the section designation and heading  
11      and all that follows through the end of subsection (a)(1)  
12      and inserting the following:

13      **“SEC. 214. ADMISSION OF NONIMMIGRANTS.**

14           “(a) IN GENERAL.—

15                   “(1) TERMS AND CONDITIONS OF ADMISSION.—

16                           “(A) IN GENERAL.—Subject to subpara-  
17                           graphs (B) and (C), the admission to the  
18                           United States of any alien as a nonimmigrant  
19                           may be for such time and under such conditions  
20                           as the Secretary may prescribe, in his or her  
21                           sole and unreviewable discretion, including  
22                           when the Secretary deems necessary the giving  
23                           of a bond with sufficient surety in such sum  
24                           and containing such conditions as the Secretary  
25                           shall prescribe, to ensure that at the expiration

1 of such time or upon failure to maintain the  
2 status under which the alien was admitted, or  
3 to maintain any status subsequently acquired  
4 under section 248, such alien will depart from  
5 the United States.

6 “(B) GUAM OR CNMI VISA WAIVER NON-  
7 IMMIGRANTS.—No alien admitted to Guam or  
8 the Commonwealth of the Northern Mariana Is-  
9 lands without a visa pursuant to section 212(l)  
10 may be authorized to enter or stay in the  
11 United States, other than in Guam or the Com-  
12 monwealth of the Northern Mariana Islands, or  
13 to remain in Guam or the Commonwealth of  
14 the Northern Mariana Islands for a period ex-  
15 ceeding 45 days after the date on which the  
16 alien was admitted to Guam or the Common-  
17 wealth of the Northern Mariana Islands.

18 “(C) VISA WAIVER PROGRAM NON-  
19 IMMIGRANTS.—An alien admitted to the United  
20 States without a visa pursuant to section 217  
21 shall not be authorized to remain in the United  
22 States as a nonimmigrant visitor for a period  
23 exceeding 90 days from the date on which the  
24 alien was admitted.



1           “(D) BAR TO IMMIGRATION BENEFITS AND  
2 TO CONTESTING REMOVAL.—

3           “(i) DEFINED TERM.—In this sub-  
4 paragraph, the term ‘good cause’ means  
5 extreme exigent humanitarian cir-  
6 cumstances, determined on a case-by-case  
7 basis only, such as a medical emergency or  
8 force majeure.

9           “(ii) CONSEQUENCE OF OVERSTAY.—  
10 Subject to clause (iii), except for an alien  
11 admitted as a nonimmigrant under sub-  
12 paragraph (A)(i), (A)(ii), (G)(i), (G)(ii), or  
13 (G)(iii) of section 101(a)(15) or as a  
14 NATO–1, 2, 3, 4, 5, or 6 nonimmigrant,  
15 any alien who remains in the United  
16 States for a period of more than 30 days  
17 after the date on which the period of stay  
18 or parole authorized by the Secretary for  
19 the alien ends, without good cause, is inad-  
20 missible and ineligible for all immigration  
21 benefits or relief available under the immi-  
22 gration laws, including relief under sec-  
23 tions 240A(b)(1), 240B(b), 245, 248, and  
24 249, other than—

25                           “(I) asylum;

1 “(II) relief as a victim of traf-  
2 ficking under section 101(a)(15)(T);

3 “(III) relief as a victim of crimi-  
4 nal activity under section  
5 101(a)(15)(U);

6 “(IV) relief under the Violence  
7 Against Women Act of 1994 (42  
8 U.S.C. 13701 et seq.) as a spouse or  
9 child who has been battered or sub-  
10 jected to extreme cruelty;

11 “(V) relief as a battered spouse  
12 or child under section 240A(b)(2);

13 “(VI) withholding of removal  
14 under section 241(b)(3); or

15 “(VII) protection from removal  
16 based on a claim under the Conven-  
17 tion Against Torture and Other Cruel,  
18 Inhuman or Degrading Treatment or  
19 Punishment, done at New York, De-  
20 cember 10, 1984.

21 “(iii) EXCEPTION.—The Secretary  
22 may, in the Secretary’s sole and  
23 unreviewable discretion, determine that a  
24 nonimmigrant is not subject to clause (ii)  
25 if—

1           “(I) the alien was lawfully in-  
2           spected and admitted to the United  
3           States as a nonimmigrant;

4           “(II) the alien filed a nonfrivo-  
5           lous application for change of status  
6           to another nonimmigrant category or  
7           for an extension of stay before the  
8           date on which the alien’s authorized  
9           period of stay as a nonimmigrant ex-  
10          pired;

11          “(III) the alien has not been em-  
12          ployed without authorization in the  
13          United States, before or during pend-  
14          ency of the application referred to in  
15          subclause (II);

16          “(IV) the alien has not otherwise  
17          violated the terms of the alien’s non-  
18          immigrant status; and

19          “(V) the Secretary, in the Sec-  
20          retary’s sole and unreviewable discre-  
21          tion, determines that the alien is not  
22          a threat to national security or public  
23          safety.

24          “(iv) DETENTION AND EXPEDITED  
25          REMOVAL.—An alien described in clause

1 (ii) who remains in the United States more  
2 than 30 days after the date on which the  
3 period of stay authorized by the Secretary  
4 ends, without good cause, shall be detained  
5 and the Secretary shall expeditiously re-  
6 move the alien from the United States not  
7 later than 90 days after the date on which  
8 the alien is detained.

9 “(v) LIMITATION ON JUDICIAL RE-  
10 VIEW.—Notwithstanding any other provi-  
11 sion of law (statutory or nonstatutory), in-  
12 cluding section 2241 of title 28, United  
13 States Code, any other habeas corpus pro-  
14 vision, or sections 1361 and 1651 of such  
15 title, no court shall have jurisdiction to re-  
16 view any cause or claim, arising from, or  
17 relating to, the detention and expedited re-  
18 moval of an alien pursuant to clause (iv).”.

19 (b) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—  
20 Section 217(b) of the Immigration and Nationality Act (8  
21 U.S.C. 1187(b)) is amended to read as follows:

22 “(b) WAIVER OF RIGHTS.—An alien may not be pro-  
23 vided a waiver under the program unless the alien has—

1           “(1) signed, under penalty of perjury, an ac-  
2           knowledge confirming that the alien was notified  
3           and understands that he or she will be—

4           “(A) ineligible for any form of relief or im-  
5           migration benefit under the Act or any other  
6           immigration laws, including sections  
7           240A(b)(1), 240B(b), 245, 248, and 249 (other  
8           than a request for asylum), relief as a victim of  
9           trafficking under section 101(a)(15)(T), relief  
10          as a victim of criminal activity under  
11          101(A)(15)(U), relief under the Violence  
12          Against Women Act of 1994 (42 U.S.C. 13701  
13          et seq.) as a spouse or child who has been bat-  
14          tered or subjected to extreme cruelty, relief as  
15          a battered spouse or child under section  
16          240A(b)(2), withholding of removal under sec-  
17          tion 241(b)(3), or protection from removal  
18          based on a claim under the Convention Against  
19          Torture and Other Cruel, Inhuman or Degrad-  
20          ing Treatment or Punishment, done at New  
21          York, December 10, 1984; and

22          “(B) subject to detention and expedited re-  
23          moval from the United States, if the alien fails  
24          to depart from the United States at the end of  
25          the 90-day period for admission;

1           “(2) waived any right to review or appeal under  
2           this Act of an immigration officer’s determination as  
3           to the admissibility of the alien at the port of entry  
4           into the United States; and

5           “(3) waived any right to contest any action for  
6           removal of the alien.”.

7           (c) DETENTION AND REPATRIATION OF VISA WAIV-  
8           ER VIOLATORS.—Section 217(c)(2)(E) of the Immigration  
9           and Nationality Act (8 U.S.C. 1187(c)(2)(E)) is amended  
10          to read as follows:

11                       “(E) DETENTION AND REPATRIATION OF  
12                       ALIENS.—Any alien who fails to depart from  
13                       the United States at the end of the 90-day pe-  
14                       riod for admission shall be detained pending re-  
15                       moval.”.

16          (d) ISSUANCE OF NONIMMIGRANT VISAS.—Section  
17          221(a) of the Immigration and Nationality Act (8 U.S.C.  
18          1201(a)) is amended by adding at the end the following:

19           “(3) The Secretary of State shall ensure that every  
20          application for a nonimmigrant visa includes an acknowl-  
21          edgment, executed by the alien under penalty of perjury,  
22          confirming that the alien—

23                       “(A) has been notified of the terms and condi-  
24                       tions of the nonimmigrant visa, including the waiver  
25                       of rights under subsection (j); and

1           “(B) understands that he or she will be ineli-  
2           gible for all immigration benefits and any form of  
3           relief or protection from removal, including relief  
4           under sections 240A(b)(1), 240B(b), 245, 248, and  
5           249, other than a request for asylum, relief as a vic-  
6           tim of trafficking under section 101(a)(15)(T), relief  
7           as a victim of criminal activity under  
8           101(A)(15)(U), relief under the Violence Against  
9           Women Act of 1994 (42 U.S.C. 13701 et seq.) as  
10          a spouse or child who has been battered or subjected  
11          to extreme cruelty, relief as a battered spouse or  
12          child under section 240A(b)(2), withholding of re-  
13          moval under section 241(b)(3), or protection from  
14          removal based on a claim under the Convention  
15          Against Torture and Other Cruel, Inhuman or De-  
16          grading Treatment or Punishment, done at New  
17          York, December 10, 1984, and from contesting re-  
18          moval if the alien violates any term or condition of  
19          his or her nonimmigrant visa or fails to depart the  
20          United States not later than 30 days after the end  
21          of the alien’s authorized period of stay.”.

22          (e) BARS TO IMMIGRATION RELIEF.—Section 221 of  
23          the Immigration and Nationality Act (8 U.S.C. 1201) is  
24          amended by adding at the end the following:

1       “(j) WAIVER OF RIGHTS.—The Secretary of State  
2 may not issue a nonimmigrant visa under section 214 to  
3 an alien (other than an alien who qualifies for a visa under  
4 subparagraph (A) or (G) of section 101(a)(15), who is eli-  
5 gible for relief under the Violence Against Women Act of  
6 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who  
7 has been battered or subjected to extreme cruelty, or  
8 qualifies for a visa as a NATO–1, 2, 3, 4, 5, or 6 non-  
9 immigrant) until the alien has waived any right to relief  
10 under sections 240A(b)(1), 240B(b), 245, 248, and 249  
11 (other than relief from removal under section 241(b)(3)  
12 or protection from removal based on a claim under the  
13 Convention Against Torture and Other Cruel, Inhuman or  
14 Degrading Treatment or Punishment, done at New York,  
15 December 10, 1984), any form of relief established after  
16 the date on which the nonimmigrant visa is issued, and  
17 from contesting removal if the alien—

18               “(1) violates a term or condition of his or her  
19 nonimmigrant status; or

20               “(2) fails to depart the United States not later  
21 than the date that is 30 days after the last day of  
22 the alien’s authorized period of stay (as described in  
23 section 214(a)(1)).”.

24       (f) REQUIREMENT THAT ALL NONIMMIGRANTS  
25 HAVE A SPECIFIED AUTHORIZED PERIOD OF STAY END



1 DATE.—Section 235(a) of the Immigration and Nation-  
2 ality Act (8 U.S.C. 1225(a)) is amended by adding at the  
3 end the following:

4 “(6) PERIOD OF STAY.—Any alien who an ex-  
5 amining immigration officer has determined to be  
6 admissible as a nonimmigrant, except for aliens who  
7 are admissible under subparagraph (A)(i), (A)(ii),  
8 (G)(i), (G)(ii), or (G)(iii) of section 101(a)(15), or  
9 who such officer has determined to be eligible for  
10 parole—

11 “(A) shall be admitted or paroled, as ap-  
12 propriate, into the United States for a specific  
13 period; and

14 “(B) shall be issued documentation stating  
15 the end date of the alien’s period of stay in the  
16 United States.”.

17 (g) EFFECTIVE DATE; APPLICABILITY.—

18 (1) IN GENERAL.—This section and the amend-  
19 ments made by this section shall—

20 (A) take effect on the date of enactment of  
21 this Act; and

22 (B) apply only to new visas, initial admis-  
23 sions of nonimmigrants, and initial requests for  
24 change of status from a nonimmigrant category  
25 to another nonimmigrant category under sec-

1           tion 248 of the Immigration and Nationality  
2           Act (8 U.S.C. 1258).

3           (2) PREVIOUSLY ADMITTED INDIVIDUALS.—An  
4           individual previously admitted to the United States  
5           on a nonimmigrant visa who is present in the United  
6           States before the date of the enactment of this Act  
7           shall not be subject to this section or to the amend-  
8           ments made by this section until the alien departs  
9           from the United States or requests a change of non-  
10          immigrant classification under section 248 of the  
11          Immigration and Nationality Act (8 U.S.C. 1258).

○