

113TH CONGRESS
2^D SESSION

S. 2619

To prevent organized human smuggling, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 17, 2014

Mr. MCCAIN (for himself, Mr. FLAKE, Mr. GRAHAM, Ms. AYOTTE, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent organized human smuggling, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children Returning
5 on an Expedited and Safe Timeline Act” or the “CREST
6 Act”.

7 **SEC. 2. DEFINED TERM.**

8 For purposes of this Act, the term “unaccompanied
9 alien child” means an alien who—

1 (1) has no lawful immigration status in the
2 United States;

3 (2) has not attained 18 years of age; and

4 (3) attempts to enter or has entered the United
5 States unaccompanied by a parent or legal guardian.

6 **SEC. 3. REDUCING THE NUMBER OF UNACCOMPANIED**
7 **ALIEN CHILDREN FROM EL SALVADOR, GUA-**
8 **TEMALA, AND HONDURAS.**

9 (a) RESTRICTIONS ON FOREIGN AID TO CERTAIN
10 COUNTRIES.—

11 (1) INITIAL CERTIFICATION.—Beginning on the
12 date that is 6 months after the date of the enact-
13 ment of this Act, the Federal Government shall not
14 provide any non-security assistance to El Salvador,
15 Guatemala, or Honduras until the President certifies
16 that the government of El Salvador, of Guatemala,
17 or of Honduras, respectively is—

18 (A) actively working to reduce the number
19 of unaccompanied alien children from such
20 country who are attempting to migrate north-
21 ward in order to illegally enter the United
22 States; and

23 (B) cooperating with the Government of
24 the United States to facilitate the repatriation
25 of unaccompanied alien children who are re-

1 moved from the United States and returned to
2 their country of origin.

3 (2) SUBSEQUENT CERTIFICATIONS.—The re-
4 striction under paragraph (1) shall take effect begin-
5 ning on the date that is 1 year after the President
6 issued the latest certification in accordance with
7 paragraph (1) unless the President recertifies that
8 the governments referred to in paragraph (1) are
9 meeting the requirements set forth in subparagraphs
10 (A) and (B) of such paragraph.

11 (b) IN-COUNTRY REFUGEE PROCESSING.—

12 (1) IN GENERAL.—Notwithstanding section
13 101(a)(42)(B) of the Immigration and Nationality
14 Act (8 U.S.C. 1101(a)(42)(B)), the Secretary of
15 State, in consultation with the Secretary of Home-
16 land Security and the Director of the Office of Ref-
17 ugee Resettlement of the Department of Health and
18 Human Services, shall carry out in-country proc-
19 essing of refugee applications in El Salvador, Guate-
20 mala, and Honduras.

21 (2) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated such sums
23 as may be necessary to carry out paragraph (1).

1 **SEC. 4. INCREASING THE NUMBER OF REFUGEE ADMIS-**
 2 **SIONS FROM CERTAIN COUNTRIES.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
 4 sion of law, the President, in determining the number of
 5 refugees who may be admitted under section 207(a) for
 6 fiscal years 2014 and 2015, shall authorize the admission,
 7 in each such fiscal year, of—

- 8 (1) up to 5,000 refugees from El Salvador;
 9 (2) up to 5,000 refugees from Guatemala; and
 10 (3) up to 5,000 refugees from Honduras.

11 **SEC. 5. PREVENTING ORGANIZED SMUGGLING.**

12 (a) UNLAWFULLY HINDERING IMMIGRATION, BOR-
 13 DER, OR CUSTOMS CONTROLS.—

14 (1) AMENDMENT TO TITLE 18, UNITED STATES
 15 CODE.—

16 (A) IN GENERAL.—Chapter 27 of title 18,
 17 United States Code, is amended by adding at
 18 the end the following:

19 **“§ 556. Unlawfully hindering immigration, border, or**
 20 **customs controls**

21 “(a) ILLICIT SPOTTING.—Any person who knowingly
 22 transmits to another person the location, movement, or ac-
 23 tivities of any Federal, State, or tribal law enforcement
 24 agency with the intent to further a Federal crime relating
 25 to United States immigration, customs, controlled sub-
 26 stances, agriculture, monetary instruments, or other bor-

1 der controls shall be fined under title 18, United States
2 Code, imprisoned not more than 10 years, or both.

3 “(b) DESTRUCTION OF UNITED STATES BORDER
4 CONTROLS.—Any person who knowingly and without law-
5 ful authorization destroys, alters, or damages any fence,
6 barrier, sensor, camera, or other physical or electronic de-
7 vice deployed by the Federal Government to control the
8 border or a port of entry, or otherwise seeks to construct,
9 excavate, or make any structure intended to defeat, cir-
10 cumvent or evade any such fence, barrier, sensor camera,
11 or other physical or electronic device deployed by the Fed-
12 eral Government to control the border or a port of entry—

13 “(1) shall be fined under title 18, United States
14 Code, imprisoned not more than 10 years, or both;
15 and

16 “(2) if, at the time of the offense, the person
17 uses or carries a firearm or, in furtherance of any
18 such crime, possesses a firearm, shall be fined under
19 title 18, United States Code, imprisoned not more
20 than 20 years, or both.

21 “(c) CONSPIRACY AND ATTEMPT.—Any person who
22 attempts or conspires to violate subsection (a) or (b) shall
23 be punished in the same manner as a person who com-
24 pletes a violation of such subsection.”.

1 (B) CLERICAL AMENDMENT.—The table of
 2 sections for chapter 27 of title 18, United
 3 States Code, is amended by inserting after the
 4 item relating to section 555 the following:

“556. Unlawfully hindering immigration, border, or customs controls.”.

5 (2) PENALTY FOR CARRYING OR USE OF A
 6 FIREARM DURING AND IN RELATION TO AN ALIEN
 7 SMUGGLING CRIME.—Section 924(c) of title 18,
 8 United States Code, is amended—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by inserting
 11 “, alien smuggling crime,” after “crime of
 12 violence” each place such term appears;
 13 and

14 (ii) in subparagraph (D)(ii), by insert-
 15 ing “, alien smuggling crime,” after “crime
 16 of violence”; and

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

18 “(6) For purposes of this subsection, the term
 19 ‘alien smuggling crime’ means any felony punishable
 20 under section 274(a), 277, or 278 of the Immigra-
 21 tion and Nationality Act (8 U.S.C. 1324(a), 1327,
 22 and 1328).”.

23 (3) STATUTE OF LIMITATIONS.—Section 3298
 24 of title 18, United States Code, is amended by strik-

1 ing “or under” and inserting “, under section 2 or
2 subsection (a), (b), or (c) of section 556, or under”.

3 (b) ORGANIZED HUMAN SMUGGLING.—

4 (1) AMENDMENT TO TITLE 18, UNITED STATES
5 CODE.—Chapter 77 of title 18, United States Code,
6 is amended by adding at the end the following:

7 **“§ 1598. Organized human smuggling**

8 “(a) PROHIBITED ACTIVITIES.—It shall be unlawful
9 for any person, while acting for profit or other financial
10 gain, to knowingly direct or participate in an effort or
11 scheme to assist or cause 5 or more persons—

12 “(1) to enter, attempt to enter, or prepare to
13 enter the United States—

14 “(A) by fraud, falsehood, or other corrupt
15 means;

16 “(B) at any place other than a port or
17 place of entry designated by the Secretary of
18 Homeland Security; or

19 “(C) in a manner not prescribed by the im-
20 migration laws and regulations of the United
21 States;

22 “(2) to travel by air, land, or sea toward the
23 United States (whether directly or indirectly)—

1 “(A) knowing that the persons seek to
2 enter or attempt to enter the United States
3 without lawful authority; and

4 “(B) with the intent to aid or further such
5 entry or attempted entry; or

6 “(3) to be transported or moved outside of the
7 United States—

8 “(A) knowing that such persons are aliens
9 in unlawful transit from 1 country to another
10 or on the high seas; and

11 “(B) under circumstances in which the
12 persons are seeking to enter the United States
13 without official permission or legal authority.

14 “(b) CONSPIRACY AND ATTEMPT.—Any person who
15 attempts or conspires to violate subsection (a) shall be
16 punished in the same manner as a person who completes
17 a violation of such subsection.

18 “(c) BASE PENALTY.—Except as provided in sub-
19 section (d), any person who violates subsection (a) or (b)
20 shall be fined under this title, imprisoned for not more
21 than 20 years, or both.

22 “(d) ENHANCED PENALTIES.—Any person who vio-
23 lates subsection (a) or (b)—

24 “(1) in the case of a violation during and in re-
25 lation to which a serious bodily injury (as defined in

1 section 1365) occurs to any person, shall be fined
2 under this title, imprisoned for not more than 30
3 years, or both;

4 “(2) in the case of a violation during and in re-
5 lation to which the life of any person is placed in
6 jeopardy, shall be fined under this title, imprisoned
7 for not more than 30 years, or both;

8 “(3) in the case of a violation involving 10 or
9 more persons, shall be fined under this title, impris-
10 oned for not more than 30 years, or both;

11 “(4) in the case of a violation involving the
12 bribery or corruption of a United States or foreign
13 government official, shall be fined under this title,
14 imprisoned for not more than 30 years, or both;

15 “(5) in the case of a violation involving robbery
16 or extortion (as such terms are defined in paragraph
17 (1) or (2), respectively, of section 1951(b)), shall be
18 fined under this title, imprisoned for not more than
19 30 years, or both;

20 “(6) in the case of a violation during and in re-
21 lation to which any person is subjected to an invol-
22 untary sexual act (as defined in section 2246(2)),
23 shall be fined under this title, imprisoned for not
24 fewer than 5 years and not more than 30 years, or
25 both;

1 “(7) in the case of a violation resulting in the
2 death of any person, shall be fined under this title,
3 imprisoned for not fewer than 5 years and up to life,
4 or both;

5 “(8) in the case of a violation in which any
6 alien is confined or restrained, including by the tak-
7 ing of clothing, goods, or personal identification doc-
8 uments, shall be fined under this title, imprisoned
9 not fewer than 5 years and not more than 10 years,
10 or both; and

11 “(9) in the case of smuggling an unaccom-
12 panied alien child (as defined in section 462(g)(2) of
13 the Homeland Security Act of 2002 (6 U.S.C.
14 279(g)(2))), shall be fined under this title or impris-
15 oned not more than 20 years.

16 “(e) DEFINITIONS.—In this section:

17 “(1) EFFORT OR SCHEME.—The term ‘effort or
18 scheme to assist or cause 5 or more persons’ does
19 not require that the 5 or more persons enter, at-
20 tempt to enter, prepare to enter, or travel at the
21 same time if such acts are completed during a 1-
22 year period.

23 “(2) LAWFUL AUTHORITY.—The term ‘lawful
24 authority’—

1 “(A) means permission, authorization, or
2 license that is expressly provided for under the
3 immigration laws of the United States; and

4 “(B) does not include—

5 “(i) any authority described in sub-
6 paragraph (A) that was secured by fraud
7 or otherwise unlawfully obtained; or

8 “(ii) any authority that was sought,
9 but not approved.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions for chapter 77 of title 18, United States Code,
12 is amended by inserting after the item relating to
13 section 1597 the following:

“1598. Organized human smuggling.”.

14 (c) STRATEGY TO COMBAT HUMAN SMUGGLING.—

15 (1) DEFINED TERM.—In this subsection, the
16 term “high traffic areas of human smuggling”
17 means the United States ports of entry and areas
18 between such ports that have the most human smug-
19 gling activity, as measured by U.S. Customs and
20 Border Protection.

21 (2) IMPLEMENTATION.—Not later than 1 year
22 after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall implement a
24 strategy to deter, detect, and interdict human smug-

1 gling across the international land and maritime
2 borders of the United States.

3 (3) COMPONENTS.—The strategy referred to in
4 paragraph (2) shall include—

5 (A) efforts to increase coordination be-
6 tween the border and maritime security compo-
7 nents of the Department of Homeland Security;

8 (B) an identification of intelligence gaps
9 impeding the ability to deter, detect, and inter-
10 dict human smuggling across the international
11 land and maritime borders of the United
12 States;

13 (C) efforts to increase information sharing
14 with State and local governments and other
15 Federal agencies;

16 (D) efforts to provide, in coordination with
17 the Federal Law Enforcement Training Center,
18 training for the border and maritime security
19 components of the Department of Homeland
20 Security to deter, detect, and interdict human
21 smuggling across the international land and
22 maritime borders of the United States; and

23 (E) the identification of the high traffic
24 areas of human smuggling along the inter-

1 national land and maritime borders of the
2 United States.

3 (4) REPORT.—

4 (A) IN GENERAL.—Not later than 6
5 months after the date of the enactment of this
6 Act, the Secretary of Homeland Security shall
7 submit a report that describes the strategy to
8 be implemented under paragraph (2), including
9 the components listed in paragraph (3), to—

10 (i) the Committee on Homeland Secu-
11 rity and Governmental Affairs of the Sen-
12 ate; and

13 (ii) the Committee on Homeland Se-
14 curity of the House of Representatives.

15 (B) FORM.—The Secretary may submit
16 the report required under subparagraph (A) in
17 classified form if the Secretary determines that
18 such form is appropriate.

19 (5) ANNUAL LIST OF HIGH TRAFFIC AREAS.—
20 Not later than February 1st of the first year begin-
21 ning after the date of the enactment of this Act and
22 annually thereafter, the Secretary of Homeland Se-
23 curity shall submit a list of the high traffic areas of
24 human smuggling referred to in paragraph (3)(A)
25 to—

1 (A) the Committee on Homeland Security
2 and Governmental Affairs of the Senate; and

3 (B) the Committee on Homeland Security
4 of the House of Representatives.

5 **SEC. 6. EQUITABLE TREATMENT OF UNACCOMPANIED**
6 **ALIEN CHILDREN.**

7 (a) IN GENERAL.—Section 235(a)(2) of the William
8 Wilberforce Trafficking Victims Protection Reauthoriza-
9 tion Act of 2008 (8 U.S.C. 1232(a)) is amended—

10 (1) by striking the paragraph heading and in-
11 sserting “RULES FOR UNACCOMPANIED ALIEN CHIL-
12 DREN”;

13 (2) in subparagraph (A), by striking “who is a
14 national or habitual resident of a country that is
15 contiguous with the United States”; and

16 (3) in subparagraph (C)—

17 (A) by striking the subparagraph heading
18 and inserting “AGREEMENTS WITH FOREIGN
19 COUNTRIES”; and

20 (B) by striking “countries contiguous to
21 the United States” and inserting “Canada, El
22 Salvador, Guatemala, Honduras, Mexico, and
23 any other foreign country that the Secretary de-
24 termines appropriate”.

1 (b) APPLICABILITY.—The amendments made by sub-
2 section (a) shall apply to any unaccompanied alien child
3 who was apprehended on or after October 1, 2013.

4 **SEC. 7. EXPEDITED REMOVAL AUTHORITY FOR UNACCOM-**
5 **PANIED ALIEN CHILDREN.**

6 Section 235(a)(5)(D) of the William Wilberforce
7 Trafficking Victims Protection Reauthorization Act of
8 2008 (8 U.S.C. 1232(a)(5)(D)) is amended—

9 (1) by striking the subparagraph heading and
10 inserting “EXPEDITED REMOVAL FOR UNACCOM-

11 PANIED ALIEN CHILDREN”;

12 (2) in the matter preceding clause (i)—
13 (A) by inserting “described in paragraph
14 (2)(A) who is” after “Any unaccompanied alien
15 child”; and

16 (B) by striking “, except for an unaccom-

17 panied alien child from a contiguous country
18 subject to exceptions under subsection (a)(2),”;
19 and

20 (3) by striking clause (i) and inserting the fol-
21 lowing:
22 “(i) placed in a proceeding in accord-
23 ance with section 235 of the Immigration
24 and Nationality Act (8 U.S.C. 1225).”.

1 **SEC. 8. MANDATORY SAFE FEDERAL CUSTODY.**

2 Section 235(c) of the William Wilberforce Trafficking
3 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
4 1232(c)(2)) is amended—

5 (1) in paragraph (2)—

6 (A) in subparagraph (A), by striking “shall
7 be promptly placed in the least restrictive set-
8 ting that is in the best interest of the child. In
9 making such placements, the Secretary may
10 consider danger to self, danger to the commu-
11 nity, and risk of flight. Placement of child traf-
12 ficking victims may include placement in an
13 Unaccompanied Refugee Minor program pursu-
14 ant to section 412(d) of the Immigration and
15 Nationality Act (8 U.S.C. 1522(d)), if a suit-
16 able family member is not available to provide
17 care.” and inserting “may not be placed in the
18 custody of a nongovernmental sponsor or other-
19 wise released from the custody of the United
20 States Government until the child is repatriated
21 or has been adjudicated to be admissible or sub-
22 ject to an exception to removal.”;

23 (B) by redesignating subparagraph (B) as
24 subparagraph (D); and

25 (C) by inserting after subparagraph (A)
26 the following:

1 “(B) EXCEPTIONS.—

2 “(i) IN GENERAL.—If the Secretary of
3 Health and Human Services determines
4 that an unaccompanied alien child is a vic-
5 tim of a severe form of trafficking in per-
6 sons, a special needs child with a disability
7 (as defined in section 3 of the Americans
8 with Disabilities Act of 1990 (42 U.S.C.
9 12102)), a child who has been a victim of
10 physical or sexual abuse under cir-
11 cumstances that indicate that the child’s
12 health or welfare has been significantly
13 harmed or threatened, or a child with men-
14 tal health needs that require ongoing as-
15 sistance from a social welfare agency, the
16 child may be placed with a biological par-
17 ent if—

18 “(I) the parent can prove that he
19 or she is lawfully residing in the
20 United States;

21 “(II) the parent has submitted to
22 a mandatory biometric criminal his-
23 tory check; and

1 “(III) the Secretary completes a
2 safety and suitability study of the par-
3 ent’s household.

4 “(ii) MONITORING.—If an unaccom-
5 panied alien child described in clause (i) is
6 between 15 and 18 years of age and the
7 Secretary of Health and Human Services
8 determines that such child is not a danger
9 to self, a danger to the community, or a
10 risk of flight, the child shall—

11 “(I) enroll in the alternative to
12 detention program of U.S. Immigra-
13 tion and Customs Enforcement; and

14 “(II) continuously wear an elec-
15 tronic ankle monitor while his or her
16 immigration case is pending.

17 “(iii) EFFECT OF VIOLATION OF CON-
18 DITIONS.—The Secretary of Health and
19 Human Services shall remove an unaccom-
20 panied alien minor from a parent who has
21 violated the terms of the agreement speci-
22 fying the conditions under which the unac-
23 companied alien child was placed in his or
24 her custody.

25 “(iv) FAILURE TO APPEAR.—

1 “(I) CIVIL PENALTY.—If an un-
2 accompanied alien child is placed with
3 a parent and fails to appear in a man-
4 datory court appearance, the parent
5 shall be subject to a civil penalty of
6 \$250 per day, up to a maximum of
7 \$5,000.

8 “(II) BURDEN OF PROOF.—The
9 parent is not subject to the penalty
10 imposed under subclause (I) if the
11 parent—

12 “(aa) proves to the immigra-
13 tion court that the failure to ap-
14 pear by the unaccompanied alien
15 child was not the fault of the
16 parent; and

17 “(bb) supplies the immigra-
18 tion court with documentary evi-
19 dence that supports such asser-
20 tion.

21 “(v) UNACCOMPANIED REFUGEE MI-
22 NORS PROGRAM.—An unaccompanied alien
23 child described in clause (i) who is a victim
24 of a severe form of trafficking in persons
25 may be placed in the Unaccompanied Ref-

1 ugee Minors Program authorized under
2 section 412(d) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1522(d)) if a par-
4 ent is not available to provide care for the
5 child in accordance with this subpara-
6 graph.

7 “(C) INFORMATION SHARING.—In
8 verifying the legal presence of parents under
9 subparagraph (B)(i)(I), the Secretary of Health
10 and Human Services shall provide information
11 on those determined to be unlawfully present in
12 the United States to the Secretary of Homeland
13 Security.”; and

14 (2) in paragraph (3)(B), by striking “indi-
15 vidual” and inserting “parent”.

16 **SEC. 9. TRAINING.**

17 The Secretary of Homeland Security shall ensure
18 that U.S. Border Patrol agents receive appropriate train-
19 ing in immigration laws relating to screening, identifying,
20 and addressing vulnerable populations, such as children,
21 victims of crime and human trafficking, and individuals
22 fleeing persecution or torture.

1 **SEC. 10. EMERGENCY IMMIGRATION PERSONNEL; NA-**
2 **TIONAL JUVENILE DOCKET.**

3 (a) GOAL.—It shall be the goal of the Attorney Gen-
4 eral, the Secretary of Homeland Security, and the Direc-
5 tor of the Executive Office for Immigration Review to use
6 the amounts appropriated pursuant to subsection (f) to
7 bring a resolution to immigration cases, from the issuance
8 of a notice to appear through the exhaustion of appeals,
9 within 30 days.

10 (b) EMERGENCY IMMIGRATION JUDGES.—

11 (1) DESIGNATION.—Not later than 14 days
12 after the date of the enactment of this Act, the At-
13 torney General shall designate up to 100 temporary
14 immigration judges, with renewable 6-month terms,
15 including through the hiring of retired immigration
16 judges, magistrate judges, administrative law judges,
17 or other qualified attorneys using the same criteria
18 as applied to the hiring of permanent immigration
19 judges.

20 (2) REQUIREMENT.—The Attorney General
21 shall ensure that sufficient immigration judge re-
22 sources are dedicated to the purpose described in
23 paragraph (1).

24 (c) IMMIGRATION LITIGATION ATTORNEYS.—The
25 Secretary of Homeland Security shall hire 150 new immi-
26 gration litigation attorneys in the Field Legal Operations

1 of U.S. Immigration and Customs Enforcement with par-
2 ticular focus on the Office of Chief Counsel attorneys in
3 the areas of need.

4 (d) ASYLUM OFFICERS.—The Secretary of Homeland
5 Security shall hire 100 new asylum officers to be placed
6 in the Refugee, Asylum, and International Operations Di-
7 rectorate of the U.S. Citizenship and Immigration Serv-
8 ices.

9 (e) JUVENILE DOCKET.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the Director of the Executive Office for
12 Immigration Review shall establish a separate juve-
13 nile docket in every immigration court in the United
14 States to facilitate the processing of immigration
15 cases involving unaccompanied alien children.

16 (2) EXEMPTION.—The Director may exempt an
17 immigration court from the requirement under para-
18 graph (1) upon its application for exemption based
19 on its juvenile caseload. The Director shall make a
20 determination under this paragraph after reviewing
21 the court's latest 2 quarters of juvenile cases. An ex-
22 emption may be awarded if the Director determines
23 that a juvenile docket is not warranted.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$100,000,000 to carry out
3 this section.

4 **SEC. 11. REPORTING AND MONITORING REQUIREMENTS.**

5 (a) REPORTS.—

6 (1) INITIAL REPORT.—Not later than 60 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Health and Human Services shall submit
9 a report to each State in which unaccompanied chil-
10 dren were discharged to parents or placed in a facil-
11 ity while remaining in the legal custody of the Sec-
12 retary of Health and Human Services that provides
13 the number of children placed in the State since Oct.
14 1, 2013, broken down by location and age.

15 (2) MONTHLY DISCHARGE REPORTS.—The Sec-
16 retary of Health and Human Services shall submit
17 a monthly report to each State in which unaccom-
18 panied alien children, during the reporting period—

19 (A) were discharged to their parents; or

20 (B) were placed in a facility while remain-
21 ing in the legal custody of the Department of
22 Health and Human Services.

23 (3) CONTENTS.—The reports required under
24 paragraph (2) shall identify the number of children

1 placed in the State during the reporting period, bro-
2 ken down by—

3 (A) location; and

4 (B) age.

5 (b) MONITORING REQUIREMENT.—The Secretary of
6 Health and Human Services shall—

7 (1) require all parents to agree—

8 (A) to notify and receive approval from the
9 Department of Health and Human Services
10 prior to an unaccompanied alien child placed in
11 their custody changing addresses from that in
12 which he or she was originally placed; and

13 (B) to provide a current address for the
14 child and the reason for the change of address;

15 (2) provide regular and frequent monitoring of
16 the physical and emotional well-being of unaccom-
17 panied alien children who have been discharged to a
18 parent or remain in the legal custody of the Sec-
19 retary of Health and Human Services until their re-
20 spective immigration cases are resolved; and

21 (3) not later than 60 days after the date of the
22 enactment of this Act, provide to Congress a plan
23 for implementing the requirement set forth in para-
24 graph (2).

1 (c) NOTIFICATION TO STATES.—The Secretary of
2 Health and Human Services shall notify each State in
3 which potential facilities are being reviewed to house unac-
4 companied alien children who will remain in the custody
5 of the Secretary of Health and Human Services.

6 (d) FAILURE TO APPEAR.—The Director of the Ex-
7 ecutive Office for Immigration Review shall—

8 (1) track the number of unaccompanied alien
9 children who fail to appear at a removal hearing
10 that they were required to attend; and

11 (2) make the information described in para-
12 graph (1) available to the public on a quarterly
13 basis.

○