

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Southern Border Transparency Act of 2023”.

SEC. 2. MONTHLY PUBLICATION OF PAROLE AT PORTS OF ENTRY.

Not later than 30 days after the date of the enactment of this Act, and monthly thereafter, the Commissioner of U.S. Customs and Border Protection shall publish on the U.S. Customs and Border Protection website, with respect to the applicable reporting period—

(1) the number of aliens granted parole under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) at each United States port of entry;

(2) the number of aliens encountered between land ports of entry who were subsequently granted parole, disaggregated by the U.S. Border Patrol sector;

(3) the citizenship or nationality of the aliens described in paragraphs (1) and (2); and

(4) the demographic category of the aliens described in paragraphs (1) and (2), including—

(A) accompanied minors;

(B) aliens granted parole as part of a family unit;

(C) single adults; and

(D) unaccompanied alien children.

SEC. 3. QUARTERLY REPORT ON PROCESSING ALIENS AT SOUTHERN BORDER PORTS OF ENTRY.

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Homeland Security shall—

(1) submit a report containing the information described in subsection (b) to—

(A) the Committee on the Judiciary of the Senate;

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

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Homeland Security of the House of Representatives; and

(2) post such report on the Department of Homeland Security website.

(b) **CONTENTS.**—The report required under subsection (a) shall include, with respect to the applicable reporting period—

(1) the number of aliens apprehended or otherwise encountered—

(A) at each port of entry along the southern border of the United States; and

(B) within each U.S. Border Patrol sector along the southern border of the United States;

(2) the number of aliens described in paragraph (1), disaggregated by—

(A) citizenship or nationality;

(B) demographic categories, including accompanied minors, aliens granted parole as part of a family unit, single adults, and unaccompanied alien children;

(C) those who were granted voluntary departure;

(D) those who were placed into expedited removal proceedings; and

(E) those who entered into a process or outcome not described in subparagraph (C) or (D), including a description of such process or outcome;

(3) the number of aliens described in paragraph (2)(D), disaggregated by the number of such aliens who received a credible fear screening interview pursuant to section 235(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)) or a reasonable fear screening interview;

(4) the number of aliens described in paragraph (3), disaggregated by—

(A) the number of aliens determined to have a credible fear of persecution or a reasonable fear of persecution; and

(B) the number of aliens determined not to have a credible fear of persecution or a reasonable fear of persecution;

(5) the number of aliens described in paragraph (4)(A), disaggregated by the number of aliens detained pursuant to section 235(b)(1)(B)(iii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(iii)(IV));

(6) the number of aliens described in paragraph (4)(B), disaggregated by—

(A) those who were removed from the United States;

(B) those who were detained pending removal; and

(C) those who are not described in subparagraph (A) or (B); and

(7) a description of any actions taken against the aliens described in paragraph (6)(C).

SEC. 4. QUARTERLY REPORT ON PAROLE REQUESTS PROCESSED BY U.S. CITIZENSHIP AND IMMIGRATION SERVICES.

Not later than 30 days after the date of the enactment of this Act, and quarterly thereafter, the Director of U.S. Citizenship and Immigration Services shall publish, on the U.S. Citizenship and Immigrations Services website—

(1) the number of petitions for parole submitted to U.S. Citizenship and Immigration Services pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(2) the number of such petitions that were granted by U.S. Citizenship and Immigration Services, disaggregated by the nationality of the petitioner.

SEC. 5. ANNUAL REPORT ON ALIENS PAROLED INTO THE UNITED STATES.

Section 602(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1182 note) is amended to read as follows:

“(b) **ANNUAL REPORT TO CONGRESS.**—

“(1) **IN GENERAL.**—Not later than 90 days after the end of each fiscal year, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Homeland Security of the House of Representatives that identifies the number of aliens paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), disaggregated by those who are—

“(A) of a particular nationality;

“(B) single adults;

“(C) traveling in a family group;

“(D) children accompanied by an adult family member; or

“(E) unaccompanied alien minors.

“(2) **CONTENTS.**—Each report required under paragraph (1) shall include—

“(A) the total number of aliens paroled into the United States during the fiscal year immediately preceding the fiscal year in which such report is submitted, disaggregated by—

“(i) citizenship or nationality; and

“(ii) demographic categories, including accompanied minors, aliens granted parole as part of a family unit, single adults, and unaccompanied alien children;

“(B) for each fiscal year for which the Department of Homeland Security reports the information described in subparagraph (A) regarding aliens described in such subparagraph—

“(i) the number of such aliens who were granted employment authorization;

“(ii) the number of aliens described in clause (i) who had valid employment authorization at the end of the previous fiscal year;

“(iii) the number of such aliens whose parole has not ended, including those who exited the United States during the previous fiscal year;

“(iv) the number of such aliens whose status was adjusted, disaggregated by status type;

“(v) the number of such aliens for whom parole was extended, including those who exited the United States;

“(vi) the number of such aliens for whom the duration of parole expired, including those who exited the United States; and

“(vii) the number of aliens who returned to Department of Homeland Security custody from which they were paroled, disaggregated by the categories listed in subparagraphs (A) through (E) of paragraph (1).”.

EXECUTIVE CALENDAR—Continued

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

UNANIMOUS CONSENT REQUESTS

Mr. GRASSLEY. Mr. President, in the Biden-Harris America, children disappear every day. You won't see their faces on any milk cartons. Search parties aren't sent for them, and the AMBER alert almost never sounds.

According to the Justice Department's filings, some of these children reappear years later in emergency departments with injuries from physical or sexual abuse. Others resurface as endangered laborers working jobs that most adults won't even take, and many are never heard from again.

These forgotten children are overlooked because they are unaccompanied migrant children. These are the children who crossed into the United States without their families—without their moms or dads.

By February 2023, the New York Times reported the Biden-Harris administration could not reach 85,000 of the unaccompanied migrant children that had entered the United States since 2021.

Then, in August of 2024, the Department of Homeland Security Office of Inspector General found the government failed to enroll 291,000 of these children in immigration proceedings over the last 5 years. Of those that were enrolled, 32,000 never showed up to the court. Many of them are missing.

Government employees working directly with these kids began to sound the alarm. The Biden-Harris administration responded by quietly, very quietly, suppressing attempts to save these missing children in order to avoid a politically inconvenient narrative. And the very same Democrats and members of the media who had actually decried Trump-era immigration policies stayed silent. The media didn't do their job of properly pointing out wrongs, except when you have a Republican President.

At least one whistleblower was actually walked offsite at a shelter for

these children for reporting that children were in danger to law enforcement. Other whistleblowers told my office they were denied access to records that might have raised concerns about children being trafficked.

The most consistent whistleblower complaint that I received was that law enforcement was not given the information needed to save missing children.

Desperate to find these kids, at least one Homeland Security agent asked a whistleblower to establish information-sharing channels on imperiled children because there was no formal channel in place for this information to be shared.

Now, we all know that denying law enforcement access to this lifesaving information was part of the Biden-Harris immigration plan. Three months into their term, the Biden-Harris administration tore up information sharing, an agreement between Homeland Security Investigations and the officials responsible for running the Unaccompanied Children Program.

They replaced that agreement with a watered-down agreement that deleted provisions requiring sponsors to be vetted and run through certain law enforcement checks before receiving custody of a child.

Today, law enforcement has significantly less involvement in vetting sponsors, even if the sponsor is a complete stranger to the child. Now, this is not family reunification, as the Biden administration wants the entire country to believe.

According to government statistics, between October 2021 and September 2022, over 18,000 children were given to distant relatives or unrelated adults.

Now, turning over custody of a child is one of the most consequential actions a caseworker can ever take. From there on out, every decision made for the child belongs to the sponsor—financial, housing, medical, you name it, the sponsor is in control of their decisions.

I can't imagine having every decision critical to my survival turned over to a complete stranger who the government hasn't even fully vetted, but child safety wasn't this administration's priority.

Now, thanks to whistleblowers, we have been provided records and disclosures that were so bad I had to refer the information to law enforcement way back in January to try and rescue kids. But given the poor vetting, it is much harder to find those same kids.

As illegal border crossings surged, pressure mounted from the top of the bureaucracy to process kids faster, to avoid accusations of "kids in cages." During a conference call, Secretary Becerra of HHS admonished his employees that they weren't moving kids out to sponsors fast enough.

That is the environment that I am talking about—getting things done quickly so you can't be politically criticized like Trump was criticized.

Secretary Becerra said:

This is not the way you do an assembly line.

Program operators knew this politically motivated rush could have dangerous consequences, but they proceeded anyway. One official said the quiet part out loud to a whistleblower trying to intervene to protect endangered kids. She was told:

We only get sued if we keep kids in care [of the government] too long. We don't get sued by traffickers.

Now, can you believe that approach to protecting kids? The Biden administration has published wave after wave of field guidance meant to push kids to sponsors faster and cover up the consequences of this haste.

They removed fingerprint requirements for sponsors claiming to be parents or legal guardians, even without sufficient verification; simply this, just "I am who I say I am."

They released kids to sponsors before background checks had been completed. They denied law enforcement access to photographs of children.

Now, during a Senate Finance hearing, Senator CORNYN asked Secretary Becerra who the Biden-Harris administration believes is responsible for making sure that these children aren't being trafficked. Secretary Becerra said it is "the communities where they enter," so just some community, anyplace in the United States, to be responsible, to make sure that these children are treated and not being trafficked.

I am not sure if the Biden-Harris administration ever stopped to wonder how local law enforcement looks after a child when this administration won't even give them a photograph of an endangered child.

I am told that law enforcement can't.

What resulted from this administration's disastrous policies almost inevitably was the systematic abuse and disappearance of migrant children. Whistleblowers fought in vain to prevent children from going to men who sexualized them, MS-13 gang-affiliated sponsors, and also sponsors who were mass applying for kids. We had an example where one address someplace, some city in this country, was used to get massive numbers of kids under that address. Just hearing that ought to scare anyone.

One whistleblower told my office they called a sponsor, only to hear a child's agonizing screams before the line then was quickly disconnected. Whistleblowers testified on all this in heartbreaking detail at an oversight roundtable that I led on this topic just this year in July.

I have lost count of the number of reports and letters sent by Congress to the unaccompanied migrant children's program actually sounding alarms that have gone unheeded, even ignored. Each highlighted program vulnerabilities, and there are plenty of those vulnerabilities. Each made recommendations that could have saved lives.

Now, I have been involved in this in a bipartisan way for a long period of

time. My decade of bipartisan oversight has revealed an unaccompanied migrant children program in which abuse and misconduct have become routine and tolerated.

For example, in 2021, Oregon Democratic Senator WYDEN and I warned of the rampant sexual abuse of unaccompanied migrant children in the care of contractors, especially Southwest Key. Now, remember that contractor's name is Southwest Key—not a very good place to put kids. The Health and Human Services Office of Inspector General also identified issues with Southwest Key's self-dealing and compensation.

Now, as part of my ongoing investigation, for months I have requested from Southwest Key and other contractors and grantees basic information on their care of unaccompanied children, including whether these contractors performed background checks of their employees before they had access to these kids. Southwest Key has failed to fully respond to this inquiry, actually thumbing their nose at the U.S. Congress. Still the government kept giving Southwest Key contracts to care for these unaccompanied minor kids.

What followed all these contracts? Do we know that the kids are safe or not safe? Well, a recent Justice Department lawsuit alleges "a pattern or practice of severe or pervasive sexual harassment of children in Southwest Key's care." So just think, this Justice Department has said that with this contractor, there is pervasive sexual harassment of children in their care. So we have to ask ourselves, if we are humanitarians, how many more children have to endure abuse before Congress finally says enough is enough? I say it shouldn't be even one more.

I am offering a bill, then—that is why I am here—that denies future contracts to bad actors who have been identified by the Justice Department as abusing unaccompanied migrant children. After applying due process, those government contracts would cease until the Justice Department certifies that the conditions leading to the abuse—that those conditions are taken care of, they are over.

I think this is a very commonsense solution that no politician, no Member of the Senate, Republican or Democrat, should stand against.

So I now make a request, Mr. President. As if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 5073, which is at the desk; further, that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid on the table.

The PRESIDING OFFICER (Mr. KELLY). Is there objection?

The Senator from Oregon.

Mr. MERKLEY. Mr. President, I reserve the right to object. I will share a few of my thoughts on this, but first I wanted to note that my colleague from Iowa is celebrating his birthday today. So a very happy birthday to you.

Mr. GRASSLEY. Thank you.

Mr. MERKLEY. And I understand it is his 91st; is that correct?

We should all want to be able to engage in public policy and public debate and dialogue when we have reached the start of our 10th decade, so congratulations to you.

Mr. GRASSLEY. It is kind of you to say that. Thank you.

Mr. MERKLEY. This topic that you have brought up today is one that I have had deep engagement in because I share your concerns about these congregate care facilities.

Back in 2018, I was the first Member of the House or Senate to go down to the border and to witness the separation of children from their parents and then to go up the road to knock on the door of Casa de Padre, which was run by Southwest Key, where I had heard a rumor that perhaps a thousand boys were being warehoused. When I knocked on the door, they didn't want to let me in to see what was going on, so we did a live stream feed of the conversation. I was trying to get the manager to come out and brief me, and the manager said, yes, he would be out, but actually what he did was he called the police to have me arrested.

The police didn't arrest me, but they did tell me that Casa de Padre, run by this organization, Southwest Key, had no interest in letting a Member of Congress come inside, a Member of the Senate come inside; move on. But because this was live-streamed, it became national news. As a result of that, the press got in the following weekend, and I was able to go back with a group of legislators 2 weeks later.

So I very much understand the challenge in the congregate care system and undertook a deep dive with experts across the country on, how do we address this problem? The long and short of it is, those experts all came together, and they helped draft a bill called the Children's Safe Welcome Act, because the issues that exist at Southwest Key are not unique to Southwest Key. In fact, we have had really deep challenges in one congregate care facility after another. Putting children into large, mass settings just does not at all provide a foundation for them to thrive.

I will just note that this policy brief—and I ask unanimous consent that the policy brief by the Women's Refugee Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Women's Refugee Commission, Aug. 2023]

DECREASING ORR'S DEPENDENCE ON CONGREGATE CARE: FOUR RECOMMENDATIONS FOR PROGRESS

POLICY BRIEF

Since its inception, the Unaccompanied Children Program under the Office of Refugee Resettlement (ORR) has relied on congregate care for its custody of unaccompanied children. Congregate care is a catch-all term for group homes and larger institu-

tions that care for many children away from families (see below for more details). Over the past decade, while the domestic child-welfare system has drastically reduced the use of mass congregate settings and emphasized kinship settings and family-like placements that are better for children's well-being, ORR has increased its reliance on large settings. For example, as of 2019 more than 90 percent of unaccompanied migrant children have been held in facilities with more than 50 beds, despite evidence that congregate care risks harming children's long-term mental health. Experts concur that "any amount of time that a young person spends in an institutional placement is too long." Children averaged 30 days in ORR care in fiscal year 2022, while the length of stay was considerably longer for children placed in more restrictive settings.

It is critical that ORR engage in a long-term effort to move away from congregate care and toward more appropriate practices of community-based programs or family-like foster care placements. Until this happens, a critical step to limiting congregate care includes safe reductions of length of stay. Any guiding vision should include community-based programs that offer a high quality of care, minimal time away from family, and reunifications to safe, stable homes.

Based upon ongoing research that the Women's Refugee Commission conducted with current and former staff at congregate care facilities, post-release service providers, attorneys, and child advocates across the United States, this policy brief details concrete steps toward minimizing the use of congregate care for unaccompanied children. The brief also identifies four ways to enlist culturally sensitive, evidence-based, and trauma-informed approaches in working with young people within and beyond current ORR facilities. They are: (1) adopting geolocation in children's initial placements (i.e., placing children in a facility close to their family or sponsor); (2) building a pipeline of community-based care providers; (3) improving language access for non-Spanish-speaking children in custody; and (4) enhancing post-release services. Taken together, these efforts are critical to reducing ORR's reliance on congregate care, limiting children's length of stay in federal custody, and ensuring their safety following release.

What is congregate care?

Although congregate care is defined by the Department of Health and Human Services to include group homes with custody of as few as 7–12 children, in the ORR context, congregate care typically refers to "a licensed or approved child care facility operated by a public or private agency and providing 24-hour care and/or treatment typically for 12 or more children who require separation from their own homes or a group living experience."

ORR continues to rely predominantly on a network of very large facilities—50 beds or more—despite a precipitous shift away from institutional-based care for children nationally. ORR has a greater percentage of congregate care facilities in its provider network than states generally permit for domestic child-welfare placements. Similarly, ORR's congregate care facilities are larger than their counterparts in the domestic child-welfare systems. In 2021 and 2022, tens of thousands of unaccompanied children were held in emergency intake sites (EISs) and influx care facilities (ICFs) in converted convention centers, stadiums, and military bases. Ranging from 1,000 to 5,000 beds, EISs and ICFs are unlicensed by state child welfare authorities and not bound by conditions stipulated by the Flores Settlement Agreement.

Interviews with ORR stakeholders, including child psychologists, social workers, and family reunification specialists in ORR facilities, underscore the potential and actual harm that congregate care facilities can cause for children. Interviewees reported limited outdoor activity, restricted contact with parents and caregivers, and discriminatory treatment of LGBTQI+, Indigenous, and West African youth. Stakeholders described children simultaneously struggling to cope with the uncertainty of family reunification, procedural opacity, ongoing legal proceedings, and the possibility of deportation. Taken together, our research concludes that children should be reunified with family or sponsors as quickly as possible, while ensuring their safety and adequate support following release.

RECOMMENDATIONS FOR LIMITING CONGREGATE CARE AND BOLSTERING POST-RELEASE SERVICES

1. In initial placement decisions, geolocation is a best practice.

Stakeholders agreed unanimously that geolocation is a best practice and should be adopted as ORR policy. That is, when a child is transferred from U.S. Customs and Border Protection (CBP) to ORR custody, efforts should be made to place them in an ORR facility in the geographical area where the child's family (specifically, a Category 1 or Category 2 sponsor) is located. For children who may not know where family members live, the potential sponsor's area code can serve as a proxy, given that most children arrive with a family member's phone number.

Interviewees contended that geolocation is advantageous for several reasons. First, placement close to family facilitates communication with and support of the sponsor in completing the requisite paperwork, which can be cumbersome. Interviewees working with children in ORR custody believed that, in general, children are released sooner when placed near their parent or family member. Second, visitation with potential sponsors can reduce the stress of children who spend protracted time in ORR custody. This is especially applicable for children who are reunifying with parents or family members after prolonged separations. Third, family reunification specialists reported that observing the child with the potential sponsor can identify or alleviate safety concerns; if needed, specialists can more quickly turn to a more appropriate sponsor or placement. Fourth, geolocation allows legal service providers who have already prescreened children while in ORR custody to continue to provide legal representation following release. This additionally alleviates the considerable financial and logistical burden on children to find legal representation in a new location. Fifth, geolocation can aid with warm handoffs to area social service providers who provide key resources, such as information about state laws for securing health insurance and assistance with school enrollment. Lastly, geolocating children close to family members relieves travel costs for ORR and logistical burdens of transportation arrangements for facility staff.

2. ORR must build a pipeline of community-based care providers.

The ultimate goal of ending congregate care, including large-scale facilities, for unaccompanied children will not happen overnight. Despite repeated directives from Congress, ORR has failed to take adequate meaningful steps necessary to limit its reliance on congregate care. ORR must proactively invest in long-term, community-based programs for unaccompanied children. This includes launching a series of pilot programs that are culturally sensitive, evidence

based, and trauma informed. Over the long run, these community-based placements will prove cost-effective when compared to the daily cost of \$775 per bed in influx facilities and \$290 per bed in shelters and the nearly \$4.79 billion spent on emergency influx and intake facilities.

Networks of community-based care exist in the domestic child welfare system, including community-based placements, small group homes, and foster care. These programs provide trauma-focused, intensive care for children and youth in home-like environments that facilitate their healthy development. Children attend local schools and are integrated into the community. To establish a pipeline of providers, the Administration for Children and Families (ACF) and ORR should:

- provide technical training assistance to community-based organizations to navigate federal funding applications, operational requirements, and reporting;

- engage outside child welfare experts, subject matter experts, and impacted community members to conduct site visits and provide consultation and recommendations to community-based organizations;

- create a public plan to transition to 100 percent small-scale facilities with attention to the known challenges across contracting and grant-making, staffing limitations, availability, outreach, recruitment of potential providers, program officer oversight, and organizational reporting;

- improve handoffs to community service providers in areas where unaccompanied children reunite with family; and

- prescreen sites and secure contracts of a variety of models of care in advance, rather than identifying out-of-network placements on a case-by-case basis.

3. Rectify problems of children's language access in care.

ORR and its subcontractors are required by law "to take reasonable steps to provide meaningful access" to interpretation. According to interviewees, however, children's rights to use their primary language and their access to interpreters are regularly sidestepped within ORR facilities. The primarily affected children are Indigenous children from Central America who are presumed to speak Spanish, but whose primary languages are often Indigenous languages. When asked why language lines are not used, facility staff described the inconvenience of scheduling telephonic interpreters when they can "get by" in Spanish, that interpretation prolongs meetings with children amid high caseloads, and a lack of awareness of children's language rights due to high staff turnover within facilities. Further, several respondents reported that children are dissuaded from using their native language with other children, and are even separated to different pods or during activities to ensure that staff can understand the conversations. According to researchers, the deliberate separation of children from the same linguistic communities is a form of linguistic racism. Legal advocates said that children are misidentified as potentially trafficked and, conversely, not flagged as trafficked or vulnerable to trafficking because of mistakes in the intake and family reunification processes when an interpreter is not used.

Language-proficiency problems negatively impact the quality of children's care in ORR custody and likely lengthen the time that children spend apart from their families. ORR should expressly prohibit practices that prevent children from using their chosen language; incorporate training guidance for facility staff; provide translated signage in all facilities of many of the dominant languages

of children in their custody; and provide regular monitoring that facilities are complying with children's consistent and meaningful access to interpretation. In addition, at time of intake, ORR should direct facility staff to ask children their first language and to use language access lines when completing all required intakes. For children, the use of their own language relieves stress, provides cultural familiarity, and enhances communication. While more time and cost intensive, the use of interpretation ensures greater accuracy of information and safety of the child's eventual placement.

4. Provide localized, wrap-around services for unaccompanied children released to a non-relative sponsor.

Post-release services (PRS) are contracted, social-service support provided to children following their release from ORR custody. PRS currently operate via bridging and referral programming in which a PRS worker connects the child and sponsor to critical mental health, medical, legal, and educational resources in their local community via a series of phone calls, mailings, or emails. Depending on the need, in-person visits are conducted. Stakeholders interviewed for this study, including PRS providers, affirmed the importance of localized services for children following release from ORR custody and called for expanded, in-person services for all children.

One stakeholder explained how teenagers are commonly prohibited from enrolling in public schools despite their legal right to attend school: "They need someone knowledgeable about the US to accompany and advocate for them when school administrators are unlawfully turning them away." Others emphasized that PRS should be provided by local service providers who are knowledgeable of the nuances of state law and educational practices that may obstruct school enrollment, and who have up-to-date information regarding service availability. One stakeholder explained, "The flyers provided are out of date or organizations on the forms are maxed out; kids really need people who have relationships with a community of providers." As one PRS provider stated, "They need accompaniment, not more flyers."

One challenge is that current PRS schemes are insufficient to meet the diverse needs of unaccompanied children. An ideal approach is to align PRS to a localized, wrap-around service model. Interviewees emphasized, however, that PRS should never be used to delay the reunification of a child and sponsor and that families should continue to be allowed to decline the services.

Given renewed concerns about the labor exploitation of unaccompanied children, ORR should:

- offer PRS to all children released to a non-relative sponsor ("category 3" sponsors);

- offer PRS if requested by the child, family, or sponsor;

- include an immediate, individualized needs assessment for child, sponsor, and family (as relevant) following release in all levels of PRS;

- ensure that PRS needs assessments result in local, in-person social-service brokerage rather than remote referrals; and

- eliminate the PRS backlog—which, at the time of writing, stands at well over 10,000 cases—with a goal that PRS appointments be in place when reunification occurs.

In contrast to traditional PRS services, which are service driven and problem based, wrap-around services enlist a strengths-based, needs-driven approach that builds on individual and family strengths. Wrap-around services are evidence-based, culturally responsive accompaniment practices that promote child and family involvement

in setting goals to ensure children's well-being. These services are also more effective in ensuring children are safe given the close and trusting relationship children have with their care team. Engaging in local, community-based partnerships to provide wrap-around services simultaneously will strengthen ORR's network for placing children in the least restrictive environment and move the US toward ending congregate care for all children.

This policy brief was written by Lauren Heidbrink, PhD, associate professor of human development at California State University, Long Beach, and consultant for the Women's Refugee Commission. It was reviewed and edited by Katharina Obser, Mario Bruzzone, Dale Buscher, Joanna Kuebler, and Diana Quick of the Women's Refugee Commission.

For more information, contact Mario Bruzzone.

Women's Refugee Commission

The Women's Refugee Commission (WRC) improves the lives and protects the rights of women, children, and youth who have been displaced by conflict and crisis. We research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice. Since our founding in 1989, we have been a leading expert on the needs of refugee women, children, and youth and the policies that can protect and empower them. womenrefugeecommission.org.

Mr. MERKLEY. Mr. President, it is called "Decreasing ORR's Dependence on Congregate Care: Four Recommendations of Progress," written by the Women's Refugee Commission. But I assure you, this document is not alone. There is commission after commission, expert after expert who has weighed in to say that we have to eliminate these congregate care facilities, which is exactly what the Children's Safe Welcome Act does.

You know, these are children who are going through the process of claiming refugee status, and they are going to go through an adjudication of that status, and they are either going to be able to stay in the United States—and that is eventually adjudicated—or they are going to be sent back home.

If they are going to stay in the United States, we want a strong foundation for them to thrive as residents of our Nation. If they go back home, we want a strong foundation for them to thrive back home in the country they left.

In either case, we have a moral responsibility to these children. That moral responsibility compels us to eliminate these congregate care facilities that are not the right setting. Children should be quickly sent to small settings, to homes. They should be in school. They should be with host families. When there isn't a host family that is related, they should be with a host family that is providing a foundation for them. They shouldn't be in a mass congregate care facility—the name sounds much nicer than the reality.

So I am not going to take the time tonight to go through all of these various reports on how bad congregate care is for the children because I think

you have already touched on how bad it is with one provider. But shutting down one provider and sending them to other congregate care facilities now means the system is maxed out, which means the children coming in not only go to the remaining beds in a system that is maxed out, it also means that now we have to create temporary influx facilities, which are far worse than congregate care.

So this plan I know is so well-intentioned, and I certainly share the criticisms of the particular company you are addressing, but this is not the right answer. The right answer isn't to max out congregate care and create temporary influx facilities that are even worse; the answer is to get rid of these congregate care facilities and do what report after report, recommendation after recommendation has said will provide a foundation for these children to do well.

The National Center for Youth Law said that these influx facilities that would have to be created "placed children's safety and welfare at risk."

The Customs and Border Patrol facilities, which are the other option if we don't create the influx facilities, are described as so dangerous that children have died.

It goes on and on and on.

So given your deep interest in this topic and, really, desire for the children to be well-treated, I wanted to invite you to join me in this structure, this bill, the Children's Safe Welcome Act. Experts have said this is the right thing to do for the children.

For that reason, I will do the formal request, but the informal is, I know your heart is in the right place. I know you are pointing out flaws that are very, very real and that I have been personally witnessing since 2018. But the answer isn't more congregate care for these kids or influx facilities or Customs and Border Protection; it is eliminating these congregate facilities and doing what expert after expert, panel after panel has suggested.

So I am following up here. I ask that you, Senator GRASSLEY, modify your request and that the Merkley amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Mr. President, reserving the right to object, I would like to speak to this issue a little bit and point out some of the shortcomings of what Senator MERKLEY is trying to accomplish by amending my motion.

I see this amendment merely cementing into place the Biden-Harris policy that lost more than 85,000 migrant children. Can you believe that? If there was any question whether Democrats prioritize speed over safety when it comes to pushing migrant kids out the door, this partisan amendment lays that question to rest.

I think I made very clear, in giving reasons for my legislation, how this is really a big problem. Now, the text of what Senator MERKLEY is asking me to do mandates that the government make a placement determination for a child not later than 7 days after the government receives a sponsored application. Fingerprint-based background checks aren't required. And even the criminal record of a sponsor isn't necessarily disqualified.

Now, a question: What if a sponsor has no preexisting relationship to the child? Think of that. Well, that is not a problem for this proposal. The fact that a sponsor has no preexisting relationship to a child cannot be the sole basis for denying sponsorship under this Democrat-led solution.

This amendment just willy-nilly turns over children to sponsors who foot-drag on providing the documents needed to verify sponsor identity and safety. I can't imagine a loving parent or guardian slow rolling the paperwork needed to reunite with their child.

To most folks, that would be a very clear red flag, but not to Democrats. For them, it is just an administrative inconvenience.

So just understand, this Democratic solution allows the government to release children to sponsors even if there is a risk of harm to that child. According to this text, that is fine, so long as post-release services are in place. In fact, those are the only conditions under which post-release services are required according to this modification presented to me.

After directing the government to make what could be life-or-death decisions for a child on virtually no information, the bill restricts the ability to share lifesaving information with law enforcement.

Let's go back to what I laid down. I came to the floor tonight to offer a commonsense solution to deny bad actors access to kids. My bill would put contractors on notice that they can't willfully blind themselves to child abuse in order to get rich off taxpayers' dollars. Democrats couldn't even take that blindness seriously.

I encourage my colleagues to read the Justice Department's recent complaint against Southwest Key. I referred to the same Justice Department action in my opening remarks. This is what Justice found out, among other horrors: That complaint describes the repeated sexual abuse of a 5-year-old girl, the prostitution of a 15-year-old boy, and acts of a contractor desperate to even cover up all those wrongdoings.

So thanks to this Democrat-led effort, Congress won't prevent contractors like them from getting access to more kids and more taxpayers' dollars.

So, Senator MERKLEY, I am sorry to say that your modification doesn't do what I am trying to accomplish and leaves in place too much the status quo; so I have to object.

The PRESIDING OFFICER. Objection is heard.

Is there an objection to the original request?

Mr. MERKLEY. Mr. President, reserving the right to object, I would just like to note that this bill, put together by the best child welfare experts across the country, has in it a requirement under section 223 requiring background checks to be conducted for each resident of a foster care placement for a noncitizen child. It prohibits children from being placed in a home if a resident has a conviction for child abuse or trafficking or convicted of any offense that has a direct and immediate impact on the safety of a child.

I know that these sorts of dialogues—our staff worked quickly to try to prepare responses. But your actual criticisms are inaccurate. And, indeed, what these experts say is that a child should be put in the least restrictive setting that approximates a family in which the child's needs can best be met consistent with the best interests and special needs of that child.

The experts know congregate care is not the place to do that. The problems that exist in one mass setting are bad, but they exist in the other mass settings. So I do invite you—because I know you want to do the best for the children—to meet with the same experts who live this, night and day, seeking to have a system that creates a safe welcome for children and allows them to thrive so that when they get to that point of that asylum hearing, whether they head back to their home country or whether they become residents of the United States, they will be in a great place, not the sort of terrible place that congregate facilities put them. And, unfortunately, your approach continues to rely upon those very congregate facilities experts say need to be eliminated.

So for that reason, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

OFFICE OF REFUGEE RESETTLEMENT

Mr. CASSIDY. Mr. President, when President Biden and Vice President HARRIS took office, we had the lowest rate of illegal immigration in nearly 50 years. But instead of maintaining strong border policies inherited from President Trump, the Biden-Harris administration rushed to overturn them. They ended "Remain in Mexico," reimposed so-called catch-and-release, and exempted unaccompanied children from title 42.

The result was predictable. The Biden-Harris open border policies encouraged the worst rates of illegal immigration ever, including over 500,000 unaccompanied migrant children. In fact, the month after migrant children were exempted from title 42, we saw the highest monthly total of unaccompanied children crossing the southern border in history.