

114TH CONGRESS
2D SESSION

H. R. _____

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

Ms. LOFGREN (for herself and Mr. ENGEL) introduced the following bill;
which was referred to the Committee on _____

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Secure the Northern Triangle Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Sense of Congress.

Sec. 4. Definitions.

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

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

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

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

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

Subtitle C—Effectively Coordinating United States Engagement in Central
America

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

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

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

TITLE II—CRACKING DOWN ON SMUGGLERS, CARTELS, AND
TRAFFICKERS EXPLOITING CHILDREN AND FAMILIES

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

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

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

- Sec. 221. Enhanced penalties for organized smuggling schemes.
- Sec. 222. Expanding financial sanctions on narcotics trafficking and money laundering.

TITLE III—MINIMIZING BORDER CROSSINGS BY EXPANDING
PROCESSING OF REFUGEE CHILDREN AND FAMILIES IN-COUN-
TRY AND IN THE REGION

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

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

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

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

Subtitle C—Improving the Efficiency of the Central American Minors
Program

Sec. 331. Expansion.
Sec. 332. Expedited processing.
Sec. 333. Referral to UNHCR.

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

Sec. 401. Definitions; authorization of appropriations.

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

Sec. 411. Background checks to ensure the safe placement of unaccompanied
alien children.
Sec. 412. Responsibility of sponsor for immigration court compliance and child
well-being.
Sec. 413. Monitoring unaccompanied alien children.

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

Sec. 421. Funding to States to conduct State criminal checks and child abuse
and neglect checks.
Sec. 422. Funding to school districts for unaccompanied alien children.
Sec. 423. Immediate enrollment of unaccompanied alien children in schools.

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

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

Sec. 511. Court appearance compliance and legal orientation.
Sec. 512. Fair day in court for kids.

Subtitle B—Reducing Significant Delays in Immigration Court

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

Subtitle C—Reducing the Likelihood of Remigration

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

1 SEC. 2. FINDINGS.

2 Congress finds the following:

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

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

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

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

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

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

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

20 (8) Unaccompanied minors from the Northern
21 Triangle now make up the majority of unaccom-
22 panied minors encountered at the international bor-
23 der between the United States and Mexico, with the
24 fastest increase occurring among children younger
25 than 12 years of age.

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

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

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

18 (12) The presence of major drug trafficking or-
19 ganizations in the Northern Triangle contributes to
20 violence, corruption, and criminality. The 2016
21 International Narcotics Control Strategy Report pre-
22 pared by the Department of State estimated that
23 “approximately 90 percent of the cocaine trafficked
24 to the United States in the first half of 2015 first

1 transited through the Mexico/Central America cor-
2 ridor”.

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

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

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

21 (16) Weak investment climates and low levels of
22 educational opportunity are barriers to inclusive eco-
23 nomic growth and social development in the North-
24 ern Triangle.

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

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

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

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

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

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

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

4 (B) endemic corruption; and

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

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

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

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

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

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

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

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

12 (7) the United States must continue to encour-
13 age the creation of a similar international commis-
14 sion to combat corruption and impunity in El Sal-
15 vador;

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

22 (9) the United States should work in coopera-
23 tion with the Government of Mexico in encouraging
24 best practices consistent with international law and

1 obligations regarding the protection of vulnerable
2 populations such as women and children;

3 (10) the CAM Program provides a safe, legal,
4 and orderly alternative to children fleeing violence in
5 the Northern Triangle;

6 (11) the United States must—

7 (A) expand the CAM Program to ensure
8 the safe and orderly processing of refugee chil-
9 dren in the region;

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

15 (C) expand access to legal representation
16 for unaccompanied alien children facing United
17 States immigration proceedings; and

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

22 (12) it is imperative for the United States to
23 sustain a long-term commitment to addressing the
24 factors causing Central Americans to flee their coun-
25 tries by strengthening citizen security, the rule of

1 law, democratic governance, the protection of human
2 rights, and inclusive economic growth in the North-
3 ern Triangle.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

6 (1) CAM PROGRAM.—The term “CAM Pro-
7 gram” means the Central American Minors Refugee/
8 Parole Program administered by U.S. Citizenship
9 and Immigration Services.

10 (2) INTELLIGENCE COMMUNITY.—The term
11 “intelligence community” has the meaning given the
12 term in section 3(4) of the National Security Act of
13 1947 (50 U.S.C. 3003(4)).

14 (3) NORTHERN TRIANGLE.—The term “North-
15 ern Triangle” means the El Salvador, Guatemala,
16 and Honduras.

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

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

23 (6) SPONSOR.—The term “sponsor” means a
24 sponsor referred to in section 462(b)(4) of the

1 Homeland Security Act of 2002 (6 U.S.C.
2 279(b)(4)).

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

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

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

15 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR**
16 **UNITED STATES STRATEGY FOR ENGAGE-**
17 **MENT IN CENTRAL AMERICA.**

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

24 (b) USE OF FUNDS.—Amounts appropriated pursu-
25 ant to subsection (a) may be made available for assistance

1 to Central American countries to implement the United
2 States Strategy for Engagement in Central America in
3 support of the Plan, including efforts—

4 (1) to strengthen the rule of law and bolster the
5 effectiveness of judicial systems, public prosecutors’
6 offices, and civilian police forces;

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

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

12 (4) to disrupt money laundering operations and
13 the illicit financial networks of armed criminal
14 gangs, illicit trafficking organizations, and human
15 smugglers;

16 (5) to strengthen democratic governance and
17 promote greater respect for internationally-recog-
18 nized human rights, labor rights, fundamental free-
19 doms, and the media;

20 (6) to enhance the capability of Central Amer-
21 ican governments to protect and provide for vulner-
22 able and at-risk populations;

23 (7) to address the underlying causes of poverty
24 and inequality; and

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

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

10 **SEC. 112. STRENGTHENING THE RULE OF LAW AND COM-**
11 **BATING CORRUPTION.**

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

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

23 (c) AUTHORIZED ACTIVITIES.—Activities described
24 in this section include—

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

3 (A) the Office of the Attorney General and
4 public prosecutors in each such country, includ-
5 ing—

6 (i) the enhancement of their forensics
7 and communications interception capabili-
8 ties;

9 (ii) expansion of the presence of the
10 Office of the Attorney General throughout
11 each country's national territory;

12 (iii) specialized training for prosecu-
13 tors to investigate crimes of sexual vio-
14 lence; and

15 (iv) the provision of active technical
16 collaboration for complex investigations;

17 (B) reforms leading to independent, merit-
18 based, selection processes for judges and pros-
19 ecutors, and relevant ethics and professional
20 training;

21 (C) the improvement of victim and witness
22 protection;

23 (D) the reform and improvement of prison
24 facilities and management; and

1 (E) ongoing, mandatory training for
2 judges and prosecutors on sexual and gender-
3 based violence and violence against LGBT per-
4 sons;

5 (2) combating corruption by providing support
6 for—

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

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

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

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

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

24 (A) the reform of civil services, related
25 training programs, and relevant career laws and

1 processes that lead to independent, merit-based
2 selection processes;

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

6 (C) the reform of political party and cam-
7 paign finance laws; and

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

11 (4) defending human rights by providing sup-
12 port for—

13 (A) human rights ombudsman offices;

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

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

22 (D) civil society organizations that address
23 sexual, domestic, and inter-partner violence
24 against women and protect victims of such vio-
25 lence.

1 **SEC. 113. COMBATING CRIMINAL VIOLENCE AND IMPROV-**
2 **ING CITIZEN SECURITY.**

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

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

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

17 (1) professionalizing civilian police forces by
18 providing support for—

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

23 (B) inspectors general and oversight of-
24 fices, including relevant training for inspectors
25 and auditors;

1 (C) community policing policies and pro-
2 grams;

3 (D) the establishment of special vetted
4 units, including specialized units capable of car-
5 rying out effective criminal investigations of
6 sexual violence;

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

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

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

15 (H) ongoing, mandatory training for police
16 on sexual and gender-based violence and vio-
17 lence against LGBT persons;

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

22 (A) the establishment of special vetted
23 units;

24 (B) the enhancement of intelligence collec-
25 tion capacity;

1 (C) the reform of personnel vetting and
2 dismissal processes, including the enhancement
3 of polygraph capability for use in such proc-
4 esses;

5 (D) port, airport, and border security
6 equipment, including—

7 (i) computer infrastructure and data
8 management systems;

9 (ii) secure communications tech-
10 nologies;

11 (iii) communications interception tech-
12 nology;

13 (iv) nonintrusive inspection equip-
14 ment; and

15 (v) radar and aerial surveillance
16 equipment;

17 (3) disrupting illicit financial networks by pro-
18 viding support for—

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

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

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

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

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

12 (C) alternative livelihood programs; and

13 (D) programs to expand the capacity of
14 Offices of the Attorney General to investigate
15 threats and attacks against human rights de-
16 fenders.

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

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

23 (2) the United States should take all necessary
24 steps to ensure that the use of operation technology
25 described in paragraph (1) is consistent with United

1 States law, including protections of freedom of ex-
2 pression, freedom of movement, and freedom of as-
3 sociation.

4 **SEC. 114. TACKLING EXTREME POVERTY AND ADVANCING**
5 **ECONOMIC DEVELOPMENT.**

6 (a) IN GENERAL.—

7 (1) ALLOCATION TO DEPARTMENT OF STATE
8 AND USAID.—Of the amounts appropriated pursuant
9 to section 111(a), \$230,000,000 may be made avail-
10 able to the Secretary of State and the Administrator
11 of the United States Agency for International Devel-
12 opment—

13 (A) to address the underlying causes of
14 poverty and inequality; and

15 (B) to improve economic development.

16 (2) TRANSFER TO INTER-AMERICAN FOUNDA-
17 TION.—Not less than \$15,000,000 of any amount
18 made available to the Secretary of State and the Ad-
19 ministrator of the United States Agency for Inter-
20 national Development under paragraph (1) shall be
21 transferred to the Inter-American Foundation to ad-
22 dress the root causes of child migration from the
23 Northern Triangle

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

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

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

6 (1) strengthening human capital by providing
7 support for—

8 (A) workforce development and entrepre-
9 neurship training programs that are driven by
10 market demand, specifically programs that
11 prioritize women, at-risk youth, and minorities;

12 (B) improving early-grade literacy and the
13 improvement of primary and secondary school
14 curricula;

15 (C) relevant professional training for
16 teachers and educational administrators; and

17 (D) educational policy reform and improve-
18 ment of education sector budgeting;

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

21 (A) small business development centers
22 and programs that strengthen supply chain in-
23 tegration;

24 (B) trade facilitation and customs harmo-
25 nization programs;

1 (C) reducing energy costs through invest-
2 ments in clean technologies and the reform of
3 energy policies and regulations;

4 (D) the improvement of protections for in-
5 vestors, including dispute resolution and arbi-
6 tration mechanisms; and

7 (E) the improvement of labor and environ-
8 mental standards, in accordance with the Do-
9 minican Republic–Central America Free Trade
10 Agreement (CAFTA-DR);

11 (3) strengthening food security by providing
12 support for—

13 (A) small-scale agriculture, including tech-
14 nical training and programs that facilitate ac-
15 cess to credit;

16 (B) agricultural value chain development
17 for farming communities;

18 (C) nutrition programs to reduce childhood
19 stunting rates; and

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

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

1 (A) domestic revenue generation, including
2 programs to improve tax administration, collec-
3 tion, and enforcement;

4 (B) strengthening public sector financial
5 management, including strategic budgeting and
6 expenditure tracking; and

7 (C) reform of customs and procurement
8 policies and processes; and

9 (5) Improving the reintegration of returned mi-
10 grants back into society by providing support for
11 targeted—

12 (A) health and social services for returned
13 migrants; and

14 (B) job training programs for returned mi-
15 grants.

16 **Subtitle B—Conditions, Limita-**
17 **tions, and Certifications on**
18 **United States Assistance**

19 **SEC. 121. ASSISTANCE FUNDING AVAILABLE WITHOUT CON-**
20 **DITION.**

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

1 **SEC. 122. CONDITIONS ON ASSISTANCE RELATED TO SMUG-**
2 **GLING, SCREENING, AND SAFETY OF MI-**
3 **GRANTS.**

4 (a) NOTIFICATION AND COOPERATION.—In addition
5 to the amounts authorized to be obligated under sections
6 121 and 123, the Secretary of State may obligate an addi-
7 tional 25 percent of the amounts appropriated pursuant
8 to section 111(a) for assistance to the Government of El
9 Salvador, the Government of Guatemala, and the Govern-
10 ment of Honduras after the Secretary of State, in con-
11 sultation with the Secretary of Homeland Security, cer-
12 tifies and reports to Congress that such governments are
13 taking effective steps, in addition to steps taken during
14 previous years, to—

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

18 (2) improve border security and border screen-
19 ing to detect and deter illicit smuggling and traf-
20 ficking, while respecting the rights of individuals
21 fleeing violence and seeking humanitarian protection
22 asylum, in accordance with international law;

23 (3) cooperate with United States Government
24 agencies and other governments in the region to fa-
25 cilitate the safe and timely repatriation of migrants

1 who do not qualify for refugee or other protected
2 status, in accordance with international law;

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

7 (5) cooperate with the United Nations High
8 Commissioner for Refugees to improve protections
9 for, and the processing of, vulnerable populations,
10 particularly women and children fleeing violence.

11 **SEC. 123. CONDITIONS ON ASSISTANCE RELATED TO**
12 **PROGRESS ON SPECIFIC ISSUES.**

13 (a) **EFFECTIVE IMPLEMENTATION.**—In addition to
14 the amounts authorized to be obligated under sections 121
15 and 122, the Secretary of State may obligate an additional
16 50 percent of the amounts appropriated pursuant to sec-
17 tion 111 for assistance to the Government of El Salvador,
18 the Government of Guatemala, and the Government of
19 Honduras after the Secretary consults with, and subse-
20 quently certifies and reports to, the appropriate congres-
21 sional committees that such governments are taking effec-
22 tive steps in their respective countries, in addition to steps
23 taken during the previous calendar year, to—

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

1 (2) combat corruption, including investigating
2 and prosecuting government officials, military per-
3 sonnel, and civil police officers credibly alleged to be
4 corrupt;

5 (3) implement reforms and strengthen the rule
6 of law, including increasing the capacity and inde-
7 pendence of the judiciary and public prosecutors;

8 (4) counter the activities of armed criminal
9 gangs, illicit trafficking networks, and organized
10 crime;

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

14 (6) investigate and prosecute, through the civil-
15 ian justice system, military and police personnel who
16 are credibly alleged to have violated human rights,
17 and to ensure that the military and the police are
18 cooperating in such cases;

19 (7) cooperate with international commissions
20 against impunity, as appropriate, and with regional
21 human rights entities;

22 (8) implement reforms related to improving the
23 transparency of financing political campaigns and
24 political parties;

1 (9) protect the right of political opposition par-
2 ties, journalists, trade unionists, human rights de-
3 fenders, and other civil society activists to operate
4 without interference;

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

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

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

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

1 **Subtitle C—Effectively Coordi-**
2 **nating United States Engage-**
3 **ment in Central America**

4 **SEC. 131. UNITED STATES COORDINATOR FOR ENGAGE-**
5 **MENT IN CENTRAL AMERICA.**

6 (a) DESIGNATION.—Not later than 30 days after the
7 date of the enactment of this Act, the President shall des-
8 ignate a senior official to coordinate all of the Federal
9 Government’s efforts and the efforts of international part-
10 ners to strengthen citizen security, the rule of law, and
11 economic prosperity in Central America and to protect vul-
12 nerable populations in the region.

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

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

19 (1) coordinating with the Department of State,
20 the Department of Justice (including the Federal
21 Bureau of Investigation), the Department of Home-
22 land Security, the intelligence community, and inter-
23 national partners regarding United States efforts to
24 confront armed criminal gangs, illicit trafficking net-
25 works, and organized crime responsible for high lev-

1 els of violence, extortion, and corruption in Central
2 America;

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

10 (3) coordinating with the Department of State,
11 the Department of Homeland Security, and inter-
12 national partners regarding United States efforts to
13 counter human smugglers illegally transporting Cen-
14 tral American migrants to the United States;

15 (4) coordinating with the Department of State,
16 the Department of Homeland Security, the United
17 States Agency for International Development, and
18 international partners, including the United Nations
19 High Commissions for Refugees, to increase protec-
20 tions for vulnerable Central American populations,
21 improve refugee processing, and strengthen asylum
22 systems throughout the region;

23 (5) coordinating with the Department of State,
24 the Department of Defense, the Department of Jus-
25 tice (including the Drug Enforcement Administra-

1 tion), the Department of the Treasury, the intel-
2 ligence community, and international partners re-
3 garding United States efforts to combat illicit nar-
4 cotics traffickers, interdict transshipments of illicit
5 narcotics, and disrupt the financing of the illicit nar-
6 cotics trade;

7 (6) coordinating with the Department of State,
8 the Department of the Treasury, the Department of
9 Justice, the intelligence community, the United
10 States Agency for International Development, and
11 international partners regarding United States ef-
12 forts to combat corruption, money laundering, and
13 illicit financial networks;

14 (7) coordinating with the Department of State,
15 the Department of Justice, the United States Agen-
16 cy for International Development, and international
17 partners regarding United States efforts to strength-
18 en the rule of law, democratic governance, and
19 human rights protections;

20 (8) coordinating with the Department of State,
21 the Department of Agriculture, the United States
22 Agency for International Development, the Overseas
23 Private Investment Corporation, the United States
24 Trade and Development Agency, the Department of
25 Labor, and international partners, including the

1 Inter-American Development Bank, to strengthen
2 the foundation for inclusive economic growth and
3 improve food security, investment climate, and pro-
4 tections for labor rights.

5 (d) CONSULTATION.—The official designated under
6 subsection (a) shall consult with Congress, multilateral or-
7 ganizations and institutions, foreign governments, and do-
8 mestic and international civil society organizations.

9 **Subtitle D—Targeting Assistance to**
10 **Appropriate Communities in the**
11 **Northern Triangle**

12 **SEC. 141. TARGETING ASSISTANCE TO APPROPRIATE COM-**
13 **MUNITIES.**

14 Not later than 1 year after the date of the enactment
15 of this Act and annually thereafter for each of the 5 suc-
16 ceeding years, the Comptroller General of the United
17 States shall submit to the Committee on Foreign Affairs
18 of the House of Representatives, the Committee on For-
19 eign Relations of the Senate, and the Committees on Ap-
20 propriations of the House of Representatives and the Sen-
21 ate a report that contains the following:

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

1 (2) An assessment of whether U.S. foreign as-
2 sistance to the Northern Triangle is effectively
3 reaching the communities from which children are
4 migrating.

5 (3) An assessment of the extent to which the
6 State Department and USAID are adjusting pro-
7 gramming in the Northern Triangle as migration
8 patterns shift

9 **Subtitle E—Regional Millenium**
10 **Challenge Corporation Compacts**

11 **SEC. 151. MCC COMPACTS.**

12 (a) CONCURRENT COMPACTS.—Section 609 of the
13 Millennium Challenge Act of 2003 ((22 U.S.C. 7708)) is
14 amended—

15 (1) by striking the first sentence of subsection
16 (k); and

17 (2) by inserting after subsection (k) the fol-
18 lowing new subsection:

19 “(l) CONCURRENT COMPACTS.—In accordance with
20 the requirements of this title, an eligible country and the
21 United States may enter into and have in effect more than
22 one Compact at any given time, including a concurrent
23 Compact for purposes of regional economic integration or
24 cross-border collaborations, only if the Board determines
25 that the country is making considerable and demonstrable

1 progress in implementing the terms of the existing Com-
2 pact and supplementary agreements thereto.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 609(b)(1) of such Act (22 U.S.C.
5 7708(b)(1)) is amended—

6 (A) by striking “the eligible country” and
7 inserting “each eligible country or regional de-
8 velopment strategy in the case of regional in-
9 vestments”; and

10 (B) by striking “the” and inserting “each”
11 before “country” in subsections 609(b)(1)(A),
12 (B), (E) and (J).

13 (2) Section 609(b)(3) of such Act (22 U.S.C.
14 7708(b)(3)) is amended—

15 (A) by inserting after “national develop-
16 ment strategy” the following “or regional devel-
17 opment strategy”; and

18 (B) by inserting after “government of the
19 country” the following “or governments of the
20 countries in the case of regional investments”.

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

1 **Subtitle F—United States Leader-**
2 **ship for Engaging International**
3 **Donors and Partners**

4 **SEC. 161. REQUIREMENT FOR STRATEGY TO SECURE SUP-**
5 **PORT OF INTERNATIONAL DONORS AND**
6 **PARTNERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (2) the Committee on Appropriations of the
8 Senate;

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

11 (4) the Committee on Appropriations of the
12 House of Representatives.

13 **TITLE II—CRACKING DOWN ON**
14 **SMUGGLERS, CARTELS, AND**
15 **TRAFFICKERS EXPLOITING**
16 **CHILDREN AND FAMILIES**

17 **Subtitle A—Strengthening Co-**
18 **operation Among Law Enforce-**
19 **ment Agencies to Target Smug-**
20 **glers and Traffickers**

21 **SEC. 211. ENHANCED INTERNATIONAL COOPERATION TO**
22 **COMBAT HUMAN SMUGGLING AND TRAF-**
23 **FICKING.**

24 (a) PARTNERSHIP EXPANSION.—The Secretary of
25 Homeland Security, in coordination with the Secretary of

1 State, shall expand partnership efforts with law enforce-
2 ment entities in El Salvador, Guatemala, Honduras and
3 Mexico seeking to combat human smuggling and traf-
4 ficking in those countries while recognizing the rights of
5 individuals fleeing violence and seeking humanitarian pro-
6 tection, including—

7 (1) the creation or expansion of transnational
8 criminal investigative units to identify, disrupt, and
9 prosecute human smuggling and trafficking oper-
10 ations;

11 (2) participation by U.S. Immigration and Cus-
12 toms Enforcement and the Department of Justice in
13 the Bilateral Human Trafficking Enforcement Ini-
14 tiative with their Mexican law enforcement counter-
15 parts; and

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

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to carry out subsection (a).

22 **SEC. 212. ENHANCED INVESTIGATION AND PROSECUTION**
23 **OF HUMAN SMUGGLING AND TRAFFICKING.**

24 (a) IN GENERAL.—The Attorney General and the
25 Secretary of Homeland Security shall expand collaborative

1 programs aimed at investigating and prosecuting human
2 smugglers and traffickers targeting Central American chil-
3 dren and families and operating at the Southwestern bor-
4 der, including the continuation and expansion of anti-traf-
5 ficking coordination teams, with a particular focus on
6 human smugglers and traffickers who are believed to be
7 using violence, sexual assault, or other forms of abuse.

8 (b) HOMELAND SECURITY INVESTIGATIONS.—The
9 Secretary of Homeland Security, in consultation with the
10 Director of U.S. Immigration and Customs Enforcement,
11 shall increase the resources available to Homeland Secu-
12 rity Investigations to facilitate the expansion of its smug-
13 gling and trafficking investigations.

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

17 **SEC. 213. INFORMATION CAMPAIGN ON DANGERS OF MI-**
18 **GRATION.**

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

23 (1) to disseminate information about the dan-
24 gers of travel across Mexico to the United States;
25 and

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

3 (b) ELEMENTS.—The information campaigns imple-
4 mented pursuant to subsection (a) shall, to the greatest
5 extent possible—

6 (1) be targeted at populations and localities
7 with high migration rates;

8 (2) employ a variety of communications media;
9 and

10 (3) be developed in consultation with program
11 officials at the Department of Homeland Security,
12 the Department of State, or other government, non-
13 profit, or academic entities in close contact with mi-
14 grant populations from El Salvador, Guatemala, and
15 Honduras, including repatriated migrants.

16 **Subtitle B—Strengthening the Abil-**
17 **ity of the United States Govern-**
18 **ment to Crack Down on Smug-**
19 **glers, Traffickers, and Drug Car-**
20 **tels**

21 **SEC. 221. ENHANCED PENALTIES FOR ORGANIZED SMUG-**
22 **GLING SCHEMES.**

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

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

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

4 “(iii) in the case of a violation of subparagraph
5 (A)(i) during and in relation to which the person,
6 being 18 years of age or older, while acting for prof-
7 it or other financial gain, knowingly directs or par-
8 ticipates in an effort or scheme to assist or cause 10
9 or more persons (other than a parent, spouse, or
10 child of the offender) to enter or to attempt to enter
11 the United States at the same time at a place other
12 than a designated port of entry or place other than
13 designated by the Secretary, be fined under title 18,
14 United States Code, imprisoned not more than 15
15 years, or both;”; and

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

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

22 (1) in the paragraph heading, by striking
23 “TERM OF IMPRISONMENT” and inserting “IN GEN-
24 ERAL”; and

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

3 **SEC. 222. EXPANDING FINANCIAL SANCTIONS ON NAR-**
4 **COTICS TRAFFICKING AND MONEY LAUN-**
5 **DERING.**

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

7 (1) In July 2011, President Obama released
8 “Strategy to Combat Transnational Organized
9 Crime”, which articulates a multidimensional re-
10 sponse to combat transnational organized crime, in-
11 cluding drug trafficking networks, armed criminal
12 gangs, and money laundering.

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

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Senate should immediately confirm pending
20 nominations to key national security positions, including
21 Mr. Adam Szubin, who was nominated by President
22 Obama on April 16, 2015 to the position of Undersecre-
23 tary for Terrorism and Financial Crimes within the De-
24 partment of the Treasury, a critical position focused on
25 identifying and confronting illicit financial networks.

1 (c) FINANCIAL SANCTIONS EXPANSION.—

2 (1) IN GENERAL.—The Secretary of Treasury,
3 the Attorney General, the Secretary of State, the
4 Secretary of Defense, and the Director of Central
5 Intelligence shall expand investigations, intelligence
6 collection, and analysis pursuant to the Foreign
7 Narcotics Kingpin Designation Act to increase the
8 identification and application of sanctions against—

9 (A) significant foreign narcotics traf-
10 fickers, their organizations and networks; and

11 (B) the foreign persons who provide mate-
12 rial, financial, or technological support to such
13 traffickers, organizations, and networks.

14 (2) TARGETS.—The efforts described in para-
15 graph (1) shall specifically target foreign narcotics
16 traffickers, their organizations and networks, and
17 the foreign persons who provide material, financial,
18 or technological support to such traffickers, organi-
19 zations and networks that are present and operating
20 in Central or South America.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as may be
23 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 resettlement
19 based on international protection needs; and

20 (5) upholding best practices consistent with
21 international law and obligations regarding the protection
22 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 the**
9 **Safety and Well-Being of Chil-**
10 **dren**

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 companied 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-

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

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

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

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

(2) remove barriers to enrollment and full participation in educational programs and services offered by the local educational agency for unaccompanied alien children (including barriers related to documentation, age, and language), which shall include reviewing and revising policies that may have 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 re-migrate 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.