

114TH CONGRESS
2D SESSION

H. R. 5850

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

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Ms. LOFGREN (for herself, Mr. ENGEL, Mr. HOYER, Mr. CONYERS, Mr. BECERRA, Mrs. TORRES, Mr. NADLER, Mr. DEUTCH, Mr. GUTIÉRREZ, Mr. CASTRO of Texas, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Mr. SIRES, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, Education and the Workforce, Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

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

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

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

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

- Sec. 111. Authorization of appropriations for United States strategy for en-
 gagement 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—Targeting Assistance to Appropriate Communities in the
 Northern Triangle

- Sec. 141. Targeting assistance to appropriate communities.

Subtitle E—Regional Millennium Challenge Corporation Compacts

- Sec. 151. MCC Compacts.

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

- Sec. 161. 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.

TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUNTRY 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

1 gangs, Mara Salvatrucha (commonly known as
2 “MS-13”) and Barrio 18.

3 (4) According to the United Nations Inter-
4 national Children’s Emergency Fund (UNICEF),
5 the per capita homicide rate for children in El Sal-
6 vador and Guatemala is higher than any other coun-
7 try in the world. In 2014, 27 out of every 100,000
8 children were murdered in El Salvador.

9 (5) According to the United Nations High Com-
10 missioner for Refugees (UNHCR), Honduras and El
11 Salvador have the highest per capita female homi-
12 cide rates in the world. In 2014, 90 out of every
13 100,000 females were murdered in Honduras.

14 (6) In April 2016, UNHCR’s spokesperson
15 stated, “The number of people fleeing violence in
16 Central America has surged to levels not seen since
17 the region was wracked by armed conflicts in the
18 1980s. Action is urgently needed to ensure that un-
19 accompanied children and others receive the protec-
20 tion to which they are entitled.”

21 (7) Since 2013, individuals fleeing the Northern
22 Triangle have sought sanctuary in neighboring coun-
23 tries and there has recently been a 1,185 percent in-
24 crease in the number of asylum applications from
25 citizens of El Salvador, Guatemala, and Honduras

1 to the Governments of Mexico, Panama, Nicaragua,
2 Costa Rica and Belize.

3 (8) Unaccompanied minors from the Northern
4 Triangle now make up the majority of unaccom-
5 panied minors encountered at the international bor-
6 der between the United States and Mexico, with the
7 fastest increase occurring among children younger
8 than 12 years of age.

9 (9) Human smugglers are increasingly respon-
10 sible for the transit of migrants from the Northern
11 Triangle to the United States. According to the Gov-
12 ernment Accountability Office, human smugglers
13 frequently use aggressive and misleading marketing
14 to recruit migrants.

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

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

1 (12) The presence of major drug trafficking or-
2 ganizations in the Northern Triangle contributes to
3 violence, corruption, and criminality. The 2016
4 International Narcotics Control Strategy Report pre-
5 pared by the Department of State estimated that
6 “approximately 90 percent of the cocaine trafficked
7 to the United States in the first half of 2015 first
8 transited through the Mexico/Central America cor-
9 ridor”.

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

16 (14) Human rights defenders, journalists, trade
17 unionists, social leaders, and LGBT activists in the
18 Northern Triangle face dire conditions, as evidenced
19 by the March 2016 murder of Honduran activist
20 Berta Cáceres and the targeted killing of more than
21 200 such civil society leaders since 2006. Almost
22 none of these cases have resulted in convictions.

23 (15) The Northern Triangle struggles with high
24 levels of economic insecurity. In 2014, more than 62
25 percent of Hondurans, more than 59 percent of

1 Guatemalans, and more than 31 percent of Salva-
2 dorans lived below the poverty line.

3 (16) Weak investment climates and low levels of
4 educational opportunity are barriers to inclusive eco-
5 nomic growth and social development in the North-
6 ern Triangle.

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

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

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

21 **SEC. 3. SENSE OF CONGRESS.**

22 It is the sense of Congress that—

23 (1) the United States must address the violence
24 and humanitarian crisis resulting in the elevated
25 numbers of unaccompanied children, women, and

1 refugees from the Northern Triangle arriving at the
2 Southwestern border of the United States;

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

5 (A) high rates of homicide, sexual violence,
6 and violent crime perpetrated by armed crimi-
7 nal actors;

8 (B) endemic corruption; and

9 (C) the limited ability and the lack of polit-
10 ical will on the part of governments to protect
11 their citizens and uphold the rule of law in the
12 Northern Triangle;

13 (3) the United States must work with inter-
14 national partners—

15 (A) to address the complicated conditions
16 in the Northern Triangle that contribute to the
17 violence and humanitarian crisis; and

18 (B) to protect vulnerable populations, par-
19 ticularly women and children, fleeing violence in
20 the region;

21 (4) the Plan of the Alliance for Prosperity in
22 the Northern Triangle, which was developed by the
23 Governments of El Salvador, Guatemala, and Hon-
24 duras, with the technical assistance of the Inter-
25 American Development Bank, represents a com-

1 prehensive approach to address the complex situa-
2 tion in the Northern Triangle;

3 (5) the U.S. Strategy for Engagement in Cen-
4 tral America, as articulated by President Obama and
5 Vice President Biden, provides important support
6 for the Alliance for Prosperity and other United
7 States national security priorities, including rule of
8 law and anti-corruption initiatives;

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

16 (7) the United States must continue to encour-
17 age the creation of a similar international commis-
18 sion to combat corruption and impunity in El Sal-
19 vador;

20 (8) the governments of the Northern Triangle
21 are urged to ensure that the Office of the Attorney
22 General in each such country receives sufficient do-
23 mestic budget allocations to carry out their core re-
24 sponsibilities and that budgeted funds are delivered
25 in a timely manner;

1 (9) the United States should work in coopera-
2 tion with the Government of Mexico in encouraging
3 best practices consistent with international law and
4 obligations regarding the protection of vulnerable
5 populations such as women and children;

6 (10) the CAM Program provides a safe, legal,
7 and orderly alternative to children fleeing violence in
8 the Northern Triangle;

9 (11) the United States must—

10 (A) expand the CAM Program to ensure
11 the safe and orderly processing of refugee chil-
12 dren in the region;

13 (B) strengthen internal asylum systems in
14 Mexico and other countries in the region to pro-
15 tect and process eligible children and families,
16 including establishing and expanding in-country
17 reception centers;

18 (C) expand access to legal representation
19 for unaccompanied alien children facing United
20 States immigration proceedings; and

21 (D) reduce delays in immigration courts,
22 which contribute to misinformation that mi-
23 grants who come to the United States will not
24 be removed; and

1 (12) it is imperative for the United States to
2 sustain a long-term commitment to addressing the
3 factors causing Central Americans to flee their coun-
4 tries by strengthening citizen security, the rule of
5 law, democratic governance, the protection of human
6 rights, and inclusive economic growth in the North-
7 ern Triangle.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) **CAM PROGRAM.**—The term “CAM Pro-
11 gram” means the Central American Minors Refugee/
12 Parole Program administered by U.S. Citizenship
13 and Immigration Services.

14 (2) **INTELLIGENCE COMMUNITY.**—The term
15 “intelligence community” has the meaning given the
16 term in section 3(4) of the National Security Act of
17 1947 (50 U.S.C. 3003(4)).

18 (3) **NORTHERN TRIANGLE.**—The term “North-
19 ern Triangle” means El Salvador, Guatemala, and
20 Honduras.

21 (4) **PLACEMENT.**—The term “placement”
22 means the placement of an unaccompanied alien
23 child with a sponsor.

1 (5) PLAN.—The term “Plan” means the Plan
2 of the Alliance for Prosperity in the Northern Tri-
3 angle.

4 (6) SPONSOR.—The term “sponsor” means a
5 sponsor referred to in section 462(b)(4) of the
6 Homeland Security Act of 2002 (6 U.S.C.
7 279(b)(4)).

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

12 **TITLE I—ADVANCING REFORMS**
13 **IN CENTRAL AMERICA TO AD-**
14 **DRESS THE FACTORS DRIV-**
15 **ING MIGRATION**

16 **Subtitle A—Strengthening the Ca-**
17 **capacity of Central American Gov-**
18 **ernments To Protect and Pro-**
19 **vide for Their Own People**

20 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR**
21 **UNITED STATES STRATEGY FOR ENGAGE-**
22 **MENT IN CENTRAL AMERICA.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated \$1,040,000,000 for fiscal year 2017 to carry out
25 the United States Strategy for Engagement in Central

1 America, as defined by the objectives set forth in sub-
2 section (b). Amounts appropriated pursuant to this sub-
3 section shall remain available until expended.

4 (b) USE OF FUNDS.—Amounts appropriated pursu-
5 ant to subsection (a) may be made available for assistance
6 to Central American countries to implement the United
7 States Strategy for Engagement in Central America in
8 support of the Plan, including efforts—

9 (1) to strengthen the rule of law and bolster the
10 effectiveness of judicial systems, public prosecutors’
11 offices, and civilian police forces;

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

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

17 (4) to disrupt money laundering operations and
18 the illicit financial networks of armed criminal
19 gangs, illicit trafficking organizations, and human
20 smugglers;

21 (5) to strengthen democratic governance and
22 promote greater respect for internationally recog-
23 nized human rights, labor rights, fundamental free-
24 doms, and the media;

1 (6) to enhance the capability of Central Amer-
2 ican governments to protect and provide for vulner-
3 able and at-risk populations;

4 (7) to address the underlying causes of poverty
5 and inequality; and

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

8 (c) **PRIORITIZATION.**—The Secretary of State and
9 the Administrator of the United States Agency for Inter-
10 national Development shall prioritize the provision of as-
11 sistance authorized under this section to address the key
12 factors in Central American countries that contribute to
13 the flight of unaccompanied alien children and other indi-
14 viduals to the United States.

15 **SEC. 112. STRENGTHENING THE RULE OF LAW AND COM-**
16 **BATING CORRUPTION.**

17 (a) **IN GENERAL.**—Of the amounts appropriated pur-
18 suant to section 111(a), \$260,000,000 may be made avail-
19 able to the Secretary of State and the Administrator of
20 the United States Agency for International Development
21 to strengthen the rule of law, combat corruption, consoli-
22 date democratic governance, and defend human rights.

23 (b) **ASSISTANCE FOR CENTRAL AMERICA.**—The Sec-
24 retary and the Administrator may use the amounts made
25 available under subsection (a) to provide assistance for

1 Central American countries through the activities de-
2 scribed in subsection (c).

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

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

7 (A) the Office of the Attorney General and
8 public prosecutors in each such country, includ-
9 ing—

10 (i) the enhancement of their forensics
11 and communications interception capabili-
12 ties;

13 (ii) expansion of the presence of the
14 Office of the Attorney General throughout
15 each country’s national territory;

16 (iii) specialized training for prosecu-
17 tors to investigate crimes of sexual vio-
18 lence; and

19 (iv) the provision of active technical
20 collaboration for complex investigations;

21 (B) reforms leading to independent, merit-
22 based, selection processes for judges and pros-
23 ecutors, and relevant ethics and professional
24 training;

1 (C) the improvement of victim and witness
2 protection;

3 (D) the reform and improvement of prison
4 facilities and management; and

5 (E) ongoing, mandatory training for
6 judges and prosecutors on sexual and gender-
7 based violence and violence against LGBT per-
8 sons;

9 (2) combating corruption by providing support
10 for—

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

14 (B) international commissions against im-
15 punity, including the International Commission
16 Against Impunity in Guatemala (CICIG), the
17 Support Mission Against Corruption and Impu-
18 nity in Honduras (MACCIH), and potential
19 similar efforts in El Salvador;

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

24 (D) the enhancement of freedom of infor-
25 mation mechanisms;

1 (3) consolidating democratic governance by pro-
2 viding support for—

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

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

10 (C) the reform of political party and cam-
11 paign finance laws; and

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

15 (4) defending human rights by providing sup-
16 port for—

17 (A) human rights ombudsman offices;

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

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

1 (D) civil society organizations that address
2 sexual, domestic, and inter-partner violence
3 against women and protect victims of such vio-
4 lence.

5 **SEC. 113. COMBATING CRIMINAL VIOLENCE AND IMPROV-**
6 **ING CITIZEN SECURITY.**

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

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

19 (c) AUTHORIZED ACTIVITIES.—Activities described
20 in this section include—

21 (1) professionalizing civilian police forces by
22 providing support for—

23 (A) the reform of personnel vetting and
24 dismissal processes, including the enhancement

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

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

6 (C) community policing policies and pro-
7 grams;

8 (D) the establishment of special vetted
9 units, including specialized units capable of car-
10 rying out effective criminal investigations of
11 sexual violence;

12 (E) training on the appropriate use of
13 force and human rights;

14 (F) training on civilian intelligence collec-
15 tion, investigative techniques, forensic analysis,
16 and evidence preservation;

17 (G) equipment, such as nonintrusive in-
18 spection equipment and communications inter-
19 ception technology; and

20 (H) ongoing, mandatory training for police
21 on sexual and gender-based violence and vio-
22 lence against LGBT persons;

23 (2) countering illicit trafficking by providing as-
24 sistance to the civilian law enforcement and armed

1 forces of Central American countries, including sup-
2 port for—

3 (A) the establishment of special vetted
4 units;

5 (B) the enhancement of intelligence collec-
6 tion capacity;

7 (C) the reform of personnel vetting and
8 dismissal processes, including the enhancement
9 of polygraph capability for use in such proc-
10 esses; and

11 (D) port, airport, and border security
12 equipment, including—

13 (i) computer infrastructure and data
14 management systems;

15 (ii) secure communications tech-
16 nologies;

17 (iii) communications interception tech-
18 nology;

19 (iv) nonintrusive inspection equip-
20 ment; and

21 (v) radar and aerial surveillance
22 equipment;

23 (3) disrupting illicit financial networks by pro-
24 viding support for—

1 (A) finance ministries, including the en-
2 hancement of the capacity to use financial sanc-
3 tions to block the assets of individuals and or-
4 ganizations involved in money laundering and
5 the financing of armed criminal gangs, illicit
6 trafficking networks, human smugglers, and or-
7 ganized crime;

8 (B) financial intelligence units, including
9 the establishment and enhancement of anti-
10 money laundering programs; and

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

12 (4) improving crime prevention by providing
13 support for—

14 (A) programs that address domestic vio-
15 lence and violence against women;

16 (B) the enhancement of programs for at-
17 risk and criminal-involved youth, including the
18 improvement of community centers;

19 (C) alternative livelihood programs; and

20 (D) programs to expand the capacity of
21 Offices of the Attorney General to investigate
22 threats and attacks against human rights de-
23 fenders.

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

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

5 (2) the United States should take all necessary
6 steps to ensure that the use of operation technology
7 described in paragraph (1) is consistent with United
8 States law, including protections of freedom of ex-
9 pression, freedom of movement, and freedom of as-
10 sociation.

11 **SEC. 114. TACKLING EXTREME POVERTY AND ADVANCING**
12 **ECONOMIC DEVELOPMENT.**

13 (a) IN GENERAL.—

14 (1) ALLOCATION TO DEPARTMENT OF STATE
15 AND USAID.—Of the amounts appropriated pursuant
16 to section 111(a), \$230,000,000 may be made avail-
17 able to the Secretary of State and the Administrator
18 of the United States Agency for International Devel-
19 opment—

20 (A) to address the underlying causes of
21 poverty and inequality; and

22 (B) to improve economic development.

23 (2) TRANSFER TO INTER-AMERICAN FOUNDA-
24 TION.—Not less than \$15,000,000 of any amount
25 made available to the Secretary of State and the Ad-

1 administrator of the United States Agency for Inter-
2 national Development under paragraph (1) shall be
3 transferred to the Inter-American Foundation to ad-
4 dress the root causes of child migration from the
5 Northern Triangle

6 (b) ASSISTANCE FOR CENTRAL AMERICA.—The Sec-
7 retary and the Administrator may use the amounts made
8 available under subsection (a) to provide assistance for
9 Central American countries through the activities de-
10 scribed in subsection (c).

11 (c) AUTHORIZED ACTIVITIES.—Activities described
12 in this section include—

13 (1) strengthening human capital by providing
14 support for—

15 (A) workforce development and entrepre-
16 neurship training programs that are driven by
17 market demand, specifically programs that
18 prioritize women, at-risk youth, and minorities;

19 (B) improving early-grade literacy and the
20 improvement of primary and secondary school
21 curricula;

22 (C) relevant professional training for
23 teachers and educational administrators; and

24 (D) educational policy reform and improve-
25 ment of education sector budgeting;

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

3 (A) small business development centers
4 and programs that strengthen supply chain in-
5 tegration;

6 (B) trade facilitation and customs harmo-
7 nization programs;

8 (C) reducing energy costs through invest-
9 ments in clean technologies and the reform of
10 energy policies and regulations;

11 (D) the improvement of protections for in-
12 vestors, including dispute resolution and arbi-
13 tration mechanisms; and

14 (E) the improvement of labor and environ-
15 mental standards, in accordance with the Do-
16 minican Republic–Central America Free Trade
17 Agreement (CAFTA–DR);

18 (3) strengthening food security by providing
19 support for—

20 (A) small-scale agriculture, including tech-
21 nical training and programs that facilitate ac-
22 cess to credit;

23 (B) agricultural value chain development
24 for farming communities;

1 (C) nutrition programs to reduce childhood
2 stunting rates; and

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

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

7 (A) domestic revenue generation, including
8 programs to improve tax administration, collec-
9 tion, and enforcement;

10 (B) strengthening public sector financial
11 management, including strategic budgeting and
12 expenditure tracking; and

13 (C) reform of customs and procurement
14 policies and processes; and

15 (5) improving the reintegration of returned mi-
16 grants back into society by providing support for
17 targeted—

18 (A) health and social services for returned
19 migrants; and

20 (B) job training programs for returned mi-
21 grants.

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 (13) implement a policy by which local commu-
2 nities, civil society organizations (including indige-
3 nous and marginalized groups), and local govern-
4 ments are consulted in the design, implementation
5 and evaluation of the activities of the Plan that af-
6 fect such communities, organizations, or govern-
7 ments.

8 **Subtitle C—Effectively Coordinating United States Engage-**
9 **ment in Central America**

11 **SEC. 131. UNITED STATES COORDINATOR FOR ENGAGE-**
12 **MENT IN CENTRAL AMERICA.**

13 (a) DESIGNATION.—Not later than 30 days after the
14 date of the enactment of this Act, the President shall des-
15 ignate a senior official to coordinate all of the Federal
16 Government’s efforts and the efforts of international part-
17 ners to strengthen citizen security, the rule of law, and
18 economic prosperity in Central America and to protect vul-
19 nerable populations in the region.

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

22 (c) DUTIES.—The official designated under sub-
23 section (a) shall coordinate all of the efforts, activities, and
24 programs related to United States engagement in Central
25 America, including—

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—Targeting Assistance to**
18 **Appropriate Communities in the**
19 **Northern Triangle**

20 **SEC. 141. TARGETING ASSISTANCE TO APPROPRIATE COM-**
21 **MUNITIES.**

22 Not later than 1 year after the date of the enactment
23 of this Act and annually thereafter for each of the 5 suc-
24 ceeding years, the Comptroller General of the United
25 States shall submit to the Committee on Foreign Affairs

1 of the House of Representatives, the Committee on For-
2 eign Relations of the Senate, and the Committees on Ap-
3 propriations of the House of Representatives and the Sen-
4 ate a report that contains the following:

5 (1) Raw data on the number of children migrat-
6 ing from each community or geographic area in the
7 Northern Triangle to the United States.

8 (2) An assessment of whether U.S. foreign as-
9 sistance to the Northern Triangle is effectively
10 reaching the communities from which children are
11 migrating.

12 (3) An assessment of the extent to which the
13 State Department and USAID are adjusting pro-
14 gramming in the Northern Triangle as migration
15 patterns shift.

16 **Subtitle E—Regional Millennium** 17 **Challenge Corporation Compacts**

18 **SEC. 151. MCC COMPACTS.**

19 (a) CONCURRENT COMPACTS.—Section 609 of the
20 Millennium Challenge Act of 2003 (22 U.S.C. 7708) is
21 amended—

22 (1) by striking the first sentence of subsection
23 (k); and

24 (2) by inserting after subsection (k) the fol-
25 lowing new subsection:

1 “(1) CONCURRENT COMPACTS.—In accordance with
2 the requirements of this title, an eligible country and the
3 United States may enter into and have in effect more than
4 one Compact at any given time, including a concurrent
5 Compact for purposes of regional economic integration or
6 cross-border collaborations, only if the Board determines
7 that the country is making considerable and demonstrable
8 progress in implementing the terms of the existing Com-
9 pact and supplementary agreements thereto.”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 609(b)(1) of such Act (22 U.S.C.
12 7708(b)(1)) is amended—

13 (A) by striking “the eligible country” and
14 inserting “each eligible country or regional de-
15 velopment strategy in the case of regional in-
16 vestments”; and

17 (B) by striking “the” and inserting “each”
18 before “country” in section 609(b)(1) (A), (B),
19 (E), and (J).

20 (2) Section 609(b)(3) of such Act (22 U.S.C.
21 7708(b)(3)) is amended—

22 (A) by inserting after “national develop-
23 ment strategy” the following: “or regional de-
24 velopment strategy”; and

1 (B) by inserting after “government of the
2 country” the following: “or governments of the
3 countries in the case of regional investments”.

4 (3) Section 613(b)(2)(A) of such Act (22
5 U.S.C. 7712(b)(2)(A)) is amended by striking “the”
6 before “Compact” and inserting “any”.

7 **Subtitle F—United States Leader-**
8 **ship for Engaging International**
9 **Donors and Partners**

10 **SEC. 161. REQUIREMENT FOR STRATEGY TO SECURE SUP-**
11 **PORT OF INTERNATIONAL DONORS AND**
12 **PARTNERS.**

13 (a) IN GENERAL.—Not later than 90 days after the
14 date of the enactment of this Act, the Secretary of State
15 shall submit a 3-year strategy to the appropriate congres-
16 sional committees that—

17 (1) describes how the United States will secure
18 support from international donors and regional part-
19 ners (including Colombia and Mexico) for the imple-
20 mentation of the Plan;

21 (2) identifies governments that are willing to
22 provide financial and technical assistance for the im-
23 plementation of the Plan and a description of such
24 assistance; and

1 (3) identifies the financial and technical assist-
2 ance to be provided by multilateral institutions, in-
3 cluding the Inter-American Development Bank, the
4 World Bank, the International Monetary Fund, the
5 Andean Development Corporation—Development
6 Bank of Latin America, and the Organization of
7 American States, and a description of such assist-
8 ance.

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

12 (1) carry out diplomatic engagement to secure
13 contributions of financial and technical assistance
14 from international donors and partners in support of
15 the Plan; and

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

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

23 (1) the progress made in implementing the
24 strategy; and

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

5 (d) BRIEFINGS.—Upon a request from one of the ap-
6 propriate congressional committees, the Secretary of State
7 shall provide a briefing to the committee that describes
8 the progress made in implementing the strategy submitted
9 under subsection (a).

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

12 (1) the Committee on Foreign Relations of the
13 Senate;

14 (2) the Committee on Appropriations of the
15 Senate;

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

18 (4) the Committee on Appropriations of the
19 House of Representatives.

1 **TITLE II—CRACKING DOWN ON**
2 **SMUGGLERS, CARTELS, AND**
3 **TRAFFICKERS EXPLOITING**
4 **CHILDREN AND FAMILIES**

5 **Subtitle A—Strengthening Co-**
6 **operation Among Law Enforce-**
7 **ment Agencies To Target Smug-**
8 **glers and Traffickers**

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

12 (a) **PARTNERSHIP EXPANSION.**—The Secretary of
13 Homeland Security, in coordination with the Secretary of
14 State, shall expand partnership efforts with law enforce-
15 ment entities in El Salvador, Guatemala, Honduras, and
16 Mexico seeking to combat human smuggling and traf-
17 ficking in those countries while recognizing the rights of
18 individuals fleeing violence and seeking humanitarian pro-
19 tection, including—

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

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

1 the Bilateral Human Trafficking Enforcement Ini-
2 tiative with their Mexican law enforcement counter-
3 parts; and

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

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

10 **SEC. 212. ENHANCED INVESTIGATION AND PROSECUTION**
11 **OF HUMAN SMUGGLING AND TRAFFICKING.**

12 (a) IN GENERAL.—The Attorney General and the
13 Secretary of Homeland Security shall expand collaborative
14 programs aimed at investigating and prosecuting human
15 smugglers and traffickers targeting Central American chil-
16 dren and families and operating at the Southwestern bor-
17 der, including the continuation and expansion of anti-traf-
18 ficking coordination teams, with a particular focus on
19 human smugglers and traffickers who are believed to be
20 using violence, sexual assault, or other forms of abuse.

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 being 18 years of age or older, while acting for prof-
21 it or other financial gain, knowingly directs or par-
22 ticipates in an effort or scheme to assist or cause 10
23 or more persons (other than a parent, spouse, or
24 child of the offender) to enter or to attempt to enter
25 the United States at the same time at a place other

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

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

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

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

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

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

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

20 (1) In July 2011, President Obama released
21 “Strategy to Combat Transnational Organized
22 Crime”, which articulates a multidimensional re-
23 sponse to combat transnational organized crime, in-
24 cluding drug trafficking networks, armed criminal
25 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).

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;

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; and

20 (5) upholding best practices consistent with
21 international law and obligations regarding the pro-
22 tection of vulnerable populations such as women and
23 children.

24 (b) REPORT.—Not later than 60 days after the date
25 of the enactment of this Act, the Secretary of State, in

1 consultation with the Secretary of Homeland Security,
2 shall submit a report that describes the plans of the Sec-
3 retary of State to assist in developing the asylum proc-
4 essing capabilities described in subsection (a) to—

5 (1) the Committee on Foreign Relations of the
6 Senate;

7 (2) the Committee on Homeland Security and
8 Governmental Affairs of the Senate;

9 (3) the Committee on the Judiciary of the Sen-
10 ate;

11 (4) the Committee on Foreign Affairs of the
12 House of Representatives;

13 (5) the Committee on Homeland Security of the
14 House of Representatives; and

15 (6) the Committee on the Judiciary of the
16 House of Representatives.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as may be
19 necessary to carry out subsection (a).

1 **Subtitle B—Expanding Refugee**
2 **Processing in Mexico and Cen-**
3 **tral America for Third Country**
4 **Resettlement**

5 **SEC. 321. EXPANDING REFUGEE PROCESSING IN MEXICO**
6 **AND CENTRAL AMERICA FOR THIRD COUN-**
7 **TRY RESETTLEMENT.**

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

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

19 (2) improving the refugee registration system to
20 ensure that all refugees—

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

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

1 (C) receive proper documents in order to
2 prevent fraud and ensure freedom of movement
3 and access to basic social services;

4 (3) creating or expanding a corps of trained
5 refugee officers capable of evaluating and deciding
6 individual claims for protection, consistent with
7 international law and obligations; and

8 (4) developing the capacity to conduct best in-
9 terest determinations for unaccompanied alien chil-
10 dren to ensure that—

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

13 (B) their needs are properly met, which
14 may include family reunification or resettlement
15 based on international protection needs.

16 (b) REPORT.—Not later than 60 days after the date
17 of the enactment of this Act, the Secretary of State, in
18 consultation with the Secretary of Homeland Security,
19 shall submit a report to the committees listed in section
20 311(b) that describes the plans of the Secretary of State
21 to assist in developing the refugee processing capabilities
22 described in subsection (a).

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated such sums as may be
25 necessary to carry out subsection (a).

1 **Subtitle C—Improving the Effi-**
2 **ciency of the Central American**
3 **Minors Program**

4 **SEC. 331. EXPANSION.**

5 The Director of U.S. Citizenship and Immigration
6 Services shall increase the resources directed to the CAM
7 Program, including—

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

10 (2) establishing additional site locations.

11 **SEC. 332. EXPEDITED PROCESSING.**

12 Not later than 180 days after receiving a completed
13 application from an unaccompanied alien child seeking
14 protection under the CAM Program, the Director of U.S.
15 Citizenship and Immigration Services shall make a final
16 determination on such application unless the security
17 screening for such child cannot be completed during the
18 180-day period.

19 **SEC. 333. REFERRAL TO UNHCR.**

20 The Director of U.S. Citizenship and Immigration
21 Services or the Assistant Secretary of State for the Bu-
22 reau of Population, Refugees, and Migration shall refer
23 any child who is the proposed beneficiary of an application
24 under the CAM Program and is facing immediate risk of
25 harm to the United Nations High Commissioner for Refu-

1 gees for registration and safe passage to an established
2 emergency transit center for refugees.

3 **TITLE IV—MONITORING AND**
4 **SUPPORTING UNACCOM-**
5 **PANIED ALIEN CHILDREN**
6 **AFTER PROCESSING AT THE**
7 **BORDER**

8 **SEC. 401. DEFINITIONS; AUTHORIZATION OF APPROPRIA-**
9 **TIONS.**

10 (a) DEFINITIONS.—In this title:

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

14 (2) DIRECTOR.—The term “Director” means
15 the Director of the Office of Refugee Resettlement
16 of the Department.

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

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

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

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated such sums as may be
6 necessary to carry out this title.

7 **Subtitle A—Strengthening the Gov-**
8 **ernment’s Ability To Oversee**
9 **the Safety and Well-Being of**
10 **Children**

11 **SEC. 411. BACKGROUND CHECKS TO ENSURE THE SAFE**
12 **PLACEMENT OF UNACCOMPANIED ALIEN**
13 **CHILDREN.**

14 (a) CRIMINAL AND CIVIL RECORD CHECKS.—

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

1 (A) Fingerprint-based checks (except as
2 described in paragraph (2)) in national crime
3 information databases, as defined in section
4 534(e)(3) of title 28, United States Code.

5 (B) A search of the State criminal registry
6 or repository for any State (except as described
7 in paragraph (3)) in which the prospective
8 sponsor or resident adult has resided during the
9 5 years preceding the search.

10 (C) A search of the National Sex Offender
11 Registry established under section 119 of the
12 Adam Walsh Child Protection and Safety Act of
13 2006 (42 U.S.C. 16919).

14 (D) A search (except as described in para-
15 graphs (2) and (3)) of State-based child abuse
16 and neglect registries and databases for any
17 State in which the prospective sponsor or resi-
18 dent adult has resided during the 5 years pre-
19 ceding the search.

20 (2) PARENTS AND GUARDIANS.—For purposes
21 of paragraph (1), if the prospective sponsor is the
22 parent or guardian of the child involved, the Direc-
23 tor shall have discretion to determine whether the
24 Director shall perform, and the prospective sponsor
25 and resident adults described in paragraph (1) shall

1 submit to, a check described in subparagraph (A) or
2 (D) of paragraph (1).

3 (3) WAIVERS.—

4 (A) IN GENERAL.—If the Secretary deter-
5 mines that it is not feasible to conduct the
6 check described in subparagraph (B) or (D) of
7 paragraph (1) for a State, including infeasibility
8 due to a State’s refusal or nonresponse in
9 response to a request for related information, or
10 that the average time to receive results from a
11 State for such a check is more than 10 business
12 days, the Secretary may waive the requirements
13 of that subparagraph with respect to the State
14 involved for a period of not more than 1 year.
15 The Secretary may renew the waiver in accord-
16 ance with this subparagraph.

17 (B) PROHIBITION ON DELEGATION.—The
18 Secretary may not delegate the responsibility
19 under subparagraph (A) to another officer or
20 employee of the Department.

21 (C) STATES WHERE WAIVERS APPLY.—The
22 Secretary shall make available, on a website of
23 the Department, the list of States for which the
24 requirements of subparagraph (B) or (D) of
25 paragraph (1) are waived under this paragraph.

1 (4) USE OF RECORD CHECKS.—The information
2 revealed by a record check performed pursuant to
3 this section shall be used only by the Director for
4 the purpose of determining whether a potential
5 sponsor is a suitable sponsor for a placement for an
6 unaccompanied alien child.

7 (b) PLACEMENT DETERMINATIONS GENERALLY.—

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

19 (A) Domestic violence, stalking, child
20 abuse, child neglect, or child abandonment, if
21 the prospective sponsor or resident adult served
22 at least 1 year imprisonment for a crime speci-
23 fied in this subparagraph, or if the prospective
24 sponsor or resident adult was convicted of 2 or
25 more crimes specified in this subparagraph, not

1 arising out of a single scheme of criminal mis-
2 conduct.

3 (B) A crime against a child involving por-
4 nography.

5 (C) Human trafficking.

6 (D) Rape or sexual assault.

7 (E) Homicide.

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

18 (A) The type of offense.

19 (B) The number of offenses the sponsor or
20 resident adult has been adjudged guilty or con-
21 victed of.

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

24 (D) The nature of the offense.

1 (E) The age of the individual at the time
2 of the adjudication or conviction.

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

5 (G) Evidence of rehabilitation of the indi-
6 vidual.

7 (H) Opinions of community and family
8 members concerning the individual.

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

19 (d) APPEALS PROCESS.—

20 (1) INFORMATION.—The Secretary shall provide
21 information to each prospective sponsor on how such
22 sponsor may appeal—

23 (A) a placement determination under this
24 section, including—

1 (i) prompt notice of the opportunity to
2 so appeal; and

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

5 (B) the results of a record check per-
6 formed pursuant to this section or the accuracy
7 or completeness of the information yielded by
8 the record check, as provided in paragraph (2),
9 including—

10 (i) prompt notice of the opportunity to
11 so appeal; and

12 (ii) instructions about how to partici-
13 pate in the appeals process.

14 (2) APPEAL.—Each Federal agency responsible
15 for administering or maintaining the information in
16 a database, registry, or repository used in a record
17 check performed pursuant to this section or respon-
18 sible for the accuracy or completeness of the infor-
19 mation yielded by the record check shall—

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

23 (B) complete such process not later than
24 30 days after the date on which such an appeal
25 is filed.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to prohibit the Director from estab-
3 lishing additional checks or procedures (besides the checks
4 required in this section) for sponsors, to enable the Direc-
5 tor to—

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

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

10 **SEC. 412. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION**

11 **COURT COMPLIANCE AND CHILD WELL-**
12 **BEING.**

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

22 (b) PROGRAM ELEMENTS.—The procedures de-
23 scribed in subsection (a) shall include a requirement that
24 each legal orientation program described in such sub-

1 section shall provide information on the sponsor's rights
2 and responsibilities to—

3 (1) ensure the unaccompanied alien child ap-
4 pears at immigration proceedings and communicate
5 with the court involved regarding the child's change
6 of address and other relevant information;

7 (2) immediately enroll the child in school, and
8 shall provide information and resources if the spon-
9 sor encounters difficulty enrolling such child in
10 school;

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

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

18 (5) seek assistance from the Department re-
19 garding the health, safety, and well-being of the
20 child placed with the sponsor; and

21 (6) file a complaint, if necessary, with the Sec-
22 retary or the Secretary of Homeland Security re-
23 garding treatment of unaccompanied alien children
24 while under the care of the Office of Refugee Reset-

1 tlement or the Department of Homeland Security,
2 respectively.

3 **SEC. 413. MONITORING UNACCOMPANIED ALIEN CHIL-**
4 **DREN.**

5 (a) RISK-BASED POST-PLACEMENT SERVICES.—

6 (1) IN GENERAL.—Using amounts appropriated
7 pursuant to section 401(b) to carry out this section,
8 the Secretary shall, to assist each unaccompanied
9 alien child in a placement with a sponsor—

10 (A) complete an individualized assessment
11 of the need for services to be provided after
12 placement; and

13 (B) provide such post-placement services
14 during the pendency of removal proceedings or
15 until no longer necessary.

16 (2) MINIMUM SERVICES.—For the purposes of
17 paragraph (1), the services shall, at a minimum, in-
18 clude—

19 (A) for the unaccompanied alien child, at
20 least one post-placement case management serv-
21 ices visit within 30 days after placement with a
22 sponsor and the referral of unaccompanied alien
23 children to service providers in the community;
24 and

1 (B) for the family of the child’s sponsor,
2 orientation and other functional family support
3 services, as determined to be necessary in the
4 individualized assessment.

5 (b) EFFECTIVE USE OF CHILD ADVOCATES FOR THE
6 MOST VULNERABLE UNACCOMPANIED ALIEN CHIL-
7 DREN.—The Secretary shall—

8 (1) direct the Director—

9 (A) to identify and track the referral rates
10 of unaccompanied alien children to child advo-
11 cates by care providers and investigate in-
12 stances in which such a rate is low;

13 (B) to ensure that the referral criteria es-
14 tablished by the Director are appropriately ap-
15 plied when a care provider determines if such a
16 child is eligible for referral to a child advocate;

17 (C) to provide technical assistance to care
18 providers to ensure compliance with such cri-
19 teria; and

20 (D) to establish a process for stakeholders
21 and the public to refer unaccompanied alien
22 children, including those placed with a sponsor,
23 to the child advocate program to determine if
24 such child meets the referral criteria for ap-
25 pointment of a child advocate; and

1 (2) ensure that each child advocate for an unac-
2 panied alien child shall—

3 (A) be provided access to materials nec-
4 essary to advocate effectively for the best inter-
5 est of the child, including direct access to sig-
6 nificant incident reports, home studies, and
7 similar materials and information; and

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

11 **Subtitle B—Funding to States and**
12 **School Districts; Supporting**
13 **Education and Safety**

14 **SEC. 421. FUNDING TO STATES TO CONDUCT STATE CRIMI-**
15 **NAL CHECKS AND CHILD ABUSE AND NE-**
16 **GLECT CHECKS.**

17 (a) DEFINITION.—In this section, the term “State”
18 means each of the 50 States of the United States and the
19 District of Columbia.

20 (b) PAYMENTS TO STATES TO CONDUCT STATE
21 CRIMINAL REGISTRY OR REPOSITORY SEARCHES AND TO
22 CONDUCT CHILD ABUSE AND NEGLECT CHECKS.—

23 (1) IN GENERAL.—Using amounts appropriated
24 pursuant to section 401(b) to carry out this section,
25 the Secretary shall, in accordance with this sub-

1 section, make payments to States, through each
2 agency in each State tasked with administering the
3 State criminal registry or repository required under
4 section 411(a)(1)(B) or the State child abuse and
5 neglect registry required under section 411(a)(1)(D),
6 to assist with searches of such registries, reposi-
7 tories, or databases for prospective sponsors of unac-
8 companied alien children and resident adults in the
9 home of such prospective sponsors, in accordance
10 with section 411.

11 (2) ALLOTMENTS.—

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

1 ance with section 411(a)(1)(B) in the State
2 bears to the total number of such searches in
3 all States participating in the program.

4 (B) CHILD ABUSE AND NEGLECT
5 CHECKS.—In each fiscal year, using amounts
6 appropriated pursuant to section 401(b) to
7 carry out this section with respect to the pro-
8 gram providing payments to States to assist
9 with child abuse and neglect registry and data-
10 base searches, the Secretary shall allot to each
11 State participating in such program, through
12 the agency in each such State tasked with ad-
13 ministering the State child abuse and neglect
14 registries and databases described in section
15 411(a)(1)(D), an amount that bears the same
16 relationship to such funds as the number of
17 searches of such child abuse and neglect reg-
18 istries and databases conducted in accordance
19 with section 411(a)(1)(D) in the State bears to
20 the total number of such searches in all States
21 participating in the program.

22 (C) TRANSITION RULE.—In the first fiscal
23 year in which funds are made available under
24 this title to carry out this section, the Secretary
25 shall make allotments to each State partici-

1 pating in the programs under this section in ac-
2 cordance with subparagraphs (A) and (B),
3 based on the Secretary's estimate of the num-
4 ber of the searches described in each such sub-
5 paragraph, respectively, that each of the States
6 are expected to conduct in such fiscal year.

7 (3) STATE APPLICATIONS.—Each State agency
8 described in paragraph (1) desiring an allotment
9 under subparagraph (A) or (B) of paragraph (2)
10 shall submit an application at such time, in such
11 manner, and containing such information as the Sec-
12 retary may require, which shall include an assurance
13 that the State agency will respond promptly to all
14 requests from the Director, within a reasonable time
15 period determined by the Director, to conduct a
16 search required under section 411 in a timely man-
17 ner, and a description of how funds will be used to
18 meet such assurance.

19 **SEC. 422. FUNDING TO SCHOOL DISTRICTS FOR UNACCOM-**
20 **PANIED ALIEN CHILDREN.**

21 (a) GRANTS AUTHORIZED.—Using amounts appro-
22 priated pursuant to section 401(b) to carry out this sec-
23 tion, the Secretary of Education shall award grants, on
24 a competitive basis, to eligible local educational agencies,
25 or consortia of neighboring local educational agencies, de-

1 scribed in subsection (b) to enable the local educational
2 agencies or consortia to enhance opportunities for, and
3 provide services to, immigrant children and youth, includ-
4 ing unaccompanied alien children, in the area served by
5 the local educational agencies or consortia.

6 (b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

7 (1) IN GENERAL.—A local educational agency,
8 or a consortium of neighboring local educational
9 agencies, is eligible for a grant under subsection (a)
10 if, during the fiscal year for which a grant is award-
11 ed under this section, there are 50 or more unac-
12 companied alien children enrolled in the public
13 schools served by the local educational agency or the
14 consortium, respectively.

15 (2) DETERMINATIONS OF NUMBER OF UNAC-
16 COMPANIED ALIEN CHILDREN.—The Secretary of
17 Education shall determine the number of unaccom-
18 panied alien children for purposes of paragraph (1)
19 based on the most accurate data available that is
20 provided to the Secretary of Education by the Direc-
21 tor or the Department of Homeland Security.

22 (c) APPLICATIONS.—A local educational agency, or a
23 consortia of neighboring local educational agencies, desir-
24 ing a grant under this section shall submit an application
25 to the Secretary of Education at such time, in such man-

1 ner, and containing such information, as the Secretary of
2 Education may require, including a description of how the
3 grant will be used to enhance opportunities for, and pro-
4 vide services to, immigrant children and youth (including
5 unaccompanied alien children) and their families.

6 **SEC. 423. IMMEDIATE ENROLLMENT OF UNACCOMPANIED**
7 **ALIEN CHILDREN IN SCHOOLS.**

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

11 (1) ensure that unaccompanied alien children in
12 the area served by the local educational agency are
13 immediately enrolled in school following placement
14 with a sponsor; and

15 (2) remove barriers to enrollment and full par-
16 ticipation in educational programs and services of-
17 fered by the local educational agency for unaccom-
18 panied alien children (including barriers related to
19 documentation, age, and language), which shall in-
20 clude reviewing and revising policies that may have
21 a negative effect on such children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (a) IMPROVING IMMIGRATION COURT EFFICIENCY
16 AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL
17 INFORMATION.—

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

23 (A) in paragraph (4)—

24 (i) in subparagraph (A)—

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

3 (II) by striking the comma at the
4 end and inserting a semicolon;

5 (ii) by redesignating subparagraphs
6 (B) and (C) as subparagraphs (D) and
7 (E), respectively;

8 (iii) by inserting after subparagraph
9 (A) the following:

10 “(B) the Attorney General may appoint or
11 provide counsel, at Government expense, to
12 aliens in immigration proceedings;

13 “(C) the alien shall, at the beginning of
14 the proceedings or as expeditiously as possible,
15 automatically receive a complete copy of all rel-
16 evant documents in the possession of the De-
17 partment of Homeland Security, including all
18 documents (other than documents protected
19 from disclosure by privilege, including national
20 security information referred to in subpara-
21 graph (D), law enforcement sensitive informa-
22 tion, and information prohibited from disclosure
23 pursuant to any other provision of law) con-
24 tained in the file maintained by the Government
25 that includes information with respect to all

1 transactions involving the alien during the im-
2 migration process (commonly referred to as an
3 ‘A-file’), and all documents pertaining to the
4 alien that the Department of Homeland Secu-
5 rity has obtained or received from other govern-
6 ment agencies, unless the alien waives the right
7 to receive such documents by executing a know-
8 ing and voluntary written waiver in a language
9 that he or she understands fluently;” and

10 (iv) in subparagraph (D), as redesign-
11 nated, by striking “, and” and inserting “;
12 and”; and

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

14 “(8) FAILURE TO PROVIDE ALIEN REQUIRED
15 DOCUMENTS.—In the absence of a waiver under
16 paragraph (4)(C), a removal proceeding may not
17 proceed until the alien—

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

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

22 (2) CLARIFICATION REGARDING THE AUTHOR-
23 ITY OF THE ATTORNEY GENERAL TO APPOINT COUN-
24 SEL TO ALIENS IN IMMIGRATION PROCEEDINGS.—

1 Section 292 of the Immigration and Nationality Act
2 (8 U.S.C. 1362) is amended—

3 (A) by striking “In any” and inserting the
4 following:

5 “(a) IN GENERAL.—In any proceeding conducted
6 under section 235, 236, 238, 240, 241, or any other sec-
7 tion of this Act,”;

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

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

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

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

14 “(b) ACCESS TO COUNSEL.—The Attorney General
15 may appoint or provide counsel to aliens in any proceeding
16 conducted under section 235, 236, 238, 240, or 241 or
17 any other section of this Act. The Secretary of Homeland
18 Security shall ensure that aliens have access to counsel
19 inside all immigration detention and border facilities.”.

20 (3) APPOINTMENT OF COUNSEL FOR CHILDREN
21 AND VULNERABLE ALIENS.—

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

1 “(c) CHILDREN AND VULNERABLE ALIENS.—Not-
2 withstanding subsection (b), the Attorney General shall
3 appoint counsel, at the expense of the Government if nec-
4 essary, at the beginning of the proceedings or as expedi-
5 tiously as possible, to represent in such proceedings any
6 alien who has been determined by the Secretary of Home-
7 land Security or the Attorney General to be—

8 “(1) a child (as defined in section 101(b)(1) of
9 this Act);

10 “(2) a particularly vulnerable individual, such
11 as—

12 “(A) a person with a disability; or

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

14 or

15 “(3) an individual whose circumstances are
16 such that the appointment of counsel is necessary to
17 help ensure fair resolution and efficient adjudication
18 of the proceedings.

19 “(d) EXTENSION TO CONSOLIDATED CASES.—If the
20 Attorney General has consolidated the case of any alien
21 for whom counsel was appointed under subsection (c) with
22 that of any other alien, and that other alien does not have
23 counsel, then the counsel appointed under subsection (c)
24 shall be appointed to represent such other alien.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Executive Office
3 of Immigration Review of the Department of Justice such
4 sums as may be necessary to carry out this section.”.

5 (B) RULEMAKING.—The Attorney General
6 shall promulgate regulations to implement sec-
7 tion 292(c) of the Immigration and Nationality
8 Act, as added by subparagraph (A), in accord-
9 ance with the requirements set forth in section
10 3006A of title 18, United States Code.

11 (b) ACCESS BY COUNSEL AND LEGAL ORIENTATION
12 AT DETENTION FACILITIES.—

13 (1) ACCESS TO COUNSEL.—The Secretary of
14 Homeland Security shall facilitate access to counsel
15 for all aliens detained in facilities under the super-
16 vision of U.S. Immigration and Customs Enforce-
17 ment or of U.S. Customs and Border Protection, in-
18 cluding providing information to aliens in detention
19 about legal services programs at detention facilities.

20 (2) ACCESS TO LEGAL ORIENTATION PRO-
21 GRAMS.—The Secretary of Homeland Security, in
22 consultation with the Attorney General, shall estab-
23 lish procedures to ensure that legal orientation pro-
24 grams are available for all detained aliens, including
25 aliens held in U.S. Customs and Border Protection

1 facilities, to inform such aliens of the basic proce-
2 dures of immigration hearings, their rights relating
3 to those hearings under Federal immigration laws,
4 information that may deter such aliens from filing
5 frivolous legal claims, and any other information
6 that the Attorney General considers appropriate,
7 such as a contact list of potential legal resources and
8 providers. Access to legal orientation programs shall
9 not be limited by the alien's current immigration
10 status, prior immigration history, or potential for
11 immigration relief.

12 (3) PILOT PROJECT FOR NONDETAINED ALIENS
13 IN REMOVAL PROCEEDINGS.—The Attorney General
14 shall develop and administer a 2-year pilot program
15 at not fewer than 2 immigration courts to provide
16 nondetained aliens with pending asylum claims ac-
17 cess to legal information. At the conclusion of the
18 pilot program, the Attorney General shall submit a
19 report to the Committee on the Judiciary of the
20 Senate and the Committee on the Judiciary of the
21 House of Representatives that describes the extent
22 to which nondetained aliens are provided with access
23 to counsel.

24 (4) AUTHORIZATION OF APPROPRIATIONS.—
25 There is authorized to be appropriated to the Execu-

1 tive Office of Immigration Review of the Department
2 of Justice such sums as may be necessary to carry
3 out this section.

4 (c) CASE MANAGEMENT PILOT PROGRAM TO IN-
5 CREASE COURT APPEARANCE RATES.—

6 (1) CONTRACT AUTHORITY.—The Secretary of
7 Homeland Security shall establish a pilot program to
8 increase the court appearance rates of aliens de-
9 scribed in section 292(c) of the Immigration and
10 Nationality Act, as added by subsection (a)(3)(A),
11 by contracting with nongovernmental, community-
12 based organizations to provide appropriate case
13 management services to such aliens. This pilot pro-
14 gram shall not be used to monitor individuals des-
15 ignated as unaccompanied alien children under sec-
16 tion 462 of the Homeland Security Act.

17 (2) SCOPE OF SERVICES.—Case management
18 services provided under paragraph (1) shall include
19 assisting aliens with—

20 (A) accessing legal counsel;

21 (B) complying with court-imposed dead-
22 lines and other legal obligations;

23 (C) procuring appropriate housing;

24 (D) enrolling their minor children in
25 school; and

1 (E) acquiring health services, including, if
2 needed, mental health services.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the De-
5 partment of Homeland Security such sums as may
6 be necessary to carry out this section.

7 (d) REPORT ON ACCESS TO COUNSEL.—

8 (1) REPORT.—Not later than December 31 of
9 each year, the Secretary of Homeland Security, in
10 consultation with the Attorney General, shall pre-
11 pare and submit a report to the Committee on the
12 Judiciary of the Senate and the Committee on the
13 Judiciary of the House of Representatives regarding
14 the extent to which aliens described in section
15 292(c) of the Immigration and Nationality Act, as
16 added by subsection (a)(3)(A), have been provided
17 access to counsel.

18 (2) CONTENTS.—Each report submitted under
19 paragraph (1) shall include, for the immediately pre-
20 ceding 1-year period—

21 (A) the number and percentage of aliens
22 described in subparagraphs (A), (B), and (C),
23 respectively, of section 292(c) of the Immigra-
24 tion and Nationality Act, as added by sub-

1 section (a)(3)(A), who were represented by
2 counsel, including information specifying—

3 (i) the stage of the legal process at
4 which the alien was represented; and

5 (ii) whether the alien was in govern-
6 ment custody; and

7 (B) the number and percentage of aliens
8 who received legal orientation presentations.

9 (e) MOTIONS TO REOPEN.—Section 240(c)(7)(C) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1229a(c)(7)(C)) is amended by adding at the end the fol-
12 lowing:

13 “(v) SPECIAL RULE FOR CHILDREN
14 AND OTHER VULNERABLE ALIENS.—If the
15 Attorney General fails to appoint counsel
16 for an alien in violation of section 292(c)—

17 “(I) no limitation under this
18 paragraph pertaining to the filing of
19 any motion under this paragraph by
20 such alien shall apply; and

21 “(II) the filing of such a motion
22 shall stay the removal of the alien.”.

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

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

4 (a) ANNUAL INCREASES IN IMMIGRATION JUDGES.—

5 The Attorney General shall increase the total number of
6 immigration judges to adjudicate pending cases and effi-
7 ciently process future cases by at least—

8 (1) 55 judges during fiscal year 2017;

9 (2) an additional 55 judges during fiscal year
10 2018; and

11 (3) an additional 55 judges during fiscal year
12 2019.

13 (b) NECESSARY SUPPORT STAFF FOR IMMIGRATION

14 JUDGES.—To address the shortage of support staff for
15 immigration judges, the Attorney General shall ensure
16 that each immigration judge has sufficient support staff,
17 adequate technological and security resources, and appro-
18 priate courtroom facilities.

19 (c) ANNUAL INCREASES IN BOARD OF IMMIGRATION

20 APPEALS PERSONNEL.—The Attorney General shall in-
21 crease the number of Board of Immigration Appeals staff
22 attorneys (including necessary additional support staff) to
23 efficiently process cases by at least—

24 (1) 23 attorneys during fiscal year 2017;

1 (2) an additional 23 attorneys during fiscal
2 year 2018; and

3 (3) an additional 23 attorneys during fiscal
4 year 2019.

5 (d) GAO REPORT.—The Comptroller General of the
6 United States shall—

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

10 (2) propose solutions to Congress for improving
11 the efficiency of the hiring process.

12 **SEC. 522. IMPROVED TRAINING FOR IMMIGRATION JUDGES**
13 **AND MEMBERS OF THE BOARD OF IMMIGRA-**
14 **TION APPEALS.**

15 (a) IN GENERAL.—To ensure efficient and fair pro-
16 ceedings, the Director of the Executive Office for Immi-
17 gration Review shall facilitate robust training programs
18 for immigration judges and members of the Board of Im-
19 migration Appeals.

20 (b) MANDATORY TRAINING.—Training facilitated
21 under subsection (a) shall include—

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

24 (2) continuing education regarding current de-
25 velopments in immigration law through regularly

1 available training resources and an annual con-
2 ference; and

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

7 **SEC. 523. NEW TECHNOLOGY TO IMPROVE COURT EFFI-**
8 **CIENCY.**

9 The Director of the Executive Office for Immigration
10 Review will modernize its case management and related
11 electronic systems, including allowing for electronic filing,
12 to improve efficiency in the processing of immigration pro-
13 ceedings.

14 **Subtitle C—Reducing the**
15 **Likelihood of Remigration**

16 **SEC. 531. ESTABLISHING REINTEGRATION AND MONI-**
17 **TORING SERVICES FOR REPATRIATING CHIL-**
18 **DREN.**

19 (a) **CONSULTATION WITH UNHCR.**—The Secretary
20 of Homeland Security, in coordination with the Secretary
21 of Health and Human Services and the Secretary of State,
22 shall consult with the United Nations High Commissioner
23 for Refugees (referred to in this section as the
24 “UNHCR”) to—

1 (1) develop a best interests determination proc-
2 ess to ensure that a best interests determination by
3 a by a child welfare professional or agency is con-
4 ducted for all children before any decision to repa-
5 triate a child to his or her country of origin; and

6 (2) develop a child-centered repatriation process
7 for children for whom repatriation is determined to
8 be in their best interests.

9 (b) COLLABORATION WITH REGIONAL GOVERN-
10 MENTS AND NONGOVERNMENTAL ORGANIZATIONS.—The
11 Secretary of State and the Administrator of the United
12 States Agency for International Development, in coordina-
13 tion with the Secretary of Homeland Security, shall col-
14 laborate with regional governments and international and
15 domestic nongovernmental organizations to reduce chil-
16 dren’s need to remigrate by—

17 (1) establishing and expanding comprehensive
18 reintegration services for repatriated unaccompanied
19 children once returned to their communities of ori-
20 gin;

21 (2) establishing monitoring and verification
22 services to determine the well-being of repatriated
23 children in order to determine if United States pro-
24 tection and screening functioned effectively in identi-
25 fying persecuted and trafficked children; and

1 (3) providing emergency referrals to the
2 UNHCR for registration and safe passage to an es-
3 tablished emergency transit center for refugees for
4 any repatriated children who are facing immediate
5 risk of harm.

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