

113TH CONGRESS
2D SESSION

S. _____

To prevent organized human smuggling, and for other purposes

IN THE SENATE OF THE UNITED STATES

Mr. MCCAIN (for himself and Mr. FLAKE) introduced the following bill; which
was read twice and referred to the Committee on _____

A BILL

To prevent organized human smuggling, and for other
purposes

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

7 (a) RESTRICTIONS ON FOREIGN AID TO CERTAIN
8 COUNTRIES.—

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

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

21 (B) cooperating with the Government of
22 the United States to facilitate the repatriation
23 of unaccompanied alien children who are re-
24 moved from the United States and returned to
25 their country of origin.

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

9 (b) IN-COUNTRY REFUGEE PROCESSING.—

10 (1) IN GENERAL.—Notwithstanding section
11 101(a)(42)(B) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(42)(B)), the Secretary of
13 State, in consultation with the Secretary of Home-
14 land Security and the Director of the Office of Ref-
15 ugee Resettlement of the Department of Health and
16 Human Services, shall carry out in-country proc-
17 essing of refugee applications in El Salvador, Guate-
18 mala, and Honduras.

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

22 **SEC. 4. INCREASING THE NUMBER OF REFUGEE ADMIS-**
23 **SIONS FROM CERTAIN COUNTRIES.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the President, in determining the number of

1 refugees who may be admitted under section 207(a) for
2 fiscal years 2014 and 2015, shall authorize the admission,
3 in each such fiscal year, of—

4 (1) up to 5,000 refugees from El Salvador;

5 (2) up to 5,000 refugees from Guatemala; and

6 (3) up to 5,000 refugees from Honduras.

7 **SEC. 5. PREVENTING ORGANIZED SMUGGLING.**

8 (a) **UNLAWFULLY HINDERING IMMIGRATION, BOR-**
9 **DER, OR CUSTOMS CONTROLS.—**

10 (1) **AMENDMENT TO TITLE 18, UNITED STATES**
11 **CODE.—**

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

15 **“§ 556. Unlawfully hindering immigration, border, or**
16 **customs controls**

17 **“(a) ILLICIT SPOTTING.—**Any person who knowingly
18 transmits to another person the location, movement, or ac-
19 tivities of any Federal, State, or tribal law enforcement
20 agency with the intent to further a Federal crime relating
21 to United States immigration, customs, controlled sub-
22 stances, agriculture, monetary instruments, or other bor-
23 der controls shall be fined under title 18, United States
24 Code, imprisoned not more than 10 years, or both.

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

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

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

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

23 (B) CLERICAL AMENDMENT.—The table of
24 sections for chapter 27 of title 18, United

1 States Code, is amended by inserting after the
2 item relating to section 555 the following:

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

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

7 (A) in paragraph (1)—

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

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

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

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

21 (3) STATUTE OF LIMITATIONS.—Section 3298
22 of title 18, United States Code, is amended by strik-
23 ing “or under” and inserting “, under section 2 or
24 subsection (a), (b), or (c) of section 556, or under”.

25 (b) ORGANIZED HUMAN SMUGGLING.—

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

4 **“§ 1598. Organized human smuggling**

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

9 “(1) to enter, attempt to enter, or prepare to
10 enter the United States—

11 “(A) by fraud, falsehood, or other corrupt
12 means;

13 “(B) at any place other than a port or
14 place of entry designated by the Secretary of
15 Homeland Security; or

16 “(C) in a manner not prescribed by the im-
17 migration laws and regulations of the United
18 States;

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

21 “(A) knowing that the persons seek to
22 enter or attempt to enter the United States
23 without lawful authority; and

24 “(B) with the intent to aid or further such
25 entry or attempted entry; or

1 “(3) to be transported or moved outside of the
2 United States—

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

6 “(B) under circumstances in which the
7 persons are seeking to enter the United States
8 without official permission or legal authority.

9 “(b) CONSPIRACY AND ATTEMPT.—Any person who
10 attempts or conspires to violate subsection (a) shall be
11 punished in the same manner as a person who completes
12 a violation of such subsection.

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

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

19 “(1) in the case of a violation during and in re-
20 lation to which a serious bodily injury (as defined in
21 section 1365) occurs to any person, shall be fined
22 under this title, imprisoned for not more than 30
23 years, or both;

24 “(2) in the case of a violation during and in re-
25 lation to which the life of any person is placed in

1 jeopardy, shall be fined under this title, imprisoned
2 for not more than 30 years, or both;

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

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

10 “(5) in the case of a violation involving robbery
11 or extortion (as such terms are defined in paragraph
12 (1) or (2), respectively, of section 1951(b)), shall be
13 fined under this title, imprisoned for not more than
14 30 years, or both;

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

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

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

7 “(9) in the case of smuggling an unaccom-
8 panied alien child (as defined in section 462(g)(2) of
9 the Homeland Security Act of 2002 (6 U.S.C.
10 279(g)(2)), shall be fined under this title or impris-
11 oned not more than 20 years.

12 “(e) DEFINITIONS.—In this section:

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

19 “(2) LAWFUL AUTHORITY.—The term ‘lawful
20 authority’—

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

24 “(B) does not include—

1 “(i) any authority described in sub-
2 paragraph (A) that was secured by fraud
3 or otherwise unlawfully obtained; or

4 “(ii) any authority that was sought,
5 but not approved.”.

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

“1598. Organized human smuggling.”.

10 (c) STRATEGY TO COMBAT HUMAN SMUGGLING.—

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

17 (2) IMPLEMENTATION.—Not later than 1 year
18 after the date of the enactment of this Act, the Sec-
19 retary of Homeland Security shall implement a
20 strategy to deter, detect, and interdict human smug-
21 gling across the international land and maritime
22 borders of the United States.

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

1 (A) efforts to increase coordination be-
2 tween the border and maritime security compo-
3 nents of the Department of Homeland Security;

4 (B) an identification of intelligence gaps
5 impeding the ability to deter, detect, and inter-
6 dict human smuggling across the international
7 land and maritime borders of the United
8 States;

9 (C) efforts to increase information sharing
10 with State and local governments and other
11 Federal agencies;

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

19 (E) the identification of the high traffic
20 areas of human smuggling along the inter-
21 national land and maritime borders of the
22 United States.

23 (4) REPORT.—

24 (A) IN GENERAL.—Not later than 6
25 months after the date of the enactment of this

1 Act, the Secretary of Homeland Security shall
2 submit a report that describes the strategy to
3 be implemented under paragraph (2), including
4 the components listed in paragraph (3), to—

5 (i) the Committee on Homeland Secu-
6 rity and Governmental Affairs of the Sen-
7 ate; and

8 (ii) the Committee on Homeland Se-
9 curity of the House of Representatives.

10 (B) FORM.—The Secretary may submit
11 the report required under subparagraph (A) in
12 classified form if the Secretary determines that
13 such form is appropriate.

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

21 (A) the Committee on Homeland Security
22 and Governmental Affairs of the Senate; and

23 (B) the Committee on Homeland Security
24 of the House of Representatives.

1 **SEC. 6. EQUITABLE TREATMENT OF UNACCOMPANIED**
2 **ALIEN CHILDREN.**

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

6 (1) by striking the paragraph heading and in-
7 serting “RULES FOR UNACCOMPANIED ALIEN CHIL-
8 DREN”;

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

12 (3) in subparagraph (C)—

13 (A) by striking the subparagraph heading
14 and inserting “AGREEMENTS WITH FOREIGN
15 COUNTRIES”; and

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

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

1 **SEC. 7. EXPEDITED REMOVAL AUTHORITY FOR UNACCOM-**
2 **PANIED ALIEN CHILDREN.**

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

6 (1) by striking the subparagraph heading and
7 inserting “EXPEDITED REMOVAL FOR UNACCOM-
8 PANIED ALIEN CHILDREN”;

9 (2) in the matter preceding clause (i)—

10 (A) by inserting “described in paragraph
11 (2)(A) who is” after “Any unaccompanied alien
12 child”; and

13 (B) by striking “, except for an unaccom-
14 panied alien child from a contiguous country
15 subject to exceptions under subsection (a)(2),”;
16 and

17 (3) by striking clause (i) and inserting the fol-
18 lowing:

19 “(i) placed in a proceeding in accord-
20 ance with section 235 of the Immigration
21 and Nationality Act (8 U.S.C. 1225).”.

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

23 Section 235(c) of the William Wilberforce Trafficking
24 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
25 1232(c)(2)) is amended—

26 (1) in paragraph (2)—

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

18 (B) by redesignating subparagraph (B) as
19 subparagraph (D); and

20 (C) by inserting after subparagraph (A)
21 the following:

22 “(B) EXCEPTIONS.—

23 “(i) IN GENERAL.—If the Secretary of
24 Health and Human Services determines
25 that an unaccompanied alien child is a vic-

1 tim of a severe form of trafficking in per-
2 sons, a special needs child with a disability
3 (as defined in section 3 of the Americans
4 with Disabilities Act of 1990 (42 U.S.C.
5 12102)), a child who has been a victim of
6 physical or sexual abuse under cir-
7 cumstances that indicate that the child’s
8 health or welfare has been significantly
9 harmed or threatened, or a child with men-
10 tal health needs that require ongoing as-
11 sistance from a social welfare agency, the
12 child may be placed with a biological par-
13 ent if—

14 “(I) the parent can prove that he
15 or she is lawfully residing in the
16 United States;

17 “(II) the parent has submitted to
18 a mandatory biometric criminal his-
19 tory check; and

20 “(III) the Secretary completes a
21 safety and suitability study of the par-
22 ent’s household.

23 “(ii) MONITORING.—If an unaccom-
24 panied alien child described in clause (i) is
25 between 15 and 18 years of age and the

1 Secretary of Health and Human Services
2 determines that such child is not a danger
3 to self, a danger to the community, or a
4 risk of flight, the child shall—

5 “(I) enroll in the alternative to
6 detention program of U.S. Immigra-
7 tion and Customs Enforcement; and

8 “(II) continuously wear an elec-
9 tronic ankle monitor while his or her
10 immigration case is pending.

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

19 “(iv) FAILURE TO APPEAR.—

20 “(I) CIVIL PENALTY.—If an un-
21 accompanied alien child is placed with
22 a parent and fails to appear in a man-
23 datory court appearance, the parent
24 shall be subject to a civil penalty of

1 \$250 per day, up to a maximum of
2 \$5,000.

3 “(II) BURDEN OF PROOF.—The
4 parent is not subject to the penalty
5 imposed under subclause (I) if the
6 parent—

7 “(aa) proves to the immigra-
8 tion court that the failure to ap-
9 pear by the unaccompanied alien
10 child was not the fault of the
11 parent; and

12 “(bb) supplies the immigra-
13 tion court with documentary evi-
14 dence that supports such asser-
15 tion.

16 “(v) UNACCOMPANIED REFUGEE MI-
17 NORS PROGRAM.—An unaccompanied alien
18 child described in clause (i) who is a victim
19 of a severe form of trafficking in persons
20 may be placed in the Unaccompanied Ref-
21 ugee Minors Program authorized under
22 section 412(d) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1522(d)) if a par-
24 ent is not available to provide care for the

1 child in accordance with this subpara-
2 graph.

3 “(C) INFORMATION SHARING.—In
4 verifying the legal presence of parents under
5 subparagraph (B)(i)(I), the Secretary of Health
6 and Human Services shall provide information
7 on those determined to be unlawfully present in
8 the United States to the Secretary of Homeland
9 Security.”; and
10 (2) in paragraph (3)(B), by striking “indi-
11 vidual” and inserting “parent”.

12 **SEC. 9. TRAINING.**

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

19 **SEC. 10. EMERGENCY IMMIGRATION PERSONNEL; NA-**
20 **TIONAL JUVENILE DOCKET.**

21 (a) GOAL.—It shall be the goal of the Attorney Gen-
22 eral, the Secretary of Homeland Security, and the Direc-
23 tor of the Executive Office of Immigration Review to use
24 the amounts appropriated pursuant to subsection (f) to
25 bring a resolution to immigration cases, from the issuance

1 of a notice to appear through the exhaustion of appeals,
2 within 30 days.

3 (b) EMERGENCY IMMIGRATION JUDGES.—

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

13 (2) REQUIREMENT.—The Attorney General
14 shall ensure that sufficient immigration judge re-
15 sources are dedicated to the purpose described in
16 paragraph (1).

17 (c) IMMIGRATION LITIGATION ATTORNEYS.—The
18 Secretary of Homeland Security shall hire 150 new immi-
19 gration litigation attorneys in the Field Legal Operations
20 of U.S. Immigration and Customs Enforcement with par-
21 ticular focus on the Office of Chief Counsel attorneys in
22 the areas of need.

23 (d) ASYLUM OFFICERS.—The Secretary of Homeland
24 Security shall hire 100 new asylum officers to be placed
25 in the Refugee, Asylum, and International Operations Di-

1 rectorate of the U.S. Citizenship and Immigration Serv-
2 ices.

3 (e) JUVENILE DOCKET.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the Director of the Executive Office for
6 Immigration Review shall establish a separate juve-
7 nile docket in every immigration court in the United
8 States to facilitate the processing of immigration
9 cases involving unaccompanied alien children.

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

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated \$100,000,000 to carry out
20 this section.

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

22 (a) REPORTS.—

23 (1) INITIAL REPORT.—Not later than 60 days
24 after the date of the enactment of this Act, the Sec-
25 retary of Health and Human Services shall submit

1 a report to each State in which unaccompanied chil-
2 dren were discharged to parents or placed in a facil-
3 ity while remaining in the legal custody of the Sec-
4 retary of Health and Human Services that provides
5 the number of children placed in the State since Oct.
6 1, 2013, broken down by location and age.

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

11 (A) were discharged to their parents; or

12 (B) were placed in a facility while remain-
13 ing in the legal custody of the Department of
14 Health and Human Services.

15 (3) CONTENTS.—The reports required under
16 paragraph (2) shall identify the number of children
17 placed in the State during the reporting period, bro-
18 ken down by—

19 (A) location; and

20 (B) age.

21 (b) MONITORING REQUIREMENT.—The Secretary of
22 Health and Human Services shall—

23 (1) require all parents to agree—

24 (A) to notify and receive approval from the
25 Department of Health and Human Services

1 prior to an unaccompanied alien child placed in
2 their custody changing addresses from that in
3 which he or she was originally placed; and

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

6 (2) provide regular and frequent monitoring of
7 the physical and emotional well-being of unaccom-
8 panied alien children who have been discharged to a
9 parent or remain in the legal custody of the Sec-
10 retary of Health and Human Services until their re-
11 spective immigration cases are resolved; and

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

16 (c) NOTIFICATION TO STATES.—The Secretary of
17 Health and Human Services shall notify each State in
18 which potential facilities are being reviewed to house unac-
19 companied alien children who will remain in the custody
20 of the Secretary of Health and Human Services.

21 (d) FAILURE TO APPEAR.—The Director of the Exec-
22 utive Office for Immigration Review shall—

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

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