

114TH CONGRESS
2D SESSION

S. 3106

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

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2016

Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, Mr. LEAHY, Mr. CARPER, and Mr. CARDIN) 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 effectively manage 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 “Secure the Northern Triangle Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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. Authorization of appropriations for United States strategy for engagement in Central America.
- Sec. 112. Strengthening the rule of law and combating corruption.
- Sec. 113. Combating criminal violence and improving citizen security.
- Sec. 114. 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 smuggling, screening, and safety of migrants.
- Sec. 123. Conditions on assistance related to progress on specific issues.

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 SMUGGLERS, CARTELS, AND
TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES

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 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.

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-COUN-
TRY AND IN THE REGION

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—Improving the Efficiency of the Central American Minors
Program

Sec. 331. Expansion.

Sec. 332. Expedited processing.

Sec. 333. Referral to UNHCR.

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

Sec. 401. Definitions; authorization of appropriations.

Subtitle A—Strengthening the Government’s Ability To Oversee the Safety
and Well-Being of Children

Sec. 411. Background checks to ensure the safe placement of unaccompanied
alien children.

Sec. 412. Responsibility of sponsor for immigration court compliance and child
well-being.

Sec. 413. 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. Funding to school districts for unaccompanied alien children.

Sec. 423. Immediate enrollment of 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.

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 Remigration

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

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Since 2006, incidents of murder, other vio-
4 lent crime, and corruption perpetrated by armed
5 criminal gangs and illicit trafficking organizations
6 have risen alarmingly in El Salvador, Guatemala
7 and Honduras (referred to in this Act as the
8 “Northern Triangle”).

9 (2) In 2013, Honduras had the highest per cap-
10 ita homicide rate of any nation in the world, with
11 90.4 murders for every 100,000 people in the coun-
12 try. El Salvador and Guatemala were in the top 5
13 countries with the highest per capita homicide rates.

14 (3) Since 2013, El Salvador’s murder rate rose
15 sharply to become the highest of any country in the
16 world in 2015 at 108.5 homicides for every 100,000
17 people, following a dramatic escalation of violence
18 between the country’s 2 largest armed criminal
19 gangs, Mara Salvatrucha (commonly known as
20 “MS–13”) and Barrio 18.

21 (4) According to the United Nations Inter-
22 national Children’s Emergency Fund (UNICEF),
23 the per capita homicide rate for children in El Sal-

1 vador and Guatemala is higher than any other coun-
2 try in the world. In 2014, 27 out of every 100,000
3 children were murdered in El Salvador.

4 (5) According to the United Nations High Com-
5 missioner for Refugees (UNHCR), Honduras and El
6 Salvador have the highest per capita female homi-
7 cide rates in the world. In 2014, 90 out of every
8 100,000 females were murdered in Honduras.

9 (6) In April 2016, UNHCR's spokesperson
10 stated, "The number of people fleeing violence in
11 Central America has surged to levels not seen since
12 the region was wracked by armed conflicts in the
13 1980s. Action is urgently needed to ensure that un-
14 accompanied children and others receive the protec-
15 tion to which they are entitled."

16 (7) Since 2013, individuals fleeing the Northern
17 Triangle have sought sanctuary in neighboring coun-
18 tries and there has recently been a 1,185 percent in-
19 crease in the number of asylum applications from
20 citizens of El Salvador, Guatemala, and Honduras
21 to the Governments of Mexico, Panama, Nicaragua,
22 Costa Rica and Belize.

23 (8) Unaccompanied minors from the Northern
24 Triangle now make up the majority of unaccom-
25 panied minors encountered at the international bor-

1 der between the United States and Mexico, with the
2 fastest increase occurring among children younger
3 than 12 years of age.

4 (9) Human smugglers are increasingly respon-
5 sible for the transit of migrants from the Northern
6 Triangle to the United States. According to the Gov-
7 ernment Accountability Office, human smugglers
8 frequently use aggressive and misleading marketing
9 to recruit migrants.

10 (10) Many female migrants face rape and sex-
11 ual violence during the journey, either from smug-
12 glers or others encountered on the route, or risk
13 being trafficked for sex or labor.

14 (11) Challenges to the rule of law in the North-
15 ern Triangle have been exacerbated by the limited
16 ability and lack of political will on the part of gov-
17 ernments to investigate and prosecute those respon-
18 sible for murder. In 2014, approximately 95 percent
19 of murders remained unresolved in Honduras and El
20 Salvador.

21 (12) The presence of major drug trafficking or-
22 ganizations in the Northern Triangle contributes to
23 violence, corruption, and criminality. The 2016
24 International Narcotics Control Strategy Report pre-
25 pared by the Department of State estimated that

1 “approximately 90 percent of the cocaine trafficked
2 to the United States in the first half of 2015 first
3 transited through the Mexico/Central America cor-
4 ridor”.

5 (13) Widespread public sector corruption in the
6 Northern Triangle undermines economic and social
7 development and directly affects regional political
8 stability, as demonstrated by the indictment and res-
9 ignation of former Guatemalan president Otto Perez
10 Molina on corruption charges.

11 (14) Human rights defenders, journalists, trade
12 unionists, social leaders, and LGBT activists in the
13 Northern Triangle face dire conditions, as evidenced
14 by the March 2016 murder of Honduran activist
15 Berta Cáceres and the targeted killing of more than
16 200 such civil society leaders since 2006. Almost
17 none of these cases have resulted in convictions.

18 (15) The Northern Triangle struggles with high
19 levels of economic insecurity. In 2014, more than 62
20 percent of Hondurans, more than 59 percent of
21 Guatemalans, and more than 31 percent of Salva-
22 dorans lived below the poverty line.

23 (16) Weak investment climates and low levels of
24 educational opportunity are barriers to inclusive eco-

1 nomic growth and social development in the North-
2 ern Triangle.

3 (17) Although the CAM Program has approval
4 rates of nearly 98 percent, due to limited resources,
5 of the 8,920 children that have applied for humani-
6 tarian protection, only 626 have been conditionally
7 approved and only 368 have entered the United
8 States.

9 (18) Approximately 50 percent of unaccom-
10 panied minors facing United States immigration
11 proceedings receive legal representation. Children
12 with legal counsel appeared at their hearings more
13 than 95 percent of the time.

14 (19) As of May 2016, 492,978 cases were pend-
15 ing before immigration courts, with such cases tak-
16 ing an average of 553 days to reach a final decision.

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the United States must address the violence
20 and humanitarian crisis resulting in the elevated
21 numbers of unaccompanied children, women, and
22 refugees from the Northern Triangle arriving at the
23 Southwestern border of the United States;

24 (2) the violence and humanitarian crisis has
25 been prompted by the severe challenges posed by—

1 (A) high rates of homicide, sexual violence,
2 and violent crime perpetrated by armed criminal
3 actors;

4 (B) endemic corruption; and

5 (C) the limited ability and the lack of political
6 will on the part of governments to protect
7 their citizens and uphold the rule of law in the
8 Northern Triangle;

9 (3) the United States must work with international
10 partners—

11 (A) to address the complicated conditions
12 in the Northern Triangle that contribute to the
13 violence and humanitarian crisis; and

14 (B) to protect vulnerable populations, particularly
15 women and children, fleeing violence in
16 the region;

17 (4) the Plan of the Alliance for Prosperity in
18 the Northern Triangle, which was developed by the
19 Governments of El Salvador, Guatemala, and Honduras,
20 with the technical assistance of the Inter-American
21 Development Bank, represents a comprehensive
22 approach to address the complex situation
23 in the Northern Triangle;

24 (5) the U.S. Strategy for Engagement in Central
25 America, as articulated by President Obama and

1 Vice President Biden, provides important support
2 for the Alliance for Prosperity and other United
3 States national security priorities, including rule of
4 law and anti-corruption initiatives;

5 (6) combating corruption in the Northern Tri-
6 angle must remain a critical priority and the United
7 Nation’s Commission Against Impunity in Guate-
8 mala (CICIG) and the Organization of American
9 States’ Mission to Support the Fight Against Cor-
10 ruption and Impunity in Honduras (MACCIH) are
11 important contributions to this effort;

12 (7) the CAM Program provides a safe, legal,
13 and orderly alternative to children fleeing violence in
14 the Northern Triangle;

15 (8) the United States must—

16 (A) expand the CAM Program to ensure
17 the safe and orderly processing of refugee chil-
18 dren in the region;

19 (B) strengthen internal asylum systems in
20 Mexico and other countries in the region to pro-
21 tect and process eligible children and families,
22 including establishing and expanding in-country
23 reception centers;

1 (C) expand access to legal representation
2 for unaccompanied alien children facing United
3 States immigration proceedings; and

4 (D) reduce delays in immigration courts,
5 which contribute to misinformation that mi-
6 grants who come to the United States will not
7 be removed; and

8 (9) it is imperative for the United States to
9 sustain a long-term commitment to addressing the
10 factors causing Central Americans to flee their coun-
11 tries by strengthening citizen security, the rule of
12 law, democratic governance, the protection of human
13 rights, and inclusive economic growth in the North-
14 ern Triangle.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) CAM PROGRAM.—The term “CAM Pro-
18 gram” means the Central American Minors Refugee/
19 Parole Program administered by U.S. Citizenship
20 and Immigration Services.

21 (2) INTELLIGENCE COMMUNITY.—The term
22 “intelligence community” has the meaning given the
23 term in section 3(4) of the National Security Act of
24 1947 (50 U.S.C. 3003(4)).

1 (3) NORTHERN TRIANGLE.—The term “North-
2 ern Triangle” means El Salvador, Guatemala, and
3 Honduras.

4 (4) PLACEMENT.—The term “placement”
5 means the placement of an unaccompanied alien
6 child with a sponsor.

7 (5) PLAN.—The term “Plan” means the Plan
8 of the Alliance for Prosperity in the Northern Tri-
9 angle.

10 (6) SPONSOR.—The term “sponsor” means a
11 sponsor referred to in section 462(b)(4) of the
12 Homeland Security Act of 2002 (6 U.S.C.
13 279(b)(4)).

14 (7) UNACCOMPANIED ALIEN CHILD.—The term
15 “unaccompanied alien child” has the meaning given
16 the term in section 462(g) of the Homeland Security
17 Act of 2002 (6 U.S.C. 279(g)).

1 **TITLE I—ADVANCING REFORMS**
2 **IN CENTRAL AMERICA TO AD-**
3 **DRESS THE FACTORS DRIV-**
4 **ING MIGRATION**

5 **Subtitle A—Strengthening the Ca-**
6 **capacity of Central American Gov-**
7 **ernments To Protect and Pro-**
8 **vide for Their Own People**

9 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR**
10 **UNITED STATES STRATEGY FOR ENGAGE-**
11 **MENT IN CENTRAL AMERICA.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated \$1,040,000,000 for fiscal year 2017 to carry out
14 the United States Strategy for Engagement in Central
15 America, as defined by the objectives set forth in sub-
16 section (b). Amounts appropriated pursuant to this sub-
17 section shall remain available until expended.

18 (b) USE OF FUNDS.—Amounts appropriated pursu-
19 ant to subsection (a) may be made available for assistance
20 to Central American countries to implement the United
21 States Strategy for Engagement in Central America in
22 support of the Plan, including efforts—

23 (1) to strengthen the rule of law and bolster the
24 effectiveness of judicial systems, public prosecutors'
25 offices, and civilian police forces;

1 (2) to combat corruption and improve public
2 sector transparency;

3 (3) to confront and counter the violence and
4 crime perpetrated by armed criminal gangs, illicit
5 trafficking organizations, and organized crime;

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

10 (5) to strengthen democratic governance and
11 promote greater respect for internationally recog-
12 nized human rights, labor rights, fundamental free-
13 doms, and the media;

14 (6) to enhance the capability of Central Amer-
15 ican governments to protect and provide for vulner-
16 able and at-risk populations;

17 (7) to address the underlying causes of poverty
18 and inequality; and

19 (8) to address the constraints to inclusive eco-
20 nomic growth in Central America.

21 (c) **PRIORITIZATION.**—The Secretary of State and
22 the Administrator of the United States Agency for Inter-
23 national Development shall prioritize the provision of as-
24 sistance authorized under this section to address the key
25 factors in Central American countries that contribute to

1 the flight of unaccompanied alien children and other indi-
2 viduals to the United States.

3 **SEC. 112. STRENGTHENING THE RULE OF LAW AND COM-**
4 **BATING CORRUPTION.**

5 (a) IN GENERAL.—Of the amounts appropriated pur-
6 suant to section 111(a), \$260,000,000 may be made avail-
7 able to the Secretary of State and the Administrator of
8 the United States Agency for International Development
9 to strengthen the rule of law, combat corruption, consoli-
10 date democratic governance, and defend human rights.

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 the rule of law in Central
19 American countries by providing support for—

20 (A) the Office of the Attorney General and
21 public prosecutors in each such country, includ-
22 ing the enhancement of their forensics and com-
23 munications interception capabilities;

24 (B) reforms leading to independent, merit-
25 based, selection processes for judges and pros-

1 ecutors, and relevant ethics and professional
2 training;

3 (C) the improvement of victim and witness
4 protection; and

5 (D) the reform and improvement of prison
6 facilities and management;

7 (2) combating corruption by providing support
8 for—

9 (A) inspectors general and oversight insti-
10 tutions, including relevant training for inspec-
11 tors and auditors;

12 (B) international commissions against im-
13 punity, including the International Commission
14 Against Impunity in Guatemala (CICIG) and
15 the Support Mission Against Corruption and
16 Impunity in Honduras (MACCIH);

17 (C) civil society watchdogs conducting
18 oversight of executive branch officials and func-
19 tions, police and security forces, and judicial of-
20 ficials and public prosecutors; and

21 (D) the enhancement of freedom of infor-
22 mation mechanisms;

23 (3) consolidating democratic governance by pro-
24 viding support for—

1 (A) the reform of civil services, related
2 training programs, and relevant career laws and
3 processes that lead to independent, merit-based
4 selection processes;

5 (B) national legislatures and their capacity
6 to conduct oversight of executive branch func-
7 tions;

8 (C) the reform of political party and cam-
9 paign finance laws; and

10 (D) local governments and their capacity
11 to provide critical safety, education, health, and
12 sanitation services to citizens; and

13 (4) defending human rights by providing sup-
14 port for—

15 (A) human rights ombudsman offices;

16 (B) government protection programs that
17 provide physical protection to human rights de-
18 fenders, journalists, trade unionists, and civil
19 society activists at risk;

20 (C) civil society organizations that promote
21 and defend human rights, freedom of expres-
22 sion, freedom of the press, labor rights, and
23 LGBT rights; and

24 (D) civil society organizations that address
25 sexual, domestic, and inter-partner violence

1 against women and protect victims of such vio-
2 lence.

3 **SEC. 113. COMBATING CRIMINAL VIOLENCE AND IMPROV-**
4 **ING CITIZEN SECURITY.**

5 (a) IN GENERAL.—Of the amounts appropriated pur-
6 suant to section 111(a), \$260,000,000 may be made avail-
7 able to the Secretary of State and the Administrator of
8 the United States Agency for International Development
9 to counter the violence and crime perpetrated by armed
10 criminal gangs, illicit trafficking organizations and human
11 smugglers.

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

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

19 (1) professionalizing civilian police forces by
20 providing support for—

21 (A) the reform of personnel vetting and
22 dismissal processes, including the enhancement
23 of polygraph capability for use in such proc-
24 esses;

1 (B) inspectors general and oversight of-
2 fices, including relevant training for inspectors
3 and auditors;

4 (C) community policing policies and pro-
5 grams;

6 (D) the establishment of special vetted
7 units;

8 (E) training on the appropriate use of
9 force and human rights;

10 (F) training on civilian intelligence collec-
11 tion, investigative techniques, forensic analysis,
12 and evidence preservation; and

13 (G) equipment, such as nonintrusive in-
14 spection equipment and communications inter-
15 ception technology;

16 (2) countering illicit trafficking by providing as-
17 sistance to the civilian law enforcement and armed
18 forces of Central American countries, including sup-
19 port for—

20 (A) the establishment of special vetted
21 units;

22 (B) the enhancement of intelligence collec-
23 tion capacity;

24 (C) the reform of personnel vetting and
25 dismissal processes, including the enhancement

1 of polygraph capability for use in such proc-
2 esses; and

3 (D) port, airport, and border security
4 equipment, including—

5 (i) computer infrastructure and data
6 management systems;

7 (ii) secure communications tech-
8 nologies;

9 (iii) communications interception tech-
10 nology;

11 (iv) nonintrusive inspection equip-
12 ment; and

13 (v) radar and aerial surveillance
14 equipment;

15 (3) disrupting illicit financial networks by pro-
16 viding support for—

17 (A) finance ministries, including the en-
18 hancement of the capacity to use financial sanc-
19 tions to block the assets of individuals and or-
20 ganizations involved in money laundering and
21 the financing of armed criminal gangs, illicit
22 trafficking networks, human smugglers, and or-
23 ganized crime;

1 (B) financial intelligence units, including
2 the establishment and enhancement of anti-
3 money laundering programs; and

4 (C) the reform of bank secrecy laws; and
5 (4) improving crime prevention by providing
6 support for—

7 (A) programs that address domestic vio-
8 lence and violence against women;

9 (B) the enhancement of programs for at-
10 risk and criminal-involved youth, including the
11 improvement of community centers; and

12 (C) alternative livelihood programs.

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

15 (1) operational technology transferred to gov-
16 ernments in Central America for intelligence or law
17 enforcement purposes should be used solely for the
18 purposes for which the technology was intended; and

19 (2) the United States should take all necessary
20 steps to ensure that the use of operation technology
21 described in paragraph (1) is consistent with United
22 States law, including protections of freedom of ex-
23 pression, freedom of movement, and freedom of as-
24 sociation.

1 **SEC. 114. TACKLING EXTREME POVERTY AND ADVANCING**
2 **ECONOMIC DEVELOPMENT.**

3 (a) IN GENERAL.—Of the amounts appropriated pur-
4 suant to section 111(a), \$230,000,000 may be made avail-
5 able to the Secretary of State and the Administrator of
6 the United States Agency for International Develop-
7 ment—

8 (1) to address the underlying causes of poverty
9 and inequality; and

10 (2) to improve economic development.

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 by providing
19 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;

24 (B) improving early-grade literacy and the
25 improvement of primary and secondary school
26 curricula;

1 (C) relevant professional training for
2 teachers and educational administrators; and

3 (D) educational policy reform and improve-
4 ment of education sector budgeting;

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

7 (A) small business development centers
8 and programs that strengthen supply chain in-
9 tegration;

10 (B) trade facilitation and customs harmo-
11 nization programs;

12 (C) reducing energy costs through invest-
13 ments in clean technologies and the reform of
14 energy policies and regulations;

15 (D) the improvement of protections for in-
16 vestors, including dispute resolution and arbi-
17 tration mechanisms; and

18 (E) the improvement of labor and environ-
19 mental standards, in accordance with the Do-
20 minican Republic–Central America Free Trade
21 Agreement (CAFTA–DR);

22 (3) strengthening food security by providing
23 support for—

1 (A) small-scale agriculture, including tech-
2 nical training and programs that facilitate ac-
3 cess to credit;

4 (B) agricultural value chain development
5 for farming communities;

6 (C) nutrition programs to reduce childhood
7 stunting rates; and

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

10 (4) improving the state of fiscal and financial
11 affairs by providing support for—

12 (A) domestic revenue generation, including
13 programs to improve tax administration, collec-
14 tion, and enforcement;

15 (B) strengthening public sector financial
16 management, including strategic budgeting and
17 expenditure tracking; and

18 (C) reform of customs and procurement
19 policies and processes.

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

4 **SEC. 121. ASSISTANCE FUNDING AVAILABLE WITHOUT CON-**
5 **DITION.**

6 The Secretary of State may obligate up to 25 percent
7 of the amounts appropriated pursuant to section 111(a)
8 to carry out the United States Strategy for Engagement
9 in Central America in support of the Plan.

10 **SEC. 122. CONDITIONS ON ASSISTANCE RELATED TO SMUG-**
11 **GLING, SCREENING, AND SAFETY OF MI-**
12 **GRANTS.**

13 (a) NOTIFICATION AND COOPERATION.—In addition
14 to the amounts authorized to be obligated under sections
15 121 and 123, the Secretary of State may obligate an addi-
16 tional 25 percent of the amounts appropriated pursuant
17 to section 111(a) for assistance to the Government of El
18 Salvador, the Government of Guatemala, and the Govern-
19 ment of Honduras after the Secretary of State, in con-
20 sultation with the Secretary of Homeland Security, cer-
21 tifies and reports to Congress that such governments are
22 taking effective steps, in addition to steps taken during
23 previous years, to—

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

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

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

14 (4) improve reintegration services for repatri-
15 ated migrants in a manner that ensures the safety
16 and well-being of the individual and reduces the like-
17 lihood of remigration; and

18 (5) cooperate with the United Nations High
19 Commissioner for Refugees to improve protections
20 for, and the processing of, vulnerable populations,
21 particularly women and children fleeing violence.

22 **SEC. 123. CONDITIONS ON ASSISTANCE RELATED TO**
23 **PROGRESS ON SPECIFIC ISSUES.**

24 (a) **EFFECTIVE IMPLEMENTATION.**—In addition to
25 the amounts authorized to be obligated under sections 121

1 and 122, the Secretary of State may obligate an additional
2 50 percent of the amounts appropriated pursuant to sec-
3 tion 111 for assistance to the Government of El Salvador,
4 the Government of Guatemala, and the Government of
5 Honduras after the Secretary consults with, and subse-
6 quently certifies and reports to, the appropriate congres-
7 sional committees that such governments are taking effec-
8 tive steps in their respective countries, in addition to steps
9 taken during the previous calendar year, to—

10 (1) establish an autonomous, publicly account-
11 able entity to provide oversight of the Plan;

12 (2) combat corruption, including investigating
13 and prosecuting government officials, military per-
14 sonnel, and civil police officers credibly alleged to be
15 corrupt;

16 (3) implement reforms and strengthen the rule
17 of law, including increasing the capacity and inde-
18 pendence of the judiciary and public prosecutors;

19 (4) counter the activities of armed criminal
20 gangs, illicit trafficking networks, and organized
21 crime;

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

1 (6) investigate and prosecute, through the civil-
2 ian justice system, military and police personnel who
3 are credibly alleged to have violated human rights,
4 and to ensure that the military and the police are
5 cooperating in such cases;

6 (7) cooperate with international commissions
7 against impunity, as appropriate, and with regional
8 human rights entities;

9 (8) implement reforms related to improving the
10 transparency of financing political campaigns and
11 political parties;

12 (9) protect the right of political opposition par-
13 ties, journalists, trade unionists, human rights de-
14 fenders, and other civil society activists to operate
15 without interference;

16 (10) increase government revenues, including by
17 enhancing tax collection, strengthening customs
18 agencies, and reforming procurement processes;

19 (11) implement reforms to strengthen edu-
20 cational systems, vocational training programs, and
21 programs for at-risk youth;

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

1 (1) coordinating with the Department of State,
2 the Department of Justice (including the Federal
3 Bureau of Investigation), the Department of Home-
4 land Security, the intelligence community, and inter-
5 national partners regarding United States efforts to
6 confront armed criminal gangs, illicit trafficking net-
7 works, and organized crime responsible for high lev-
8 els of violence, extortion, and corruption in Central
9 America;

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

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

22 (4) coordinating with the Department of State,
23 the Department of Homeland Security, the United
24 States Agency for International Development, and
25 international partners, including the United Nations

1 High Commissions for Refugees, to increase protec-
2 tions for vulnerable Central American populations,
3 improve refugee processing, and strengthen asylum
4 systems throughout the region;

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

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

21 (7) coordinating with the Department of State,
22 the Department of Justice, the United States Agen-
23 cy for International Development, and international
24 partners regarding United States efforts to strength-

1 en the rule of law, democratic governance, and
 2 human rights protections; and

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

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

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

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

23 (a) IN GENERAL.—Not later than 90 days after the
 24 date of the enactment of this Act, the Secretary of State

1 shall submit a 3-year strategy to the appropriate congress-
2 sional committees that—

3 (1) describes how the United States will secure
4 support from international donors and regional part-
5 ners (including Colombia and Mexico) for the imple-
6 mentation of the Plan;

7 (2) identifies governments that are willing to
8 provide financial and technical assistance for the im-
9 plementation of the Plan and a description of such
10 assistance; and

11 (3) identifies the financial and technical assist-
12 ance to be provided by multilateral institutions, in-
13 cluding the Inter-American Development Bank, the
14 World Bank, the International Monetary Fund, the
15 Andean Development Corporation—Development
16 Bank of Latin America, and the Organization of
17 American States, and a description of such assist-
18 ance.

19 (b) DIPLOMATIC ENGAGEMENT AND COORDINA-
20 TION.—The Secretary of State, in coordination with the
21 Secretary of the Treasury, as appropriate, shall—

22 (1) carry out diplomatic engagement to secure
23 contributions of financial and technical assistance
24 from international donors and partners in support of
25 the Plan; and

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

4 (c) REPORT.—Not later than 1 year after submitting
5 the strategy submitted under subsection (a), the Secretary
6 of State shall submit a report to the appropriate congres-
7 sional committees that describes—

8 (1) the progress made in implementing the
9 strategy; and

10 (2) the financial and technical assistance pro-
11 vided by international donors and partners, includ-
12 ing the multilateral institutions listed in subsection
13 (a)(3).

14 (d) BRIEFINGS.—Upon a request from one of the ap-
15 propriate congressional committees, the Secretary of State
16 shall provide a briefing to the committee that describes
17 the progress made in implementing the strategy submitted
18 under subsection (a).

19 (e) DEFINED TERM.—In this section, the term “ap-
20 propriate congressional committees” means—

21 (1) the Committee on Foreign Relations of the
22 Senate;

23 (2) the Committee on Appropriations of the
24 Senate;

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

3 (4) the Committee on Appropriations of the
4 House of Representatives.

5 **TITLE II—CRACKING DOWN ON**
6 **SMUGGLERS, CARTELS, AND**
7 **TRAFFICKERS EXPLOITING**
8 **CHILDREN AND FAMILIES**

9 **Subtitle A—Strengthening Co-**
10 **operation Among Law Enforce-**
11 **ment Agencies To Target Smug-**
12 **glers and Traffickers**

13 **SEC. 211. ENHANCED INTERNATIONAL COOPERATION TO**
14 **COMBAT HUMAN SMUGGLING AND TRAF-**
15 **FICKING.**

16 (a) **PARTNERSHIP EXPANSION.**—The Secretary of
17 Homeland Security, in coordination with the Secretary of
18 State, shall expand partnership efforts with law enforce-
19 ment entities in El Salvador, Guatemala, Honduras, and
20 Mexico seeking to combat human smuggling and traf-
21 ficking in those countries, including—

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

1 (2) participation by U.S. Immigration and Cus-
2 toms Enforcement and the Department of Justice in
3 the Bilateral Human Trafficking Enforcement Ini-
4 tiative with their Mexican law enforcement counter-
5 parts; and

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

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary to carry out subsection (a).

12 **SEC. 212. ENHANCED INVESTIGATION AND PROSECUTION**
13 **OF HUMAN SMUGGLING AND TRAFFICKING.**

14 (a) IN GENERAL.—The Attorney General and the
15 Secretary of Homeland Security shall expand collaborative
16 programs aimed at investigating and prosecuting human
17 smugglers and traffickers targeting Central American chil-
18 dren and families and operating at the Southwestern bor-
19 der, including the continuation and expansion of anti-traf-
20 ficking coordination teams.

21 (b) HOMELAND SECURITY INVESTIGATIONS.—The
22 Secretary of Homeland Security, in consultation with the
23 Director of U.S. Immigration and Customs Enforcement,
24 shall increase the resources available to Homeland Secu-

1 rity Investigations to facilitate the expansion of its smug-
2 gling and trafficking investigations.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as may be
5 necessary to carry out subsections (a) and (b).

6 **SEC. 213. INFORMATION CAMPAIGN ON DANGERS OF MI-**
7 **GRATION.**

8 (a) IN GENERAL.—The Secretary of Homeland Secu-
9 rity, in consultation with the Secretary of State, shall de-
10 sign and implement public information campaigns in El
11 Salvador, Guatemala, and Honduras—

12 (1) to disseminate information about the dan-
13 gers of travel across Mexico to the United States;
14 and

15 (2) to combat misinformation about United
16 States immigration law or policy.

17 (b) ELEMENTS.—The information campaigns imple-
18 mented pursuant to subsection (a) shall, to the greatest
19 extent possible—

20 (1) be targeted at populations and localities
21 with high migration rates;

22 (2) employ a variety of communications media;
23 and

24 (3) be developed in consultation with program
25 officials at the Department of Homeland Security,

1 the Department of State, or other government, non-
2 profit, or academic entities in close contact with mi-
3 grant populations from El Salvador, Guatemala, and
4 Honduras, including repatriated migrants.

5 **Subtitle B—Strengthening the Abil-**
6 **ity of the United States Govern-**
7 **ment To Crack Down on Smug-**
8 **glers, Traffickers, and Drug Car-**
9 **tels**

10 **SEC. 221. ENHANCED PENALTIES FOR ORGANIZED SMUG-**
11 **GLING SCHEMES.**

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

15 (1) by redesignating clauses (iii) and (iv) as
16 clauses (iv) and (v), respectively;

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

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

1 or place other than designated by the Secretary, be
2 fined under title 18, United States Code, imprisoned
3 not more than 15 years, or both;” and

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

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

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

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

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

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

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

1 (2) The Strategy calls for expanded efforts to
2 dismantle illicit financial networks, including
3 through maximizing the use of the Foreign Nar-
4 cotics Kingpin Designation Act (21 U.S.C. 1901 et
5 seq.).

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Senate should immediately confirm pending
8 nominations to key national security positions, including
9 Mr. Adam Szubin, who was nominated by President
10 Obama on April 16, 2015, to the position of Undersecre-
11 tary for Terrorism and Financial Crimes within the De-
12 partment of the Treasury, a critical position focused on
13 identifying and confronting illicit financial networks.

14 (c) FINANCIAL SANCTIONS EXPANSION.—

15 (1) IN GENERAL.—The Secretary of the Treas-
16 ury, the Attorney General, the Secretary of State,
17 the Secretary of Defense, and the Director of Cen-
18 tral Intelligence shall expand investigations, intel-
19 ligence collection, and analysis pursuant to the For-
20 eign Narcotics Kingpin Designation Act to increase
21 the identification and application of sanctions
22 against—

23 (A) significant foreign narcotics traf-
24 fickers, their organizations and networks; and

1 (B) the foreign persons who provide mate-
 2 rial, financial, or technological support to such
 3 traffickers, organizations, and networks.

4 (2) TARGETS.—The efforts described in para-
 5 graph (1) shall specifically target foreign narcotics
 6 traffickers, their organizations and networks, and
 7 the foreign persons who provide material, financial,
 8 or technological support to such traffickers, organi-
 9 zations and networks that are present and operating
 10 in Central or South America.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 12 are authorized to be appropriated such sums as may be
 13 necessary to carry out subsection (c).

14 **Subtitle C—Creating New Penalties**
 15 **for Hindering Immigration, Bor-**
 16 **der, and Customs Controls**

17 **SEC. 231. HINDERING IMMIGRATION, BORDER, AND CUS-**
 18 **TOMS CONTROLS.**

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

22 **“SEC. 274E. HINDERING IMMIGRATION, BORDER, AND CUS-**
 23 **TOMS CONTROLS.**

24 **“(a) ILLICIT SPOTTING.—**

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

6 “(A) with the intent to gain financially;
7 and

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

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

22 “(b) DESTRUCTION OF UNITED STATES BORDER
23 CONTROLS.—

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

1 “(A) destroy or significantly damage any
2 fence, barrier, sensor, camera, or other physical
3 or electronic device deployed by the Federal
4 Government to control an international border
5 of, or a port of entry to, the United States; or

6 “(B) otherwise seek to construct, excavate,
7 or make any structure intended to defeat, cir-
8 cumvent or evade such a fence, barrier, sensor
9 camera, or other physical or electronic device
10 deployed by the Federal Government to control
11 an international border of, or a port of entry to,
12 the United States.

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

17 (b) CLERICAL AMENDMENT.—The table of contents
18 of such Act (8 U.S.C. 1101 et seq.) is amended by insert-
19 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**

7 **Subtitle A—Providing Alternative**
8 **Safe Havens in Mexico and the**
9 **Region**

10 **SEC. 311. STRENGTHENING INTERNAL ASYLUM SYSTEMS IN**
11 **MEXICO AND OTHER COUNTRIES.**

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

19 (1) establishing and expanding temporary and
20 long-term in-country reception centers and shelter
21 capacity to meet the humanitarian needs of those
22 seeking asylum or other forms of international pro-
23 tection;

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

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

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

8 (C) 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 asylum officers capable of evaluating and deciding
13 individual asylum claims consistent with inter-
14 national 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 their needs are properly met,
18 which may include family reunification or resettle-
19 ment based on international protection needs.

20 (b) REPORT.—Not later than 60 days after the date
21 of the enactment of this Act, the Secretary of State, in
22 consultation with the Secretary of Homeland Security,
23 shall submit a report that describes the plans of the Sec-
24 retary of State to assist in developing the asylum proc-
25 essing capabilities described in subsection (a) to—

1 (1) the Committee on Foreign Relations of the
2 Senate;

3 (2) the Committee on Homeland Security and
4 Governmental Affairs of the Senate;

5 (3) the Committee on the Judiciary of the Sen-
6 ate;

7 (4) the Committee on Foreign Affairs of the
8 House of Representatives;

9 (5) the Committee on Homeland Security of the
10 House of Representatives; and

11 (6) the Committee on the Judiciary of the
12 House of Representatives.

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

16 **Subtitle B—Expanding Refugee**
17 **Processing in Mexico and Cen-**
18 **tral America for Third Country**
19 **Resettlement**

20 **SEC. 321. EXPANDING REFUGEE PROCESSING IN MEXICO**
21 **AND CENTRAL AMERICA FOR THIRD COUN-**
22 **TRY RESETTLEMENT.**

23 (a) IN GENERAL.—The Secretary of State, in con-
24 sultation with the Secretary of Homeland Security, shall
25 coordinate with the United Nations High Commissioner

1 for Refugees to support and provide technical assistance
2 to the Government of Mexico and the governments of
3 other countries in the region to increase access to global
4 resettlement for eligible children and families with protec-
5 tion needs by—

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

9 (2) improving the refugee registration system to
10 ensure that all refugees—

11 (A) are properly screened for security, in-
12 cluding biographic and biometric capture;

13 (B) receive due process and meaningful ac-
14 cess to existing legal protections; and

15 (C) receive proper documents in order to
16 prevent fraud and ensure freedom of movement
17 and access to basic social services;

18 (3) creating or expanding a corps of trained
19 refugee officers capable of evaluating and deciding
20 individual claims for protection, consistent with
21 international law and obligations; and

22 (4) developing the capacity to conduct best in-
23 terest determinations for unaccompanied alien chil-
24 dren to ensure that—

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

3 (B) their needs are properly met, which
4 may include family reunification or resettlement
5 based on international protection needs.

6 (b) REPORT.—Not later than 60 days after the date
7 of the enactment of this Act, the Secretary of State, in
8 consultation with the Secretary of Homeland Security,
9 shall submit a report to the committees listed in section
10 311(b) that describes the plans of the Secretary of State
11 to assist in developing the refugee processing capabilities
12 described in subsection (a).

13 (c) 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—Improving the Effi-**
17 **ciency of the Central American**
18 **Minors Program**

19 **SEC. 331. EXPANSION.**

20 The Director of U.S. Citizenship and Immigration
21 Services shall increase the resources directed to the CAM
22 Program, including—

23 (1) increasing the number of refugee officers
24 available for in-country processing; and

25 (2) establishing additional site locations.

1 **SEC. 332. EXPEDITED PROCESSING.**

2 Not later than 180 days after receiving a completed
3 application from an unaccompanied alien child seeking
4 protection under the CAM Program, the Director of U.S.
5 Citizenship and Immigration Services shall make a final
6 determination on such application unless the security
7 screening for such child cannot be completed during the
8 180-day period.

9 **SEC. 333. REFERRAL TO UNHCR.**

10 The Director of U.S. Citizenship and Immigration
11 Services or the Assistant Secretary of State for the Bu-
12 reau of Population, Refugees, and Migration shall refer
13 any child who is the proposed beneficiary of an application
14 under the CAM Program and is facing immediate risk of
15 harm to the United Nations High Commissioner for Refu-
16 gees for registration and safe passage to an established
17 emergency transit center for refugees.

18 **TITLE IV—MONITORING AND**
19 **SUPPORTING UNACCOM-**
20 **PANIED ALIEN CHILDREN**
21 **AFTER PROCESSING AT THE**
22 **BORDER**

23 **SEC. 401. DEFINITIONS; AUTHORIZATION OF APPROPRIA-**
24 **TIONS.**

25 (a) DEFINITIONS.—In this title:

1 (1) DEPARTMENT.—Except as otherwise indi-
2 cated, the term “Department” means the Depart-
3 ment of Health and Human Services.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the Office of Refugee Resettlement
6 of the Department.

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

11 (4) RESIDENT ADULT.—The term “resident
12 adult” means any individual age 18 or older who
13 regularly lives, shares common areas, and sleeps in
14 a sponsor or prospective sponsor’s home.

15 (5) SECRETARY.—Except as otherwise indi-
16 cated, the term “Secretary” means the Secretary of
17 Health and Human Services.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated such sums as may be
20 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**

5 **SEC. 411. BACKGROUND CHECKS TO ENSURE THE SAFE**
6 **PLACEMENT OF UNACCOMPANIED ALIEN**
7 **CHILDREN.**

8 (a) CRIMINAL AND CIVIL RECORD CHECKS.—

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

20 (A) Fingerprint-based checks (except as
21 described in paragraph (2)) in national crime
22 information databases, as defined in section
23 534(e)(3) of title 28, United States Code.

24 (B) A search of the State criminal registry
25 or repository for any State (except as described

1 in paragraph (3)) in which the prospective
2 sponsor or resident adult has resided during the
3 5 years preceding the search.

4 (C) A search of the National Sex Offender
5 Registry established under section 119 of the
6 Adam Walsh Child Protection and Safety Act of
7 2006 (42 U.S.C. 16919).

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

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

22 (3) WAIVERS.—

23 (A) IN GENERAL.—If the Secretary deter-
24 mines that it is not feasible to conduct the
25 check described in subparagraph (B) or (D) of

1 paragraph (1) for a State, including infeasibility due to a State's refusal or nonresponse in
2 response to a request for related information, or
3 that the average time to receive results from a
4 State for such a check is more than 10 business
5 days, the Secretary may waive the requirements
6 of that subparagraph with respect to the State
7 involved for a period of not more than 1 year.
8 The Secretary may renew the waiver in accordance
9 with this subparagraph.
10

11 (B) PROHIBITION ON DELEGATION.—The
12 Secretary may not delegate the responsibility
13 under subparagraph (A) to another officer or
14 employee of the Department.

15 (C) STATES WHERE WAIVERS APPLY.—The
16 Secretary shall make available, on a website of
17 the Department, the list of States for which the
18 requirements of subparagraph (B) or (D) of
19 paragraph (1) are waived under this paragraph.

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

1 (b) PLACEMENT DETERMINATIONS GENERALLY.—

2 (1) DENIALS REQUIRED FOR CERTAIN
3 CRIMES.—The Director shall deny any placement for
4 a prospective sponsor (other than the parent or
5 guardian of the child involved), and may deny any
6 placement for a prospective sponsor who is the par-
7 ent or guardian of the child involved subject to sub-
8 section (c), if the record checks performed pursuant
9 to this section reveal that the prospective sponsor or
10 a resident adult in the home of the prospective spon-
11 sor was convicted at age 18 or older of a crime that
12 is a felony consisting of any of the following:

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

22 (B) A crime against a child involving por-
23 nography.

24 (C) Human trafficking.

25 (D) Rape or sexual assault.

1 (E) Homicide.

2 (2) DENIALS CONSIDERED FOR CERTAIN OF-
3 FENSES.—The Director may deny a placement for a
4 prospective sponsor if the record checks performed
5 pursuant to this section reveal that the prospective
6 sponsor or a resident adult in the home of a pro-
7 spective sponsor was adjudged guilty of a civil of-
8 fense or was convicted of a crime not covered by
9 paragraph (1). The Director, in making a deter-
10 mination about whether to approve or deny the
11 placement, shall consider all of the following factors:

12 (A) The type of offense.

13 (B) The number of offenses the sponsor or
14 resident adult has been adjudged guilty or con-
15 victed of.

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

18 (D) The nature of the offense.

19 (E) The age of the individual at the time
20 of the adjudication or conviction.

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

23 (G) Evidence of rehabilitation of the indi-
24 vidual.

1 (H) Opinions of community and family
2 members concerning the individual.

3 (c) PLACEMENT DETERMINATIONS CONCERNING
4 PARENTS OR GUARDIANS.—The Director may deny a
5 placement for a prospective sponsor who is the parent or
6 guardian of the child involved if the record checks per-
7 formed pursuant to this section reveal that the prospective
8 sponsor or a resident adult in the home of a prospective
9 sponsor was adjudged guilty of a civil offense or was con-
10 victed of a crime. The Director, in making a determination
11 about whether to approve or deny the placement, shall
12 consider all of the factors described in subsection (b)(2).

13 (d) APPEALS PROCESS.—

14 (1) INFORMATION.—The Secretary shall provide
15 information to each prospective sponsor on how such
16 sponsor may appeal—

17 (A) a placement determination under this
18 section, including—

19 (i) prompt notice of the opportunity to
20 so appeal; and

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

23 (B) the results of a record check per-
24 formed pursuant to this section or the accuracy
25 or completeness of the information yielded by

1 the record check, as provided in paragraph (2),
2 including—

3 (i) prompt notice of the opportunity to
4 so appeal; and

5 (ii) instructions about how to partici-
6 pate in the appeals process.

7 (2) APPEAL.—Each Federal agency responsible
8 for administering or maintaining the information in
9 a database, registry, or repository used in a record
10 check performed pursuant to this section or respon-
11 sible for the accuracy or completeness of the infor-
12 mation yielded by the record check shall—

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

16 (B) complete such process not later than
17 30 days after the date on which such an appeal
18 is filed.

19 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to prohibit the Director from estab-
21 lishing additional checks or procedures (besides the checks
22 required in this section) for sponsors, to enable the Direc-
23 tor to—

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

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

3 **SEC. 412. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION**
4 **COURT COMPLIANCE AND CHILD WELL-**
5 **BEING.**

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

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

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

24 (2) immediately enroll the child in school, and
25 shall provide information and resources if the spon-

1 sor encounters difficulty enrolling such child in
2 school;

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

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

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

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

19 **SEC. 413. MONITORING UNACCOMPANIED ALIEN CHIL-**
20 **DREN.**

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

22 (1) **IN GENERAL.**—Using amounts appropriated
23 pursuant to section 401(b) to carry out this section,
24 the Secretary shall, to assist each unaccompanied
25 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) DEFINITION.—In this section, the term “State”
8 means each of the 50 States of the United States and the
9 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. FUNDING TO SCHOOL DISTRICTS FOR UNACCOM-**
 10 **PANIED ALIEN CHILDREN.**

11 (a) GRANTS AUTHORIZED.—Using amounts appro-
 12 priated pursuant to section 401(b) to carry out this sec-
 13 tion, the Secretary of Education shall award grants, on
 14 a competitive basis, to eligible local educational agencies,
 15 or consortia of neighboring local educational agencies, de-
 16 scribed in subsection (b) to enable the local educational
 17 agencies or consortia to enhance opportunities for, and
 18 provide services to, immigrant children and youth, includ-
 19 ing unaccompanied alien children, in the area served by
 20 the local educational agencies or consortia.

21 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

22 (1) IN GENERAL.—A local educational agency,
 23 or a consortium of neighboring local educational
 24 agencies, is eligible for a grant under subsection (a)
 25 if, during the fiscal year for which a grant is award-

1 ed under this section, there are 50 or more unac-
 2 companied alien children enrolled in the public
 3 schools served by the local educational agency or the
 4 consortium, respectively.

5 (2) DETERMINATIONS OF NUMBER OF UNAC-
 6 COMPANIED ALIEN CHILDREN.—The Secretary of
 7 Education shall determine the number of unaccom-
 8 panied alien children for purposes of paragraph (1)
 9 based on the most accurate data available that is
 10 provided to the Secretary of Education by the Direc-
 11 tor or the Department of Homeland Security.

12 (c) APPLICATIONS.—A local educational agency, or a
 13 consortia of neighboring local educational agencies, desir-
 14 ing a grant under this section shall submit an application
 15 to the Secretary of Education at such time, in such man-
 16 ner, and containing such information, as the Secretary of
 17 Education may require, including a description of how the
 18 grant will be used to enhance opportunities for, and pro-
 19 vide services to, immigrant children and youth (including
 20 unaccompanied alien children) and their families.

21 **SEC. 423. IMMEDIATE ENROLLMENT OF UNACCOMPANIED**
 22 **ALIEN CHILDREN IN SCHOOLS.**

23 To be eligible for funding under the Elementary and
 24 Secondary Education Act of 1965 (20 U.S.C. 6301 et
 25 seq.), a local educational agency shall—

1 (1) ensure that unaccompanied alien children in
 2 the area served by the local educational agency are
 3 immediately enrolled in school following placement
 4 with a sponsor; and

5 (2) remove barriers to enrollment and full par-
 6 ticipation in educational programs and services of-
 7 fered by the local educational agency for unaccom-
 8 panied alien children (including barriers related to
 9 documentation, age, and language), which shall in-
 10 clude reviewing and revising policies that may have
 11 a negative effect on such children.

12 **TITLE V—ENSURING ORDERLY**
 13 **AND HUMANE MANAGEMENT**
 14 **OF CHILDREN AND FAMILIES**
 15 **SEEKING PROTECTION**

16 **Subtitle A—Providing a Fair and**
 17 **Efficient Legal Process for Chil-**
 18 **dren and Vulnerable Families**
 19 **Seeking Asylum**

20 **SEC. 511. COURT APPEARANCE COMPLIANCE AND LEGAL**
 21 **ORIENTATION.**

22 (a) ACCESS TO LEGAL ORIENTATION PROGRAMS TO
 23 ENSURE COURT APPEARANCE COMPLIANCE.—

24 (1) IN GENERAL.—The Secretary of Homeland
 25 Security, in consultation with the Attorney General,

1 shall establish procedures, consistent with the proce-
2 dures established pursuant to section 412, to ensure
3 that legal orientation programs are available for all
4 aliens detained by the Department of Homeland Se-
5 curity.

6 (2) PROGRAM ELEMENTS.—Programs under
7 paragraph (1) shall inform aliens described in such
8 paragraph regarding—

9 (A) the basic procedures of immigration
10 hearings;

11 (B) their rights and obligations relating to
12 such hearings under Federal immigration laws
13 to ensure appearance at all immigration pro-
14 ceedings;

15 (C) their rights under Federal immigration
16 laws, including available legal protections and
17 the procedure for requesting such protection;

18 (D) the consequences of filing frivolous
19 legal claims and of failing to appear for pro-
20 ceedings; and

21 (E) any other subject that the Attorney
22 General considers appropriate, such as a con-
23 tact list of potential legal resources and pro-
24 viders.

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

6 (b) PILOT PROJECT FOR NONDETAINED ALIENS IN
7 REMOVAL PROCEEDINGS.—

8 (1) IN GENERAL.—The Attorney General shall
9 develop and administer a 2-year pilot program at
10 not fewer than 2 immigration courts to provide non-
11 detained aliens with pending asylum claims access to
12 legal information.

13 (2) REPORT.—At the conclusion of the pilot
14 program under this subsection, the Attorney General
15 shall submit a report to the Committee on the Judi-
16 ciary of the Senate and the Committee on the Judi-
17 ciary of the House of Representatives that describes
18 the extent to which nondetained aliens are provided
19 with access to counsel.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Executive Office of
22 Immigration Review of the Department of Justice such
23 sums as may be necessary to carry out this section.

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

2 (a) IMPROVING IMMIGRATION COURT EFFICIENCY
3 AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL
4 INFORMATION.—

5 (1) APPOINTMENT OF COUNSEL IN CERTAIN
6 CASES; RIGHT TO REVIEW CERTAIN DOCUMENTS IN
7 REMOVAL PROCEEDINGS.—Section 240(b) of the Im-
8 migration and Nationality Act (8 U.S.C. 1229a(b))
9 is amended—

10 (A) in paragraph (4)—

11 (i) in subparagraph (A)—

12 (I) by striking “, at no expense
13 to the Government,”; and

14 (II) by striking the comma at the
15 end and inserting a semicolon;

16 (ii) by redesignating subparagraphs
17 (B) and (C) as subparagraphs (D) and
18 (E), respectively;

19 (iii) by inserting after subparagraph
20 (A) the following:

21 “(B) the Attorney General may appoint or
22 provide counsel to aliens in immigration pro-
23 ceedings;

24 “(C) at the beginning of the proceedings or
25 as expeditiously as possible, the alien shall
26 automatically receive a complete copy of the

1 alien’s Alien File (commonly known as an ‘A-
2 file’) and Form I–862 (commonly known as a
3 ‘Notice to Appear’) in the possession of the De-
4 partment of Homeland Security (other than
5 documents protected from disclosure by privi-
6 lege, including national security information re-
7 ferred to in subparagraph (D), law enforcement
8 sensitive information, and information prohib-
9 ited from disclosure pursuant to any other pro-
10 vision of law) unless the alien waives the right
11 to receive such documents by executing a know-
12 ing and voluntary written waiver in a language
13 that he or she understands fluently;” and

14 (iv) in subparagraph (D), as redesign-
15 nated, by striking “, and” and inserting “;
16 and”; and

17 (B) by adding at the end the following:

18 “(8) FAILURE TO PROVIDE ALIEN REQUIRED
19 DOCUMENTS.—In the absence of a waiver under
20 paragraph (4)(C), a removal proceeding may not
21 proceed until the alien—

22 “(A) has received the documents as re-
23 quired under such paragraph; and

24 “(B) has been provided meaningful time to
25 review and assess such documents.”.

1 (2) CLARIFICATION REGARDING THE AUTHOR-
2 ITY OF THE ATTORNEY GENERAL TO APPOINT COUN-
3 SEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—
4 Section 292 of the Immigration and Nationality Act
5 (8 U.S.C. 1362) is amended—

6 (A) by striking “In any” and inserting the
7 following:

8 “(a) IN GENERAL.—In any”;

9 (B) in subsection (a), as redesignated—

10 (i) by striking “(at no expense to the
11 Government)”;

12 (ii) by striking “he shall” and insert-
13 ing “the person shall”; and

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

15 “(b) APPOINTMENT OF COUNSEL.—

16 “(1) IN GENERAL.—The Attorney General may
17 appoint or provide counsel to aliens in any pro-
18 ceeding conducted under section 235(b), 236, 238,
19 240, or 241 or any other section of this Act.

20 “(2) ACCESS TO COUNSEL.—The Secretary of
21 Homeland Security shall facilitate access to counsel
22 for—

23 “(A) aliens in any proceeding conducted
24 under section 235(b), 236, 238, 240, or 241;
25 and

1 “(B) any individual detained inside an im-
2 migration detention facility or a border facil-
3 ity.”.

4 (3) APPOINTMENT OF COUNSEL FOR UNACCOM-
5 PANIED ALIEN CHILDREN AND VULNERABLE
6 ALIENS.—

7 (A) IN GENERAL.—Section 292 of the Im-
8 migration and Nationality Act (8 U.S.C. 1362),
9 as amended by paragraph (2), is further
10 amended by adding at the end the following:

11 “(c) UNACCOMPANIED ALIEN CHILDREN AND VUL-
12 NERABLE ALIENS.—Notwithstanding subsection (b), the
13 Attorney General shall appoint counsel, at the expense of
14 the Government if necessary, at the beginning of the pro-
15 ceedings or as expeditiously as possible, to represent in
16 such proceedings any alien who has been determined by
17 the Secretary of Homeland Security or the Attorney Gen-
18 eral to be—

19 “(1) an unaccompanied alien child (as defined
20 in section 462(g) of the Homeland Security Act of
21 2002 (6 U.S.C. 279(g)));

22 “(2) a particularly vulnerable individual, such
23 as—

1 “(A) a person with a disability (as defined
2 in section 3 of the Americans with Disabilities
3 Act of 1990 (42 U.S.C. 12102)); or

4 “(B) a victim of abuse, torture, or violence;
5 or

6 “(3) an individual whose circumstances are
7 such that the appointment of counsel is necessary to
8 help ensure fair resolution and efficient adjudication
9 of the proceedings.

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

14 (B) RULEMAKING.—The Attorney General
15 shall promulgate regulations to implement sec-
16 tion 292(c) of the Immigration and Nationality
17 Act, as added by subparagraph (A), in accord-
18 ance with the requirements set forth in section
19 3006A of title 18, United States Code.

20 (b) CASE MANAGEMENT PILOT PROGRAM TO IN-
21 CREASE COURT APPEARANCE RATES.—

22 (1) CONTRACT AUTHORITY.—The Secretary of
23 Homeland Security shall establish a pilot program,
24 which shall include the services set forth in section
25 413(a)(2), to increase the court appearance rates of

1 aliens described in paragraphs (2) and (3) of section
2 292(c) of the Immigration and Nationality Act, as
3 added by subsection (a)(3)(A), by contracting with
4 nongovernmental, community-based organizations to
5 provide appropriate case management services to
6 such aliens.

7 (2) SCOPE OF SERVICES.—Case management
8 services provided under paragraph (1) shall include
9 assisting aliens with—

10 (A) accessing legal counsel;

11 (B) complying with court-imposed dead-
12 lines and other legal obligations; and

13 (C) accessing social services, as appro-
14 priate.

15 (3) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to the De-
17 partment of Homeland Security such sums as may
18 be necessary to carry out this subsection.

19 (c) REPORT ON ACCESS TO COUNSEL.—

20 (1) REPORT.—Not later than December 31 of
21 each year, the Secretary of Homeland Security, in
22 consultation with the Attorney General, shall pre-
23 pare and submit a report to the Committee on the
24 Judiciary of the Senate and the Committee on the
25 Judiciary of the House of Representatives regarding

1 the extent to which aliens described in section
2 292(c) of the Immigration and Nationality Act, as
3 added by subsection (a)(3)(A), have been provided
4 access to counsel.

5 (2) CONTENTS.—Each report submitted under
6 paragraph (1) shall include, for the immediately pre-
7 ceding 1-year period—

8 (A) the number and percentage of aliens
9 described in paragraphs (1), (2), and (3), re-
10 spectively, of section 292(c) of the Immigration
11 and Nationality Act, as added by subsection
12 (a)(3)(A), who were represented by counsel, in-
13 cluding information specifying—

14 (i) the stage of the legal process at
15 which the alien was represented; and

16 (ii) whether the alien was in govern-
17 ment custody; and

18 (B) the number and percentage of aliens
19 who received legal orientation presentations.

20 **Subtitle B—Reducing Significant**
21 **Delays in Immigration Court**

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

23 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—

24 The Attorney General shall increase the total number of

1 immigration judges to adjudicate pending cases and effi-
2 ciently process future cases by at least—

- 3 (1) 55 judges during fiscal year 2017;
- 4 (2) an additional 55 judges during fiscal year
5 2018; and
- 6 (3) an additional 55 judges during fiscal year
7 2019.

8 (b) NECESSARY SUPPORT STAFF FOR IMMIGRATION
9 JUDGES.—To address the shortage of support staff for
10 immigration judges, the Attorney General shall ensure
11 that each immigration judge has sufficient support staff,
12 adequate technological and security resources, and appro-
13 priate courtroom facilities.

14 (c) ANNUAL INCREASES IN BOARD OF IMMIGRATION
15 APPEALS PERSONNEL.—The Attorney General shall in-
16 crease the number of Board of Immigration Appeals staff
17 attorneys (including necessary additional support staff) to
18 efficiently process cases by at least—

- 19 (1) 23 attorneys during fiscal year 2017;
- 20 (2) an additional 23 attorneys during fiscal
21 year 2018; and
- 22 (3) an additional 23 attorneys during fiscal
23 year 2019.

24 (d) GAO REPORT.—The Comptroller General of the
25 United States shall—

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

4 (2) propose solutions to Congress for improving
5 the efficiency of the hiring process.

6 **SEC. 522. IMPROVED TRAINING FOR IMMIGRATION JUDGES**
7 **AND MEMBERS OF THE BOARD OF IMMIGRA-**
8 **TION APPEALS.**

9 (a) **IN GENERAL.**—To ensure efficient and fair pro-
10 ceedings, the Director of the Executive Office for Immi-
11 gration Review shall facilitate robust training programs
12 for immigration judges and members of the Board of Im-
13 migration Appeals.

14 (b) **MANDATORY TRAINING.**—Training facilitated
15 under subsection (a) shall include—

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

18 (2) continuing education regarding current de-
19 velopments in immigration law through regularly
20 available training resources and an annual con-
21 ference; and

22 (3) methods to ensure that immigration judges
23 are trained on properly crafting and dictating deci-
24 sions and standards of review, including improved
25 on-bench reference materials and decision templates.

1 **SEC. 523. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**
2 **CIENCY.**

3 The Director of the Executive Office for Immigration
4 Review will modernize its case management and related
5 electronic systems, including allowing for electronic filing,
6 to improve efficiency in the processing of immigration pro-
7 ceedings.

8 **Subtitle C—Reducing the**
9 **Likelihood of Remigration**

10 **SEC. 531. ESTABLISHING REINTEGRATION AND MONI-**
11 **TORING SERVICES FOR REPATRIATING CHIL-**
12 **DREN.**

13 (a) **CONSULTATION WITH UNHCR.**—The Secretary
14 of Homeland Security, in coordination with the Secretary
15 of Health and Human Services and the Secretary of State,
16 shall consult with the United Nations High Commissioner
17 for Refugees (referred to in this section as the
18 “UNHCR”) to develop a child-centered repatriation proc-
19 ess for unaccompanied children being returned to their
20 country of origin.

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

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

3 (1) establishing and expanding comprehensive
4 reintegration services for repatriated unaccompanied
5 children once returned to their communities of ori-
6 gin;

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; and

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.

○