

116TH CONGRESS
1ST SESSION

H. R. 3731

To respond to the Northern Triangle migrant surge at the southern border
in a strategic and humane manner, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Mr. THOMPSON of Mississippi (for himself, Miss RICE of New York, Mr. KHANNA, Mr. CLEAVER, Mrs. WATSON COLEMAN, Ms. CLARKE of New York, Ms. BARRAGÁN, Ms. UNDERWOOD, Ms. SLOTKIN, Mr. CORREA, Mr. RICHMOND, Mr. MCGOVERN, Mrs. DEMINGS, Ms. TITUS, Ms. NORTON, Ms. JACKSON LEE, Mr. LANGEVIN, Mr. PAYNE, and Mr. GREEN of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Foreign Affairs, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To respond to the Northern Triangle migrant surge at the
southern border in a strategic and humane manner, 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,*

1 **SECTION 1. SHORT TITLE; DEFINITIONS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Strategic and Humane Southern Border Migrant Re-
4 sponse Act”.

5 (b) DEFINITIONS.—For the purposes of this Act:

6 (1) The term “family member” means an indi-
7 vidual who is—

8 (A) a parent or legal guardian;

9 (B) a spouse;

10 (C) a child;

11 (D) a step-family member;

12 (E) an immediate family member, to in-
13 clude adult siblings; or

14 (F) an extended family member, to include
15 aunts, uncles, adult cousins, and grandparents.

16 (2) The term “Flores Settlement Agreement”
17 means the stipulated settlement agreement filed on
18 January 17, 1997, in the United States District
19 Court for the Central District of California in Flores
20 v. Reno, CV 85–4544–RJK (commonly known as the
21 “Flores settlement agreement”).

22 (3) The term “metering” means the U.S. Cus-
23 toms and Border Protection policy to regulate the
24 flow of asylum seekers at ports of entry by denying
25 asylum seekers access to ports of entry.

1 (4) The term “Migrant Protection Protocols”
2 means the protocols announced by the Secretary of
3 Homeland Security on December 20, 2018, or any
4 subsequent revisions to those protocols where certain
5 individuals seeking asylum in the United States are
6 returned to Mexico and to wait outside of the United
7 States for the duration of their immigration pro-
8 ceedings.

9 (5) The term “Northern Triangle countries”
10 means the countries of El Salvador, Guatemala, and
11 Honduras.

12 (6) The term “Northern Triangle Migrant Cri-
13 sis” means the increase in families and unaccom-
14 panied alien children apprehended by U.S. Customs
15 and Border Protection at the southern border of the
16 United States, predominantly from El Salvador,
17 Guatemala, and Honduras but not from Mexico,
18 that started in fiscal year 2012.

19 **TITLE I—STRATEGY AND TASK**
20 **FORCE**

21 **SEC. 101. NORTHERN TRIANGLE MIGRANT SURGE STRA-**
22 **TEGIC RESPONSE PLAN.**

23 (a) STRATEGIC RESPONSE PLAN.—Not later than 90
24 days after enactment of this Act, the President shall
25 transmit to Congress a strategic response plan to manage

1 the Northern Triangle Migrant Surge that focuses on
2 strengthening policies, procedures, practices, and training
3 to ensure timely and fair processing of individuals appre-
4 hended at the southern border of the United States that
5 seek asylum under the law, including the provision of im-
6 mediate protection and humanitarian care.

7 (b) IMPLEMENTATION.—The President shall direct
8 the leadership of the following departments and agencies
9 to change policies, procedures, practices, and training to
10 conform with the response plan required under paragraph
11 (1) within 90 days of the issuance of the strategic response
12 plan:

13 (1) Department of Homeland Security, includ-
14 ing U.S. Customs and Border Protection, Immigra-
15 tion and Customs Enforcement, and U.S. Citizen-
16 ship and Immigration Services.

17 (2) Department of Health and Human Services,
18 including the Office of Refugee and Resettlement.

19 (c) CONTENTS.—The strategic response plan re-
20 quired under this section shall focus primarily on the fol-
21 lowing:

22 (1) How to ensure timely and fair processing of
23 individuals apprehended at the southern border of
24 the United States that seek asylum under the law,

1 including by eliminating practices such as metering
2 and the Migrant Protection Protocols.

3 (2) How to provide immediate care and human-
4 itarian protection to individuals apprehended at the
5 southern border of the United States who seek asy-
6 lum under the law and arrive with family members,
7 are pregnant women, unaccompanied children, elder-
8 ly, and other vulnerable populations.

9 (3) How to ensure that at each stage of custody
10 of individuals apprehended at the southern border of
11 the United States that seek asylum under the law
12 the individuals receive appropriate medical screening
13 and medical care, the provision of regular meals and
14 water, the availability of sanitary, and safe shelter
15 with access to bathroom and shower facilities, basic
16 toiletries and hygiene items, such as toilet paper,
17 soap, toothbrushes, and diapers and feminine hy-
18 giene products.

19 (4) How to adequately scale holding space ca-
20 pacity and operational personnel to respond to
21 surges of such individuals in a timely manner, as
22 well as identify any capability gaps that may require
23 resources outside of the Department.

24 (5) How to ensure compliance with the Flores
25 settlement agreement, which includes the transfer of

1 unaccompanied alien children to the custody of the
2 Department of Health and Human Services within
3 72 hours of determining that a child is an unaccom-
4 panied alien child.

5 (6) What oversight mechanisms will be estab-
6 lished or augmented to ensure compliance with the
7 strategic response plan.

8 (d) CONSIDERATION.—In developing the strategic re-
9 sponse plan required under this section, the President
10 shall consider management alerts issued by the Depart-
11 ment of Homeland Security Inspector General on May 30,
12 2019, and July 2, 2019, and any related successor report.

13 **SEC. 102. DEPARTMENT OF HOMELAND SECURITY JOINT**
14 **TASK FORCE TO ADDRESS THE NORTHERN**
15 **TRIANGLE MIGRANT SURGE.**

16 (a) IN GENERAL.—Notwithstanding section
17 708(b)(11) of the Homeland Security Act, not later than
18 30 days after the date of the enactment of this Act, the
19 Secretary of Homeland Security shall establish and oper-
20 ate a departmental Joint Task Force, pursuant to section
21 708 of the Homeland Security Act, to conduct operations
22 using personnel and capabilities of the Department to
23 manage the Northern Triangle Migrant Surge—

1 (1) for purposes set forth at subparagraphs (i)
2 and (ii) of subsection (b)(2)(A) of section 708 of the
3 Homeland Security Act; and

4 (2) in furtherance of the strategic response plan
5 required under section 101 of this Act.

6 (b) PERFORMANCE METRICS.—The Secretary shall
7 submit performance metrics for the Joint Task Force es-
8 tablished pursuant to subsection (a) to Congress, con-
9 sistent with section 708(b)(9) of the Homeland Security
10 Act, that set forth performance metrics for the apprehen-
11 sion, timely and fair processing, and the humane treat-
12 ment of migrant families and other individuals seeking
13 asylum in furtherance of the strategic response plan re-
14 quired under section 101 of this Act.

15 (c) DISBANDING THE JOINT TASK FORCE.—Upon
16 establishment of the Joint Task Force pursuant to sub-
17 section (a), the Secretary shall report to Congress regard-
18 ing conditions on the southern border of the United States
19 that would result in the Secretary deciding to disband the
20 Joint Task Force.

21 (c) MONTHLY REPORTS TO CONGRESS.—The Direc-
22 tor of the Joint Task Force, starting one month after es-
23 tablishment of the Joint Task Force and monthly there-
24 after until it is disbanded, shall report to Congress on the
25 Joint Task Force’s activities for the period and progress

1 with respect to implementing activities in furtherance of
2 subsection 101 of this Act.

3 (d) NOTIFICATION.—Not later than 90 days after
4 disbanding the Joint Task Force, the Secretary shall no-
5 tify Congress of such action.

6 (e) INTERAGENCY BORDER EMERGENCY CELL TER-
7 MINATED.—Concurrent with the establishment of the
8 Joint Task Force pursuant to subsection (a), the Sec-
9 retary shall terminate the interagency border emergency
10 cell established on or about April 2, 2019.

11 **TITLE II—MANAGEMENT AND**
12 **OPERATIONS**
13 **Subtitle A—Humanitarian Care for**
14 **Migrant Families**

15 **SEC. 201. PRESERVING UNITY OF MIGRANT FAMILIES.**

16 (a) IN GENERAL.—U.S. Customs and Border Protec-
17 tion shall maintain family unity to the greatest extent
18 operationally feasible, absent a legal requirement or an
19 articulable safety or security concern that requires separa-
20 tion and notwithstanding section 462(g)(2) of the Home-
21 land Security Act, no child apprehended on the southern
22 border of the United States may be separated from a fam-
23 ily member apprehended with the child.

24 (b) EXCEPTION.—On a nondelegable basis, an Office
25 of Field Operations Field Director or Border Patrol Sector

1 Chief may separate a child from a family member only
2 if there is evidence that the child may be a trafficking
3 victim in violation of the William Wilberforce Trafficking
4 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
5 1232 et seq.) and, in such instances, must retain records
6 of the evidence relied upon for reaching such a determina-
7 tion and, upon separation, the location of the individuals
8 involved.

9 **SEC. 202. ESSENTIAL HUMANITARIAN CONDITIONS.**

10 (a) UPDATE STATUTORY REQUIREMENTS FOR
11 SHORT-TERM DETENTION.—Paragraph (1) of section
12 411(m) of the Homeland Security Act of 2002 (6 U.S.C.
13 211(m)) is amended to read as follows:

14 “(1) ACCESS TO APPROPRIATE TEMPORARY
15 SHELTER, FOOD, AND WATER.—The Commissioner
16 shall make every effort to ensure the provision to an
17 individual apprehended by the Commissioner of ap-
18 propriate temporary shelter with access to bathroom
19 and shower facilities, water, appropriate nutrition,
20 hygiene, personal grooming items, and sanitation.”.

21 (b) COMPLIANCE.—Not later than 30 days after the
22 date of enactment of this Act, the Secretary of Homeland
23 Security shall establish final plans, standards, and proto-
24 cols to protect the health and safety of individuals in the

1 custody of U.S. Customs and Border Protection, which
2 shall include—

3 (1) requirements on the availability and provi-
4 sion of water, appropriate nutrition, hygiene, per-
5 sonal grooming items, and sanitation needs;

6 (2) appropriate temporary shelter facilities with
7 access to bathroom and shower facilities and are
8 maintained in conditions that adhere to best prac-
9 tices for the care of children that comply with the
10 relevant recommendations of the American Academy
11 of Pediatrics, including the recommendations in-
12 cluded in the Policy Statement of the American
13 Academy of Pediatrics entitled, “Detention of Immig-
14 rant Children” issued in May 2017;

15 (3) required training for all Department of
16 Homeland Security personnel and contract personnel
17 who interact with migrants seeking refugee or asy-
18 lum status while in U.S. Customs and Border Pro-
19 tection custody; and

20 (4) transferring responsibilities, where possible,
21 from Department of Homeland Security personnel,
22 particularly law enforcement personnel, for the pro-
23 vision of care of families and unaccompanied alien
24 children apprehended at the southern border of the
25 United States to State-licensed, vetted, and qualified

1 contractors with trained medical and social work
2 staff while in U.S. Customs and Border Protection
3 custody.

4 **SEC. 203. UNIFORM PROCESSES FOR MEDICAL SCREENING**
5 **OF INDIVIDUALS INTERDICTED BETWEEN**
6 **PORTS OF ENTRY.**

7 (a) IN GENERAL.—Subtitle C of title IV of the
8 Homeland Security Act of 2002 (6 U.S.C. 231) is amend-
9 ed by adding at the end the following new section:

10 **“SEC. 437. MEDICAL SCREENING OF INDIVIDUALS INTER-**
11 **DICTED BETWEEN PORTS OF ENTRY.**

12 “(a) IN GENERAL.—To improve border security and
13 the processing of individuals and families interdicted by
14 the U.S. Border Patrol between ports of entry, the Com-
15 missioner of U.S. Customs and Border Protection, in co-
16 ordination with the Chief Medical Officer of the Depart-
17 ment, shall, not later than thirty days after enactment of
18 this section, establish uniform processes and training to
19 ensure consistent and efficient medical screening of all in-
20 dividuals so interdicted before transfer out of U.S. Cus-
21 toms and Border Protection custody but not longer than
22 12 hours of such interdiction.

23 “(b) SCREENING PROCESS COMPONENTS.—At a min-
24 imum, the uniform processes and training established
25 under subsection (a) shall include the following:

1 “(1) Requirements for initial screening that in-
2 cludes documentation of the following:

3 “(A) Visual assessment of overall physical
4 and behavior state, including any possible dis-
5 ability.

6 “(B) A brief medical history including de-
7 mographic information, current medications,
8 and any chronic or past illnesses.

9 “(C) Any current medical complaints.

10 “(2) Criteria for determining when to make a
11 referral to higher medical care and a process to exe-
12 cute such referral.

13 “(3) Recordkeeping requirements on how infor-
14 mation is to be recorded for each initial screening,
15 including information on the use of interpretation
16 services.

17 “(c) TRAINING.—Starting sixty days after the
18 issuance of the uniform processes and training pursuant
19 to subsection (a), any individual carrying out medical
20 screening at a U.S. Customs and Border Protection facil-
21 ity of individuals interdicted by the U.S. Border Patrol
22 between ports shall complete training on the uniform proc-
23 esses.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section
 2 436 the following new item:

“Sec. 437. Medical screening of persons interdicted between ports of entry.”.

3 **SEC. 204. TERMINATION OF INHUMANE PROTOCOLS AND**
 4 **POLICIES.**

5 Not later than 30 days after enactment of this Act,
 6 the Migrant Protection Protocols and U.S. Customs and
 7 Border Protection metering policy shall be terminated.

8 **SEC. 205. ALTERNATIVES TO DETENTION.**

9 (a) IN GENERAL.—Insert new section 890B in the
 10 Homeland Security Act:

11 **“SEC. 890B. ALTERNATIVES TO DETENTION PROGRAM.**

12 “(a) ESTABLISHMENT.—

13 “(1) IN GENERAL.—The Secretary shall estab-
 14 lish programs to provide alternatives to detention
 15 under the immigration laws.

16 “(2) AVAILABILITY.—The programs under
 17 paragraph (1) shall be available to an alien regard-
 18 less of whether—

19 “(A) a decision on a charge of removability
 20 with respect to the alien is pending; or

21 “(B) the alien is subject to an order of re-
 22 moval.

23 “(3) CONTINUUM OF SUPERVISION.—The pro-
 24 grams under paragraph (1) shall provide for a con-
 25 tinuum of supervision mechanisms and options, in-

1 including community-based supervision and commu-
2 nity support.

3 “(4) CONTRACTS WITH NONGOVERNMENTAL
4 ORGANIZATIONS.—The Secretary may contract with
5 one or more nongovernmental organizations to pro-
6 vide services under this subsection and subsection
7 (b).

8 “(b) RESTORATION OF THE FAMILY CASE MANAGE-
9 MENT PROGRAM.—Not later than 7 days after the date
10 of the enactment of this section, the Secretary shall fully
11 restore the U.S. Immigration and Customs Enforcement
12 Family Case Management Program as the program ex-
13 isted on January 21, 2016, which shall—

14 “(1) provide community supervision and com-
15 munity support services, including case management
16 services, appearance services, and screening of aliens
17 who have been detained; and

18 “(2) be carried out through a contract with a
19 nongovernmental organization that has dem-
20 onstrated expertise in providing such supervision
21 and support services.

22 “(c) DETERMINATION OF VULNERABLE POPULATION
23 OR CAREGIVER STATUS REQUIRED.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (3) and subject to paragraph (2), not later

1 than 72 hours after taking an individual into cus-
2 tody under the immigration laws, the Secretary, the
3 Commissioner of U.S. Customs and Border Protec-
4 tion, an immigration officer, or an immigration
5 judge shall make an individualized determination
6 with respect to—

7 “(A) whether the individual may partici-
8 pate in an alternatives to detention program,
9 including the Family Case Management Pro-
10 gram described in subsection (b); and

11 “(B) the appropriate level of supervision.

12 “(2) PRESUMPTION FOR PLACEMENT IN ALTER-
13 NATIVES TO DETENTION PROGRAM.—

14 “(A) IN GENERAL.—There shall be a pre-
15 sumption for placement in an alternatives to de-
16 tention program that is a community-based su-
17 pervision program for any alien who is—

18 “(i) taken into the physical custody of
19 the Department of Homeland Security;
20 and

21 “(ii) a member of a vulnerable popu-
22 lation, a parent of a child under 18 years
23 of age, a dependent caregiver, or a family
24 caregiver.

1 “(B) EXCEPTION.—The presumption de-
2 scribed in subparagraph (A) shall not apply if
3 the Secretary, the Commissioner of U.S. Cus-
4 toms and Border Protection, an immigration of-
5 ficer, or an immigration judge specifically deter-
6 mines that the alien is a threat to himself or
7 herself or the public.

8 “(3) EXCEPTIONS.—Alternatives to detention
9 programs shall not be available to any individual—

10 “(A) detained under section 236A of the
11 Immigration and Nationality Act (8 U.S.C.
12 1226a); or

13 “(B) for whom release on bond or recog-
14 nizance is determined to be a sufficient measure
15 to ensure appearances at immigration pro-
16 ceedings and public safety.

17 “(d) ANNUAL REPORT.—Not later than one year
18 after the Restoration of the Family Case Management
19 Program pursuant to subsection (b), and annually there-
20 after, the Coordinator shall submit to Congress a report
21 that includes—

22 “(1) guidance and requirements for referral and
23 placement decisions in alternatives to detention pro-
24 grams;

1 “(2) information on enrollment in alternatives
2 to detention programs, disaggregated by field office;

3 “(3) information on the population enrolled in
4 alternatives to detention programs, disaggregated by
5 type of alternative to detention program and point
6 of apprehension and, to the extent possible, reflect-
7 ing participation by migrant families and unaccom-
8 panied alien children.

9 “(e) DEFINITIONS.—In this section:

10 “(1) DEPENDENT CAREGIVER.—The term ‘de-
11 pendent caregiver’ means an individual who lives
12 with, and provides more than ½ of the financial
13 support required by, a family member who is—

14 “(A) under 18 years of age; or

15 “(B) unable to engage in substantial em-
16 ployment due to a physical or mental health
17 condition or disability.

18 “(2) EXECUTIVE DEPARTMENTS.—The term
19 ‘executive departments’ has the meaning given the
20 term in section 101 of title 5, United States Code.

21 “(3) FAMILY CAREGIVER.—The term ‘family
22 caregiver’ means an individual who lives with, and
23 provides more than ½ of the personal care required
24 by, a family member who is—

25 “(A) under 18 years of age; or

1 “(B) unable to engage in substantial em-
2 ployment due to a physical or mental health
3 condition or disability.

4 “(4) FAMILY MEMBER.—The term ‘family
5 member’, with respect to an individual receiving per-
6 sonal care services or financial support, means an
7 individual who is—

8 “(A) a parent or legal guardian;

9 “(B) a spouse;

10 “(C) a child;

11 “(D) a step-family member;

12 “(E) an immediate family member, to in-
13 clude adult siblings; or

14 “(F) an extended family member, to in-
15 clude aunts, uncles, adult cousins, and grand-
16 parents.

17 “(5) IMMIGRATION LAWS.—The term ‘immigra-
18 tion laws’ has the meaning given the term in section
19 101(a)(17) of the Immigration and Nationality Act
20 (8 U.S.C. 1101(a)(17)).

21 “(6) LEGAL GUARDIAN.—The term ‘legal
22 guardian’ means a legal guardian under State law or
23 the law of a foreign country.

1 “(7) MEMBER OF A VULNERABLE POPU-
2 LATION.—The term ‘member of a vulnerable popu-
3 lation’ means an individual who—

4 “(A) is an asylum seeker or is otherwise
5 seeking lawful status;

6 “(B) is a victim of torture or trafficking;

7 “(C) has special religious, cultural, or spir-
8 itual considerations;

9 “(D) is pregnant or nursing;

10 “(E) is under 21 years of age;

11 “(F) is older than 60 years of age;

12 “(G) identifies as gay, lesbian, bisexual,
13 transgender, or intersex;

14 “(H) is a victim or witness of a crime;

15 “(I) has a mental disorder or physical dis-
16 ability; or

17 “(J) is experiencing severe trauma or is a
18 survivor of torture or gender-based violence, as
19 determined by an immigration judge or the Sec-
20 retary based on information obtained—

21 “(i) by the attorney or legal services
22 provider of the individual during intake; or

23 “(ii) through credible reporting by the
24 individual.

1 “(8) PARENT.—The term ‘parent’ means a bio-
2 logical or adoptive parent of a child, whose parental
3 rights have not been relinquished or terminated
4 under State law or the law of a foreign country.

5 “(9) SECRETARY.—The term ‘Secretary’ means
6 the Secretary of Homeland Security.

7 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion may be construed to supersede or modify—

9 “(1) the William Wilberforce Trafficking Vic-
10 tims Protection Reauthorization Act of 2008 (8
11 U.S.C. 1232 et seq.);

12 “(2) the Stipulated Settlement Agreement filed
13 in the United States District Court for the Central
14 District of California on January 17, 1997 (CV 85–
15 4544–RJK) (commonly known as the ‘Flores Settle-
16 ment Agreement’);

17 “(3) the Homeland Security Act of 2002 (6
18 U.S.C. 101 et seq.);

19 “(4) any applicable Federal child welfare law,
20 including the Adoption and Safe Families Act of
21 1997 (Public Law 105–89); and

22 “(5) any applicable State child welfare laws.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of the Homeland Security Act of 2002 is

1 amended by inserting after the item relating to section
2 890B the following new item:

“Sec. 890B. Alternatives to detention program.”

3 **Subtitle B—Staffing, Support, and**
4 **Resources**

5 **SEC. 211. NORTHERN TRIANGLE MIGRANT SURGE SUP-**
6 **PORT.**

7 (a) IN GENERAL.—Starting not later than 60 days
8 after enactment of this Act, the Secretary of Homeland
9 Security shall enter into memoranda of understanding
10 with appropriate Federal agencies and applicable emer-
11 gency government relief services, and contracts with State-
12 licensed, vetted, and qualified contractors with health care,
13 public health, social work, and transportation profes-
14 sionals, for purposes of providing care for families and un-
15 accompanied alien children apprehended at the southern
16 border of the United States during the Northern Triangle
17 Migrant Surge.

18 (b) STRATEGIC DEPLOYMENT.—The Secretary of
19 Homeland Security shall ensure that the memoranda of
20 understanding and contracts entered into pursuant to sub-
21 section (a) ensure core capacity within the Department of
22 Homeland Security to provide adequate care to migrant
23 families and children while in short-term detention that
24 includes physicians specializing in pediatrics, family medi-
25 cine, emergency medicine, obstetrics and gynecology, geri-

1 atric medicine, internal medicine, and infectious diseases;
2 nurse practitioners; other nurses; physician assistants; li-
3 censed social workers; mental health professionals; public
4 health professionals; and dieticians.

5 (c) MONTHLY REPORTS.—Beginning 90 days after
6 enactment of this Act, the Secretary of Homeland Security
7 shall submit a monthly report to the appropriate congres-
8 sional committees on the memoranda of understanding
9 and contracts entered into pursuant to subsection (a) as
10 of that date together with—

11 (1) information on the deployment of physicians
12 specializing in pediatrics, family medicine, emer-
13 gency medicine, obstetrics and gynecology, geriatric
14 medicine, internal medicine, and infectious diseases;
15 nurse practitioners; other nurses; physician assist-
16 ants; licensed social workers; mental health profes-
17 sionals; public health professionals; and dieticians
18 within each border sector; and

19 (2) for each sector, the degree to which respon-
20 sibilities have been transferred from Department of
21 Homeland Security personnel, particularly law en-
22 forcement personnel, for the provision of care of mi-
23 grant families and unaccompanied alien children ap-
24 prehended at the southern border of the United

1 States to personnel under a memorandum of under-
2 standing or contract.

3 **SEC. 212. ADDITIONAL U.S. CUSTOMS AND BORDER PRO-**
4 **TECTION PERSONNEL.**

5 (a) OFFICERS.—The Commissioner of U.S. Customs
6 and Border Protection shall every fiscal year hire, train,
7 and assign not fewer than 600 new officers above the level
8 as of September 30 of the immediately preceding fiscal
9 year until the total number of officers equals the require-
10 ments identified each year in the Workload Staffing Model
11 developed by the Commissioner.

12 (b) INVESTIGATORS.—The Commissioner of U.S.
13 Customs and Border Protection shall every fiscal year
14 hire, train, and assign 30 new full-time investigators with-
15 in the Office of Professional Responsibility of U.S. Cus-
16 toms and Border Protection until the total number of in-
17 vestigators enables the Office to fulfill its mission propor-
18 tionate to the number of new personnel hired in accord-
19 ance with subsection (a).

20 (c) TRAFFIC FORECASTS.—In calculating the number
21 of Office of Field Operations officers needed at each port
22 of entry through the Workload Staffing Model, the Office
23 of Field Operations shall—

9 (d) AMENDMENT.—Subparagraph (A) of section
10 411(g)(5) of the Homeland Security Act of 2002 (6
11 U.S.C. 211(g)(5)) is amended—

14 (2) by inserting “agricultural specialists,” be-
15 fore “and support personnel”; and

20 SEC. 213. PORT OF ENTRY TEMPORARY DUTY ASSIGN-
21 MENTS.

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1 the appropriate congressional committees that includes,
2 for the reporting period—

3 (1) the number of temporary duty assignments
4 of U.S. Customs and Border Protection Officers and
5 support personnel from a port of entry to a tem-
6 porary duty assignment in response to the Northern
7 Triangle Migrant Surge;

8 (2) the ports of entry from which such employ-
9 ees were reassigned;

10 (4) the ports of entry to which such employees
11 were reassigned;

12 (5) the ports of entry at which reimbursable
13 service agreements have been entered into that may
14 be affected by temporary duty assignments;

15 (6) the duration of each temporary duty assign-
16 ment;

17 (7) the specific duties personnel will be under-
18 taking during each temporary duty assignment; and

19 (8) the cost of each temporary duty assignment.

20 (b) NOTICE.—Not later than 10 days before rede-
21 ploying employees from one port of entry to another in
22 response to the Northern Triangle Migrant Surge, absent
23 emergency circumstances—

24 (1) the Commissioner of U.S. Customs and
25 Border Protection shall notify the director of the

1 port of entry from which employees will be reas-
2 signed of the intended redeployments; and

3 (2) the port director shall notify impacted facili-
4 ties (including airports, seaports, and land ports) of
5 the intended redeployments.

6 (a) WORKFORCE BRIEFING.—The Commissioner of
7 U.S. Customs and Border Protection shall brief all af-
8 fected U.S. Customs and Border Protection employees re-
9 garding plans to mitigate vulnerabilities created by any
10 planned staffing reductions at ports of entry.

11 **TITLE III—OVERSIGHT**

12 **SEC. 301. AUDITS AND INSPECTIONS.**

13 (a) IN GENERAL.—On an ongoing basis until the
14 Joint Task Force established under section 102 of this
15 Act is disbanded, the Comptroller General and Inspector
16 General of the Department of Homeland Security shall
17 carry out audits and unannounced inspections of facilities
18 in the United States used for purposes of maintaining cus-
19 tody of or otherwise housing individuals apprehended at
20 the southern border of the United States, including unac-
21 companied alien children (as defined in section 462(g)(2))
22 of the Homeland Security Act of 2002 (6 U.S.C.
23 279(g)(2)), and report to Congress on compliance with the
24 provisions of the Act.

1 (b) COORDINATION.—The Comptroller General and
2 Inspector General of the Department of Homeland Secu-
3 rity shall, to the extent possible, share information and
4 coordinate audits and unannounced inspections to ensure
5 that Congress is provided with audit information on a reg-
6 ular basis and that all facilities in the United States used
7 for the purposes of maintaining custody of or otherwise
8 housing individuals apprehended at the southern border
9 of the United States, including unaccompanied alien chil-
10 dren (as defined in section 462(g)(2)) of the Homeland
11 Security Act of 2002 (6 U.S.C. 279(g)(2)), are subject
12 to regular audits and inspections.

13 **SEC. 302. CONGRESSIONAL ACCESS.**

14 Any Member of the United States Congress may
15 enter, without prior notification, any facility in the United
16 States used for purposes of maintaining custody of or oth-
17 erwise housing individuals apprehended at the southern
18 border of the United States, including unaccompanied
19 alien children (as defined in section 462(g)(2)), of the
20 Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) for
21 purposes of conducting oversight.

22 **SEC. 303. PHOTOGRAPHS OF CONDITIONS.**

23 The Inspector General of the Department of Home-
24 land Security, Comptroller General, or Member of Con-
25 gress conducting oversight pursuant to section 302 of this

1 Act, shall be authorized to take photographs of conditions
2 in any facility in the United States used for purposes of
3 maintaining custody of or otherwise housing individuals
4 apprehended at the southern border of the United States,
5 including unaccompanied alien children (as defined in sec-
6 tion 462(g)(2)) of the Homeland Security Act of 2002 (6
7 U.S.C. 279(g)(2)), but shall not publish photographs with
8 personally identifiable information without permission.

9 **TITLE IV—NORTHERN TRIANGLE**

10 **SEC. 401. RESTORATION OF THE CENTRAL AMERICAN MI-** 11 **NORS PROGRAM.**

12 Not later than 7 days after the date of the enactment
13 of this Act, the Secretary shall fully restore the U.S. Citi-
14 zenship and Immigration Services Central American Mi-
15 nors Program as the program existed on July 31, 2017,
16 to ensure a safe, legal, and orderly alternative to children
17 fleeing violence in Northern Triangle countries and, within
18 120 days of enactment of this Act, increase the effective-
19 ness of the program by—

20 (1) increasing the number of refugee officers
21 available for in-country processing;

22 (2) establishing additional site locations; and

23 (3) establishing program guidance prioritizing
24 final determinations on a completed application
25 within 180 days of completion of an application un-

1 less the security screening for such child cannot be
2 completed during the 180-day period.

3 **SEC. 402. REFUGEE PROCESSING IN NORTHERN TRIANGLE**
4 **AND MEXICO FOR THIRD COUNTRY RESET-**
5 **TLEMENT.**

6 (a) IN GENERAL.—The Secretary of State, in con-
7 sultation with the Secretary of Homeland Security, shall
8 coordinate with the United Nations High Commissioner
9 for Refugees to support and provide technical assistance
10 to the Governments of Northern Triangle countries and
11 Mexico to ensure access to global resettlement for eligible
12 children and families with protection needs by—

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

16 (2) improving the refugee registration system to
17 ensure that all refugees—

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

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

22 (C) receive proper documents to ensure
23 freedom of movement and access to basic social
24 services;

1 (3) creating or expanding a cadre of trained
2 refugee officers capable of evaluating and deciding
3 individual claims for protection, consistent with
4 international law and obligations; and

5 (4) developing the capacity to conduct best in-
6 terest determinations for unaccompanied alien chil-
7 dren to ensure that—

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

10 (B) their needs are properly met, which
11 may include family reunification or resettlement
12 based on international protection needs.

13 (b) REPORT.—Not later than 60 days after the date
14 of the enactment of this Act, the Secretary of State, in
15 consultation with the Secretary of Homeland Security,
16 shall submit a report to Congress that describes the plans
17 of the Secretary of State to assist in developing the ref-
18 ugee processing capabilities described in subsection (a).

19 **SEC. 403. COOPERATION ON COMBATTING HUMAN SMUG-**
20 **GLING AND TRAFFICKING.**

21 The Secretary of Homeland Security, in coordination
22 with the Secretary of State, shall expand partnership ef-
23 forts with law enforcement entities in the Northern Tri-
24 angle countries and Mexico seeking to combat human
25 smuggling and trafficking in those countries, including—

1 (1) the creation or expansion of transnational
2 criminal investigative units to identify, disrupt, and
3 prosecute human smuggling and trafficking oper-
4 ations;

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

10 (3) advanced training programs for investiga-
11 tors and prosecutors from Northern Triangle coun-
12 tries and Mexico.

13 **SEC. 404. INVESTIGATION AND PROSECUTION OF HUMAN**
14 **SMUGGLING AND TRAFFICKING.**

15 The Secretary of Homeland Security, acting through
16 the Director of U.S. Immigration and Customs Enforce-
17 ment shall expand collaborative programs involving Home-
18 land Security Investigations that are aimed at inves-
19 tigating and prosecuting human smugglers and traffickers
20 targeting Central American children and families and op-
21 erating at the southern border of the United States, in-
22 cluding the continuation and expansion of antitrafficking
23 coordination teams.

1 **SEC. 405. INFORMATION CAMPAIGN ON DANGERS OF MI-**
2 **GRATION.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity, in consultation with the Secretary of State, shall de-
5 sign and implement public information campaigns in
6 Northern Triangle countries—

7 (1) to disseminate information about the dan-
8 gers of travel across Mexico to the United States;
9 and

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

12 (b) SPECIFICATIONS.—The information campaigns
13 implemented pursuant to subsection (a) shall, to the great-
14 est extent possible—

15 (1) be targeted at populations and localities
16 with high migration rates;

17 (2) employ a variety of communications media;
18 and

19 (3) be developed in consultation with program
20 officials at the Department of Homeland Security,
21 the Department of State, or other government, non-
22 profit, or academic entities in close contact with mi-
23 grant populations from Northern Triangle countries,
24 including repatriated migrants.

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