

115TH CONGRESS
2D SESSION

H. R. 6193

To direct the Secretary of State to help keep Central American families together, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2018

Mr. ENGEL (for himself, Mrs. TORRES, Mr. ESPALLAT, Mr. SIRES, Mr. CROWLEY, Mr. GUTIÉRREZ, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Mr. RASKIN, Mr. MEEKS, Mr. HUFFMAN, Mr. DEUTCH, Mr. CORREA, Mr. KHANNA, Ms. LEE, Mr. SOTO, Mr. LEWIS of Georgia, Mr. PALLONE, Ms. VELÁZQUEZ, Mr. GONZALEZ of Texas, Mrs. NAPOLITANO, Ms. TITUS, Mr. BLUMENAUER, Ms. ROSEN, Mr. GOMEZ, Mr. SEAN PATRICK MALONEY of New York, Mr. WELCH, Mr. VEASEY, Mr. CASTRO of Texas, Mrs. LOWEY, Mr. SERRANO, Mr. GALLEGO, Mr. MCGOVERN, Ms. BARRAGÁN, Mr. PASCARELL, Ms. JAYAPAL, Mr. KIHUEN, Ms. ROYBAL-ALLARD, Mr. CICILLINE, Ms. DEGETTE, Mr. AGUILAR, Mr. DANNY K. DAVIS of Illinois, Mr. WALZ, Ms. CLARKE of New York, Mr. PAYNE, Mr. VELA, Ms. FRANKEL of Florida, Ms. LOFGREN, Mr. SMITH of Washington, Ms. SHEA-PORTER, Ms. MATSUI, Mr. KEATING, and Mr. VARGAS) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 direct the Secretary of State to help keep Central American families together, 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.**

2 This Act may be cited as the “Central America Fam-
3 ily Protection and Reunification Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
7 **TEES.**—The term “appropriate congressional com-
8 mittees” means—

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

11 (B) the Committee on Foreign Relations of
12 the Senate.

13 (2) **NORTHERN TRIANGLE.**—The term “North-
14 ern Triangle” means the region of Central America
15 that encompasses the countries of Guatemala, Hon-
16 duras, and El Salvador.

17 (3) **NORTHERN TRIANGLE COUNTRIES.**—The
18 term “Northern Triangle countries” means the
19 countries of Guatemala, Honduras, and El Salvador.

20 **SEC. 3. FINDINGS.**

21 Congress finds the following:

22 (1) The Northern Triangle countries of El Sal-
23 vador, Honduras, and Guatemala have among the
24 highest homicide rates in the world. In 2017, there
25 were 60 homicides per 100,000 people in El Sal-
26 vador, 43.6 homicides per 100,000 people in Hon-

1 duras and 26.1 homicides per 100,000 people in
2 Guatemala.

3 (2) According to a Small Arms Survey report
4 from 2016, Central America ranks high among re-
5 gions of the world for femicides. The rate of women
6 who have died violent deaths as a percentage of all
7 violent deaths in El Salvador and Guatemala ranks
8 among the highest in the world.

9 (3) Between 2015 and April 2018, 1,003
10 femicides were reported in El Salvador, despite en-
11 acting a special law in 2011 aimed at reducing vio-
12 lence against women that specifically includes the
13 crime of femicide.

14 (4) A United States Agency for International
15 Development (USAID) study in Honduras in 2015
16 found that “40 percent of women surveyed admitted
17 to having suffered some form of Gender Based Vio-
18 lence. This number is likely to be understated, as it
19 is common for individual respondents to deny victim-
20 ization.”.

21 (5) Survivors of sexual violence in Northern
22 Triangle countries do not have access to comprehen-
23 sive health care. According to the Department of
24 State’s 2016 Country Report on Human Rights
25 Practices for El Salvador, “Access to reproductive

1 health services outside of the capital city San Sal-
2 vador, however, was limited.” In Guatemala, “Cul-
3 tural, geographic, and linguistic barriers hampered
4 access to reproductive health care, particularly for
5 indigenous women in rural areas.”. Honduras pro-
6 hibits the sale, distribution or use of emergency con-
7 traception, per the State Department’s 2016 Coun-
8 try Reports on Human Rights Practices.

9 (6) According to a study conducted by the
10 Woodrow Wilson International Center for Scholars,
11 childhood experiences with domestic violence in
12 Latin America are a major risk factor for future
13 criminal behavior. Fifty-six percent of incarcerated
14 women and 59 percent of incarcerated men surveyed
15 experienced intra-familial violence during childhood.

16 (7) According to a Congressional Research
17 Service report, “Gangs engage in sex trafficking in-
18 volving women and children, particularly in Hon-
19 duras and in Guatemala City. Threats and harass-
20 ment by gangs have led thousands of youth to aban-
21 don school, including some 39,000 in El Salvador in
22 2015.”.

23 (8) According to the nongovernmental organiza-
24 tion Kids in Need of Defense, “As gangs have in-
25 creased their control in El Salvador, Honduras, and

1 Guatemala over the past several years, they have
2 systematically used sexual violence as a principal
3 tactic for establishing and maintaining dominance
4 over the communities and territories in which they
5 operate, similar to violent tactics used in other con-
6 texts of armed conflict.”.

7 (9) The Internal Displacement Monitoring Cen-
8 tre estimates that at least 1,000,000 people had
9 been displaced by criminal violence associated with
10 drug trafficking and gang activity in El Salvador,
11 Guatemala, Honduras and Mexico as of December
12 2015. Multiple reports have shown that when women
13 are internally displaced, they are often at greater
14 risk and more vulnerable to sexual and gender-based
15 violence.

16 (10) Pervasive gender-based violence in the
17 Northern Triangle countries and the inability of jus-
18 tice systems to hold accountable the perpetrators of
19 these crimes due to extremely high rates of impunity
20 creates a credible fear for individuals to return to
21 their home countries after migrating to the United
22 States.

23 (11) The American Academy of Pediatrics notes
24 that the stress caused by the Trump Administra-
25 tion’s policy of family separation could impede chil-

1 dren’s development and lead to serious health prob-
2 lems, like heart disease, later in life.

3 **SEC. 4. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) Attorney General of the United States Jeff
6 Sessions’s decision to reverse an immigration ap-
7 peals court ruling granting asylum to a Salvadoran
8 woman who was sexually, physically and emotionally
9 abused by her husband with El Salvador failing to
10 provide her protection sets a dangerous and irre-
11 sponsible precedent which does not take into account
12 the facts on the ground in the Northern Triangle;
13 and

14 (2) the Trump Administration’s decision to sep-
15 arate children from their parents at the United
16 States-Mexico border will cause psycho-social dam-
17 age to children and families that will take years to
18 repair.

19 **SEC. 5. STATEMENT OF POLICY ON DEPARTMENT OF STATE**
20 **ROLE IN IMMEDIATE FAMILY REUNIFICA-**
21 **TION.**

22 (a) IN GENERAL.—It shall be the policy of the United
23 States to not separate immigrant families as a deterrent,
24 and to immediately reunite any families that were sepa-

1 rated due to the criminal prosecution of parents for illegal
2 entry or re-entry.

3 (b) SUPPORT.—It shall be the policy of the Depart-
4 ment of State, including through its embassies in the
5 Northern Triangle countries, to prioritize supporting gov-
6 ernments and citizens of such countries to help facilitate
7 reunification of any families who were separated by United
8 States authorities due to the criminal prosecution of par-
9 ents for illegal entry into the United States.

10 (c) REPORT BY SECRETARY OF STATE.—Not later
11 than 30 days after the date of the enactment of this Act,
12 the Secretary of State shall report to the appropriate con-
13 gressional committees on efforts to carry out the policies
14 described in subsections (a) and (b).

15 (d) REPORT BY GAO.—Not later than 180 days after
16 the date of the enactment of this Act, the Comptroller
17 General of the United States shall submit to the appro-
18 priate congressional committees a report on efforts to
19 carry out the policies described in subsections (a) and (b).

20 **SEC. 6. REPORTING ON GENDER-BASED VIOLENCE IN THE**
21 **NORTHERN TRIANGLE.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act and annually thereafter
24 for the following five years, the Secretary of State shall

1 submit to the appropriate congressional committees a re-
2 port on gender-based violence in the Northern Triangle.

3 (b) ELEMENTS.—Each report required under sub-
4 section (a) shall include the following elements:

5 (1) Data disaggregated by age on the overall
6 rates of gender-based violence in the Northern Tri-
7 angle countries, including by using victimization sur-
8 veys, regardless of whether or not these acts of vio-
9 lence are reported to government authorities.

10 (2) Data on incidences of gender-based violence
11 cases reported to the authorities in the Northern
12 Triangle countries and the percentage of perpetra-
13 tors investigated, apprehended, prosecuted, and con-
14 victed.

15 (3) Descriptions of the obstacles (including ca-
16 pacity gaps within the criminal justice system) to re-
17 solving gender-based violence cases and deterring vi-
18 olence against women and children in the Northern
19 Triangle countries.

20 (4) Descriptions of gender-based violence trends
21 in each of the Northern Triangle countries.

22 (5) Information regarding the incidence of vio-
23 lence, including domestic abuse, against indigenous
24 women.

1 (6) A breakout of data on and descriptions of
2 domestic violence in each of the aforementioned cat-
3 egories.

4 (7) Information on the availability of trauma-
5 informed legal and social services for victims of gen-
6 der-based violence in Northern Triangle countries,
7 including in shelters.

8 (8) Data on the number of police officers, pros-
9 ecutors, court personnel, and specialized units
10 trained in violence against women and children in
11 Northern Triangle countries.

12 (9) Data on the time period from first report
13 of crime to official verdict in gender-based violence
14 crimes in Northern Triangle countries.

15 (10) Data on the availability of restoration
16 services (including shelter, trauma care, and eco-
17 nomic support) for women and child victims of gen-
18 der-based violence in Northern Triangle countries.

19 (11) Data on the capacity of child welfare sys-
20 tems in each Northern Triangle country to protect
21 unaccompanied children, including runaways and
22 refugee returnees in Northern Triangle countries.

23 (12) Descriptions of barriers to comprehensive
24 health care, including reproductive health care, for

1 survivors of gender-based violence in Northern Tri-
2 angle countries.

3 (c) PUBLIC AVAILABILITY.—Each report required
4 under subsection (a) shall be made publicly available on
5 the website of the Department of State in English and
6 Spanish.

7 **SEC. 7. STRATEGY TO REDUCE GENDER-BASED VIOLENCE**
8 **IN THE NORTHERN TRIANGLE.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of State,
11 in coordination with the Ambassador-at-Large for Global
12 Women’s Issues, the Senior Coordinator for Gender
13 Equality and Women’s Empowerment at the United
14 States Agency for International Development, and the
15 President and Chief Executive Officer of the Inter-Amer-
16 ican Foundation, shall submit to the appropriate congres-
17 sional committees a strategy to use a portion of amounts
18 appropriated or otherwise made available to carry out the
19 U.S. Strategy for Engagement in Central America to com-
20 bat gender-based violence in the Northern Triangle.

21 (b) CONSULTATION.—In developing the strategy re-
22 quired under subsection (a), the Secretary of State shall
23 consult with nongovernmental organizations focused on
24 gender-based violence in the Northern Triangle and the
25 United States.

1 (c) PUBLIC AVAILABILITY.—The strategy required
2 under subsection (a) shall be made publicly available on
3 the website of the Department of State in English and
4 Spanish.

5 **SEC. 8. REPORTING ON GANG AND ORGANIZED-CRIME RE-**
6 **LATED VIOLENCE IN THE NORTHERN TRI-**
7 **ANGLE.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of the enactment of this Act and annually thereafter
10 for the following five years, the Secretary of State shall
11 submit to the appropriate congressional committees a re-
12 port on gang and organized-crime related violence in the
13 Northern Triangle.

14 (b) ELEMENTS.—Each report required under sub-
15 section (a) shall include the following elements:

16 (1) Data disaggregated by age on the overall
17 rates of gang and organized-crime related violence in
18 the Northern Triangle countries, including by using
19 victimization surveys, regardless of whether or not
20 these acts of violence are reported to government au-
21 thorities.

22 (2) Data on sexual slavery scenarios carried out
23 by gangs and other organized criminal groups.

24 (3) Data on children and young adults forcibly
25 recruited by gangs and other criminal groups, in-

1 including the extent to which the authorities received
2 reports of forced recruitment.

3 (4) Data on internal displacement due to gang-
4 related violence and insecurity, and services provided
5 to those displaced by violence, including temporary
6 shelters.

7 (5) Data on the rates of extortion and cases in-
8 vestigated, prosecuted and convicted.

9 (6) Data on cases of abuse, including extrajudi-
10 cial executions, committed by members of the North-
11 ern Triangle countries' security forces and collusion
12 between members of the security forces and gangs
13 and other criminal groups, and percentage of per-
14 petrators investigated, prosecuted, and convicted.

15 (7) Descriptions of the strategies being imple-
16 mented by the Northern Triangle governments to
17 address forced recruitment of children and youth by
18 gangs and other criminal groups.

19 (8) Data on incidences of gang and organized-
20 crime related violence cases reported to the authori-
21 ties in the Northern Triangle countries and the per-
22 centage of perpetrators investigated, apprehended,
23 prosecuted, and convicted.

24 (9) Descriptions of the obstacles (including ca-
25 pacity gaps within the criminal justice system) to re-

1 solving gang and organized-crime related violence
2 cases and deterring violence from these groups.

3 (10) Data on the time period from first report
4 of serious crime to official verdict in gang and orga-
5 nized-crime related violence crimes in Northern Tri-
6 angle countries.

7 (c) PUBLIC AVAILABILITY.—Each report required
8 under subsection (a) shall be made publicly available on
9 the website of the Department of State in English and
10 Spanish.

11 **SEC. 9. OFFICE OF VICTIMS OF CRIME COMMITTED**
12 **AGAINST INDIVIDUALS REMOVED FROM THE**
13 **UNITED STATES.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of State shall establish
16 within the Department of State an office to study serious
17 crimes, including homicide, rape, kidnapping, domestic vi-
18 olence and extortion, committed against—

19 (1) aliens who were removed from the United
20 States, during the first 365 days after being so re-
21 moved; and

22 (2) citizens of the United States who departed
23 the United States as a result of having an alien par-
24 ent who was removed from the United States, dur-
25 ing the first 365 days after such departure.

1 **SEC. 10. STRATEGY TO ADDRESS HEALTH IMPACT OF FAM-**
2 **ILY SEPARATION.**

3 (a) **IN GENERAL.**—Not later than 180 days after the
4 date of the enactment of this Act, the Secretary of State,
5 in coordination with the Administrator of the United
6 States Agency for International Development, shall submit
7 to the appropriate congressional committees a strategy to
8 use a portion of amounts appropriated or otherwise made
9 available to carry out the U.S. Strategy for Engagement
10 in Central America to address the damage to the health,
11 development, and well-being of children and caregivers
12 caused by the policy of separating children from their fam-
13 ilies at the United States-Mexico border.

14 (b) **CONSULTATION.**—In developing the strategy re-
15 quired under subsection (a), the Secretary of State shall
16 consult with nongovernmental organizations focused on
17 the damage to the health, development, and well-being of
18 children and caregivers caused by child separation both
19 in the Northern Triangle and the United States.

20 (c) **PUBLIC AVAILABILITY.**—The strategy required
21 under subsection (a) shall be made publicly available on
22 the website of the Department of State in English and
23 Spanish.

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