

119TH CONGRESS
2D SESSION

S. _____

To preserve the democratic republic of the United States from the overreach
of authoritarian tactics.

IN THE SENATE OF THE UNITED STATES

Mr. MERKLEY introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To preserve the democratic republic of the United States
from the overreach of authoritarian tactics.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “For Our Republic Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec.

1. Short title; table of contents.

TITLE I—DEFEND THE REFEREES

101. Inspectors General Independence Act.

2

TITLE II—PROTECT THE INDEPENDENT, NONPARTISAN CIVIL
SERVICE

- 201. Reduction in Force Review Act.
- 202. Agency reorganization.

TITLE III—CELEBRATE ONE NATION, INDIVISIBLE

- 301. ICE Out of Our Faces Act.
- 302. Accountability for unlawful immigration enforcement actions.
- 303. Prohibition on racial profiling.

TITLE IV—REAFFIRM EQUAL JUSTICE UNDER LAW

Subtitle A—Children’s Safe Welcome Act of 2026

- 401. Short title.
- 402. Definitions.
- 403. Rule of construction.

PART I—PROCEDURES AND TEMPORARY PLACEMENTS FOLLOWING
APPREHENSION

- 411. Prohibition on family separation.
- 412. Protections for noncitizen children.
- 413. Nonadversarial asylum processing for noncitizen children.
- 414. Standards for U.S. Customs and Border Protection detention of noncitizen children.
- 415. Standards for U.S. Customs and Border Protection facilities housing non-citizen children.
- 416. Modification of term “asylum officer” to exclude officers of U.S. Customs and Border Protection.

PART II—STANDARDS FOR DEPARTMENT OF HEALTH AND HUMAN
SERVICES CUSTODY OF UNACCOMPANIED NONCITIZEN CHILDRENSUBPART A—STANDARDS FOR FOSTER CARE HOMES AND CHILDCARE
FACILITIES

- 420. Operation of foster care homes and childcare facilities.
- 421. Notice of rights.
- 422. Staffing and training.

SUBPART B—SERVICES FOR UNACCOMPANIED NONCITIZEN CHILDREN

- 423. Required services.
- 424. Evaluation for disability.
- 425. Education.
- 426. Recreation.

SUBPART C—PLACEMENT OF CHILDREN

- 427. Phasing out large congregate care facilities.
- 428. Least restrictive setting.
- 429. Foster family care.
- 430. Additional requirements relating to children with disabilities and children with mental health needs.
- 431. Minimizing transfers.
- 432. Restrictive placements.

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433. Judicial review of placement.

SUBPART D—FAMILY REUNIFICATION AND STANDARDS RELATING TO
SPONSORS

434. Family reunification efforts by Office of Refugee Resettlement.

435. Standards relating to sponsors.

436. Special considerations relating to release of children with disabilities.

SUBPART E—RELEASE

437. Procedures for release.

438. Post-release services.

439. Individuals attaining 18 years of age.

440. Custody review by Ombudsperson.

PART III—EMERGENCIES AND INFLUXES

441. Sense of Congress.

442. Definitions.

443. Placement.

444. Planning for emergencies and influxes.

445. Influx facility standards and staffing.

446. Monitoring and oversight.

PART IV—LEGAL REPRESENTATION FOR UNACCOMPANIED NONCITIZEN
CHILDREN

451. Legal orientation presentations and legal screenings.

452. Legal representation.

PART V—APPOINTMENT OF CHILD ADVOCATES AND IMPROVEMENTS TO
IMMIGRATION COURTS

461. Appointment of child advocates.

462. Immigration court improvements.

PART VI—OVERSIGHT, MONITORING, AND ENFORCEMENT

471. Office of the Ombudsperson for Unaccompanied Noncitizen Children in Immigration Custody.

472. Data collection and reporting.

473. Enforcement.

474. Protection from retaliation.

475. Mandatory access to detention facilities for Members of Congress.

PART VII—NONDISCRIMINATION

476. Fair and equal treatment.

477. Responsibilities of care providers.

PART VIII—INFORMATION SHARING AND DATA PROTECTION

481. Separation of records.

482. Prohibition on use for denial of relief or in removal proceedings.

483. Disclosure.

484. Prohibition on information sharing.

485. Counseling records.

486. Data protection for sponsors.

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Subtitle B—Real Courts, Rule of Law Act of 2026

- 491. Short title.
- 492. Establishment and structure of the United States Immigration Courts.
- 493. Employees.
- 494. Budget and expenditures.
- 495. Annual report.
- 496. Application date; transitional provisions.
- 497. Institutional transfer; continuity of proceedings.
- 498. Review by the Judicial Conference; consultation requirements.
- 499. Technical and conforming provisions.

TITLE V—STRENGTHEN FREE SPEECH

- 501. Broadcast Freedom and Independence Act of 2025.

TITLE VI—REASSERT CONGRESS’S POWER OF THE PURSE

- 601. Prohibition on rescissions.
- 602. East Wing Modernization Project.

TITLE VII—FIGHT GOVERNMENT CORRUPTION

- 701. Bribery, graft, and conflicts of interest.
- 702. Ethics and conduct for the President and Vice President.
- 703. Bringing Executive Accountability, Clarity, and Oversight Now (BEACON) Act.
- 704. Transparency in the Administration’s Business Opportunities Act (TABOO Act).
- 705. End Prediction Market Corruption Act.
- 706. End Crypto Corruption Act.
- 707. Stop Corrupt Gratuities Act.
- 708. Change Corruption Act.
- 709. Stop Trading on Predictions and Corrupt Bets Act.
- 710. Prohibit Partisan Park Passes Act.
- 711. Prohibition on use of funds by GSA.

TITLE VIII—ENSURE LIBERTY AND JUSTICE FOR ALL

- 801. Disclosure of directives and inquiries from the Executive Office of the President to the Department of Justice.
- 802. Prohibition on payments from judgment fund without congressional approval.

TITLE IX—PREVENT AUTHORITARIAN POLICING TACTICS ON AMERICA’S STREETS

- 901. Preventing Authoritarian Policing Tactics on America’s Streets Act.
- 902. Insurrection Act of 2026.

TITLE X—SAFEGUARD FREE AND FAIR ELECTIONS

Subtitle A—Fraudulent Artificial Intelligence Regulations (FAIR) Elections Act

- 1011. Short title.
- 1012. Prohibition on false AI-generated election media.

- 1013. Prohibition on removal of names from voting rolls using unverified voter challenge databases.
- 1014. Private right of action against Federal government for use of Federal data in determining eligibility to vote.
- 1015. GAO study and report.
- 1016. Severability.

Subtitle B—Election Interference and Law Enforcement at Polls

- 1021. Election interference and law enforcement at polls.

1 **TITLE I—DEFEND THE** 2 **REFEREES**

3 **SEC. 101. INSPECTORS GENERAL INDEPENDENCE ACT.**

4 Section 403(a) of title 5, United States Code, is
5 amended by inserting after the first sentence the fol-
6 lowing: “The President may not nominate an individual
7 to serve as an Inspector General if the individual is serving
8 as a political appointee, as defined in section 9803, as of
9 the date of the nomination or if the individual has pre-
10 viously served as a political appointee under such Presi-
11 dent. The position of Inspector General shall not be con-
12 sidered a political appointee for purposes of this sub-
13 section.”.

14 **TITLE II—PROTECT THE INDE-** 15 **PENDENT, NONPARTISAN** 16 **CIVIL SERVICE**

17 **SEC. 201. REDUCTION IN FORCE REVIEW ACT.**

18 Chapter 8 of title 5, United States Code, is amend-
19 ed—

20 (1) in section 801(a)(1)(A)—

1 (A) in clause (ii), by striking “and” at the
2 end;

3 (B) in clause (iii), by striking the period at
4 the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(iv) if the rule relates to a reduction in force
7 at the Federal agency that is authorized under sub-
8 chapter I of chapter 35, a detailed justification for
9 the reduction in force, which shall include—

10 “(I) the specific reasons for the reduction
11 in force;

12 “(II) the anticipated impact of the reduc-
13 tion in force on the employees and operations of
14 the Federal agency;

15 “(III) any alternatives to the reduction in
16 force that the Federal agency considered, in-
17 cluding the reasons that the Federal agency re-
18 jected those alternatives;

19 “(IV) a summary of the consultations that
20 the Federal agency has held with—

21 “(aa) employees of the Federal agency
22 who will be affected by the reduction in
23 force; and

24 “(bb) representatives of the employees
25 described in item (aa); and

1 “(V) a summary of how the reduction in
2 force will impact employees of the Federal
3 agency who are veterans.”; and

4 (2) by amending section 804(3) to read as fol-
5 lows:

6 “(3) The term ‘rule’—

7 “(A) has the meaning given the term in
8 section 551; and

9 “(B) includes—

10 “(i) a rule or order relating to a re-
11 duction in force at a Federal agency that
12 is authorized under subchapter I of chap-
13 ter 35; and

14 “(ii) any significant action by a Fed-
15 eral agency that substantially affects the
16 rights or obligations of non-Federal agency
17 parties, such as a workforce restructuring,
18 office closure, or other action by a Federal
19 agency that has a material impact on the
20 employees or operations of the Federal
21 agency.”.

22 **SEC. 202. AGENCY REORGANIZATION.**

23 (a) AGENCY DEFINED.—In this section, the term
24 “agency”—

1 (1) means each authority of the Government of
2 the United States, whether or not it is within or
3 subject to review by another agency; and

4 (2) does not include—

5 (A) the Congress;

6 (B) the courts of the United States;

7 (C) the governments of the territories or
8 possessions of the United States; or

9 (D) the government of the District of Co-
10 lumbia.

11 (b) PROHIBITION.—An agency may only be dissolved,
12 restructured, merged with another agency, or altered, in-
13 cluding alterations with respect to the purpose or mission
14 of the agency, with the express consent of Congress.

15 **TITLE III—CELEBRATE ONE**
16 **NATION, INDIVISIBLE**

17 **SEC. 301. ICE OUT OF OUR FACES ACT.**

18 (a) DEFINITIONS.—In this section:

19 (1) BIOMETRIC SURVEILLANCE SYSTEM.—The
20 term “biometric surveillance system” means com-
21 puter software that performs facial recognition or
22 other biometric recognition in real time or on a re-
23 cording or photograph.

1 (2) COVERED IMMIGRATION OFFICER.—The
2 term “covered immigration officer” means any indi-
3 vidual who is—

4 (A) authorized to perform immigration en-
5 forcement functions; and

6 (B)(i) an officer, employee, agent, con-
7 tractor, or subcontractor of U.S. Customs and
8 Border Protection;

9 (ii) an officer, employee, agent, contractor,
10 or subcontractor of U.S. Immigration and Cus-
11 toms Enforcement; or

12 (iii) an individual authorized, deputized, or
13 designated to perform immigration enforcement
14 functions pursuant to section 287(g) of the Im-
15 migration and Nationality Act (8 U.S.C.
16 1357(g)).

17 (3) FACIAL RECOGNITION.—The term “facial
18 recognition” means an automated or semi-automated
19 process that—

20 (A) assists in identifying an individual,
21 capturing information about an individual,
22 matching an individual to a list or otherwise
23 generating or assisting in generating surveil-
24 lance or identification information about an in-

1 dividual based on the physical characteristics of
2 the individual's face; or

3 (B) logs characteristics of an individual's
4 face, head, or body to infer emotion, associa-
5 tions, activities, or the location of an individual.

6 (4) OTHER BIOMETRIC RECOGNITION.—The
7 term “other biometric recognition”—

8 (A) means an automated or semi-auto-
9 mated process that—

10 (i) assists in identifying an individual,
11 capturing information about an individual,
12 or otherwise generating or assisting in gen-
13 erating surveillance information about an
14 individual based on the characteristics of
15 the individual's gait or other immutable
16 characteristic ascertained from a distance;

17 (ii) uses voice recognition technology;
18 or

19 (iii) logs characteristics referred to in
20 clause (i) or (ii) to infer emotion, associa-
21 tions, activities, or the location of an indi-
22 vidual; and

23 (B) does not include identification based
24 on fingerprints or palm prints not ascertained
25 from a distance.

1 (5) VOICE RECOGNITION TECHNOLOGY.—The
2 term “voice recognition technology” means an auto-
3 mated or semi-automated process that assists in
4 identifying or verifying an individual based on the
5 characteristics of an individual’s voice.

6 (b) PROHIBITION ON THE USE OF BIOMETRIC SUR-
7 VEILLANCE BY U.S. IMMIGRATION AND CUSTOMS EN-
8 FORCEMENT OR U.S. CUSTOMS AND BORDER PROTEC-
9 TION.—

10 (1) IN GENERAL.—It shall be unlawful for any
11 covered immigration officer to acquire, possess, ac-
12 cess, or use in the United States—

13 (A) any biometric surveillance system; or

14 (B) information derived from a biometric
15 surveillance system operated by another entity.

16 (2) BIOMETRIC DATA DELETION.—All informa-
17 tion collected by a covered immigration officer for
18 use in, or derived from, a biometric surveillance sys-
19 tem, including information collected before the date
20 of the enactment of this Act, shall be deleted not
21 later than 30 days after the date of the enactment
22 of this Act.

23 (3) JUDICIAL INVESTIGATIONS AND PRO-
24 CEEDINGS.—

1 (A) ADMISSIBILITY.—Except in a judicial
2 investigation or proceeding alleging a violation
3 of this section, information obtained in violation
4 of this section is not admissible by the Federal
5 Government in any criminal, civil, administra-
6 tive, or other investigation or proceeding.

7 (B) CAUSE OF ACTION.—

8 (i) IN GENERAL.—A violation of this
9 section constitutes an injury to any indi-
10 vidual aggrieved by such violation.

11 (ii) RIGHT TO SUE.—An individual
12 aggrieved by a violation of this section may
13 institute proceedings against the Federal
14 Government whose covered immigration of-
15 ficer is alleged to have violated this section
16 for the relief described in clause (iv) in any
17 court of competent jurisdiction.

18 (iii) ENFORCEMENT BY STATE ATTOR-
19 NEYS GENERAL.—The chief law enforce-
20 ment officer of a State, or any other State
21 officer authorized by law to bring actions
22 on behalf of the residents of a State, may
23 bring a civil action, as *parens patriae*, on
24 behalf of the residents of such State in an
25 appropriate district court of the United

1 States to enforce this section, whenever the
2 chief law enforcement officer or other
3 State officer determines the interests of
4 the residents of such State have been or
5 are being threatened or adversely affected
6 by a violation of this section.

7 (iv) RELIEF.—In a civil action au-
8 thorized under clause (ii) in which the
9 plaintiff prevails, the court may award—

10 (I) actual damages;

11 (II) punitive damages;

12 (III) reasonable attorneys' fees
13 and costs; and

14 (IV) any other relief, including
15 injunctive relief, that the court deter-
16 mines to be appropriate.

17 (4) CIVIL PENALTIES.—Any covered immigra-
18 tion officer who violates this section may be subject
19 to retraining, suspension, termination, or any other
20 penalty, as determined in an appropriate tribunal,
21 and subject to applicable due process requirements.

22 (5) RULE OF CONSTRUCTION.—Nothing in this
23 section may be construed to preempt or supersede
24 any Federal, State, or local law absent actual con-

1 flict with the limitations on covered immigration of-
2 ficers imposed by this section

3 **SEC. 302. ACCOUNTABILITY FOR UNLAWFUL IMMIGRATION**
4 **ENFORCEMENT ACTIONS.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “ICE and CBP Constitutional Accountability Act”.

7 (b) FINDINGS.—Congress finds the following:

8 (1) The First, Fourth, Fifth, and Fourteenth
9 Amendments to the Constitution of the United
10 States were passed by Congress and ratified by the
11 State legislatures to ensure the protection of funda-
12 mental rights for the people of the United States.

13 (2) U.S. Immigration and Customs Enforce-
14 ment and U.S. Customs and Border Protection offi-
15 cers and agents have undermined the fundamental
16 rights guaranteed by those amendments, including—

17 (A) violating due process;

18 (B) racial profiling based on individuals’
19 skin color and languages spoken;

20 (C) conducting unreasonable and
21 warrantless searches and seizures; and

22 (D) violating individuals’ rights to privacy
23 and free speech.

24 (3) The recent and ongoing reckless conduct by
25 U.S. Immigration and Customs Enforcement and

1 U.S. Customs and Border Protection has resulted in
2 needless injuries, deaths, and public distrust of the
3 Federal Government.

4 (4) Civil suits provide individuals a remedy
5 when their fundamental rights are violated by Gov-
6 ernment officials.

7 (c) CIVIL REMEDY FOR VICTIMS OF UNLAWFUL IM-
8 MIGRATION ENFORCEMENT ACTIONS.—Section 2674 of
9 title 28, United States Code, is amended by inserting after
10 “punitive damages.” the following:

11 “If, while acting under color of law, an officer or
12 agent of U.S. Customs and Border Protection or U.S. Im-
13 migration and Customs Enforcement, or any other person
14 acting under the direction of any such officer or agent,
15 subjects, or causes to be subjected, any individual within
16 the jurisdiction of the United States to the deprivation of
17 any rights, privileges, or immunities secured by the United
18 States Constitution or laws, the United States Govern-
19 ment shall be liable to the aggrieved party in an action
20 at law, a suit in equity, or any other proper proceeding
21 for redress, regardless of whether a policy or custom of
22 the Department of Homeland Security caused the viola-
23 tion and without regard to whether the officer, agent or
24 other person was acting consistent with an official policy,
25 practice, or custom. Monetary damages awarded in cases

1 authorized under this paragraph shall be derived from
2 amounts appropriated under title IX and sections 100051
3 and 100052 of Public Law 119–21 and, if such amounts
4 have been depleted, from amounts appropriated pursuant
5 to section 1304 of title 31. The requirement set forth in
6 section 2675(a) shall not apply to a civil action authorized
7 under this paragraph. Notwithstanding any other provi-
8 sion of law, in cases authorized under this paragraph, a
9 plaintiff may seek punitive damages. This paragraph shall
10 constitute a waiver of sovereign immunity of the United
11 States with respect to U.S. Customs and Border Protec-
12 tion and U.S. Immigration and Customs Enforcement for
13 any claim brought under this section. Nothing in this
14 paragraph may be construed to limit or preclude any legal,
15 equitable, or other remedy that is otherwise available
16 against an individual officer, agent, or other person.”.

17 **SEC. 303. PROHIBITION ON RACIAL PROFILING.**

18 (a) DEFINITIONS.—In this section:

19 (1) LAW ENFORCEMENT AGENCY.—The term
20 “law enforcement agency” means any Federal,
21 State, local, or Tribal public agency engaged in the
22 prevention, detection, or investigation of violations of
23 criminal, immigration, or customs laws.

24 (2) LAW ENFORCEMENT AGENT.—The term
25 “law enforcement agent” means any Federal, State,

1 local, or Tribal official responsible for enforcing
2 criminal, immigration, or customs laws, including
3 police officers and other agents of a law enforcement
4 agency.

5 (3) RACIAL PROFILING.—The term “racial
6 profiling” means the practice of a law enforcement
7 agent or agency relying, to any degree, on actual or
8 perceived race, ethnicity, national origin, religion,
9 gender, gender identity, or sexual orientation in se-
10 lecting which individual to subject to routine or
11 spontaneous investigatory activities or in deciding
12 upon the scope and substance of law enforcement ac-
13 tivity following the initial investigatory procedure,
14 except when there is trustworthy information, rel-
15 evant to the locality and timeframe, that links a per-
16 son with a particular characteristic described in this
17 paragraph to an identified criminal incident or
18 scheme.

19 (4) ROUTINE OR SPONTANEOUS INVESTIGATORY
20 ACTIVITIES.—The term “routine or spontaneous in-
21 vestigatory activities” means the following activities
22 by a law enforcement agent:

23 (A) Interviews.

24 (B) Traffic stops.

25 (C) Pedestrian stops.

1 (D) Frisks and other types of body
2 searches.

3 (E) Consensual or nonconsensual searches
4 of the persons, property, or possessions (includ-
5 ing vehicles) of individuals using any form of
6 public or private transportation, including mo-
7 torists and pedestrians.

8 (F) Data collection and analysis, assess-
9 ments, and predicated investigations.

10 (G) Inspections and interviews of entrants
11 into the United States that are more extensive
12 than those customarily carried out.

13 (H) Immigration-related workplace inves-
14 tigations.

15 (b) PROHIBITION.—No law enforcement agent or law
16 enforcement agency shall engage in racial profiling.

17 (c) ENFORCEMENT.—The United States, or an indi-
18 vidual injured by racial profiling, may enforce this title
19 in a civil action for declaratory or injunctive relief, filed
20 either in a State court of general jurisdiction or in a dis-
21 trict court of the United States.

**TITLE IV—REAFFIRM EQUAL
JUSTICE UNDER LAW
Subtitle A—Children’s Safe
Welcome Act of 2026**

SEC. 401. SHORT TITLE.

This subtitle may be cited as the “Children’s Safe
Welcome Act of 2026”.

SEC. 402. DEFINITIONS.

In this subtitle:

(1) BEST INTERESTS OF THE CHILD.—With re-
spect to an accompanied noncitizen child or unac-
companied noncitizen child, the term “best interests
of the child” means a consideration, informed to the
extent practicable by the child and the parents or
guardian and extended family of the child, that
takes into account—

(A) the safety and well-being of the child;

(B) the expressed interests of the child,
taking into account the child’s age and stage of
development;

(C) the physical and mental health of the
child;

(D) the right of the child to—

(i) family integrity;

(ii) liberty; and

1 (iii) development; and

2 (E) the identity of the child, including reli-
3 gious, ethnic, linguistic, gender, sexual orienta-
4 tion, and cultural identity.

5 (2) CHILDCARE FACILITY.—The term
6 “childcare facility” means a facility operated by the
7 Department of Health and Human Services, or a
8 contractor or grantee of the Department of Health
9 and Human Services, that—

10 (A) is a State-licensed program; and

11 (B) provides residential care for unaccom-
12 panied noncitizen children.

13 (3) DIRECTOR.—The term “Director” means
14 the Director of the Office of Refugee Resettlement.

15 (4) FLORES SETTLEMENT AGREEMENT.—The
16 term “Flores settlement agreement” means the stip-
17 ulated settlement agreement in *Reno v. Flores*, as
18 filed in the United States District Court for the
19 Central District of California on January 17, 1997
20 (CV-85-4544-RJK), including all subsequent court
21 decisions, orders, agreements, and stipulations.

22 (5) IMMIGRATION CUSTODY.—The term “immi-
23 gration custody” means the physical custody of the
24 Secretary of Health and Human Services or the Sec-
25 retary of Homeland Security (or the head of any

1 successor agency of the Department of Health and
2 Human Services or the Department of Homeland
3 Security).

4 (6) INFLUX.—The term “influx” means a pe-
5 riod—

6 (A) beginning on the date on which, for
7 not less than 7 consecutive days, the net avail-
8 able bed capacity of State-licensed programs
9 that is occupied or held for placement by unac-
10 companied noncitizen children is 85 percent or
11 more; and

12 (B) ending on the date on which, for not
13 less than 7 consecutive days, such bed capacity
14 occupied or held for placement by unaccom-
15 panied noncitizen children is less than 85 per-
16 cent.

17 (7) INFLUX FACILITY.—The term “influx facil-
18 ity” means any facility established to provide tem-
19 porary emergency shelter and services for unaccom-
20 panied noncitizen children during an influx or emer-
21 gency.

22 (8) NONCITIZEN.—The term “noncitizen”
23 means an individual who is not a citizen or national
24 of the United States.

1 (9) NONCITIZEN CHILD.—The term “noncitizen
2 child” means a noncitizen under the age of 18 years.

3 (10) NONPARENT FAMILY MEMBER.—With re-
4 spect to an unaccompanied noncitizen child appre-
5 hended with a nonparent family member, the term
6 “nonparent family member” means an individual
7 who is—

8 (A) 18 years of age or older; and

9 (B) a relative of such child, including a
10 grandparent, aunt, uncle, first cousin, sibling,
11 and fictive kin.

12 (11) OMBUDSPERSON.—The term
13 “Ombudsperson” means the Ombudsperson of the
14 Office of the Ombudsperson for Unaccompanied
15 Noncitizen Children established under section 471.

16 (12) OUT-OF-NETWORK FACILITY.—The term
17 “out-of-network facility” means any public or private
18 facility, including a mental health facility, or any
19 other location that—

20 (A) is used to provide residential care for
21 unaccompanied noncitizen children; and

22 (B) is not an Office of Refugee Resettle-
23 ment facility.

24 (13) PROSPECTIVE SPONSOR.—The term “pro-
25 spective sponsor” means an individual or entity who

1 applies for custody of an unaccompanied noncitizen
2 child.

3 (14) SECRETARY.—The term “Secretary”
4 means the Secretary of Health and Human Services.

5 (15) SECURE FACILITY.—The term “secure fa-
6 cility” means any public or private facility that is
7 opened by a program, agency, or organization that
8 is licensed by an appropriate State agency to provide
9 residential care for children who have been adjudicated
10 delinquent.

11 (16) SPECIAL NEEDS NONCITIZEN CHILD.—The
12 term “special needs noncitizen child”—

13 (A)(i) means a noncitizen under the age of
14 18 years, the mental or physical condition of
15 whom requires special services or medical equip-
16 ment and special treatment by the staff of a
17 childcare facility; and

18 (ii) includes such an individual who—

19 (I) has special needs due to drug or
20 alcohol abuse, serious emotional disturb-
21 ance, mental illness, developmental or cog-
22 nitive delay, or a physical condition or
23 chronic illness that requires special services
24 or treatment;

1 (II) is an individual with a disability
2 (as defined in section 3 of the Americans
3 with Disabilities Act of 1990 (42 U.S.C.
4 12102)); or

5 (III) requires special services or treat-
6 ment as a result of neglect or abuse; and

7 (B) in the case of a child who is 12 years
8 of age or older, means such a child who con-
9 sents to such designation, services, and treat-
10 ment.

11 (17) SPONSOR.—The term “sponsor” means an
12 individual or entity who has been approved by the
13 Director to assume care of an unaccompanied non-
14 citizen child on release from the custody of the Sec-
15 retary.

16 (18) STAFF-SECURE FACILITY.—The term
17 “staff-secure facility”—

18 (A) means any public or private facility
19 that is licensed by an appropriate State agency
20 to provide residential care for children who have
21 been determined to require close or intensive
22 care in accordance with section 432(c)(3); and

23 (B) does not include a facility that pro-
24 vides residential care to children who have been
25 adjudicated delinquent.

1 (19) STATE-LICENSED PROGRAM.—The term
2 “State-licensed program” means any public or pri-
3 vate program, agency, or organization licensed by an
4 appropriate State agency to provide residential,
5 group, or foster care services for unaccompanied
6 noncitizen children (including a program operating
7 group homes, foster homes, or facilities for special
8 needs noncitizen children) that complies with appli-
9 cable—

10 (A) State child welfare laws, regulations,
11 and policies;

12 (B) State and local building, fire, health,
13 and safety laws and regulations;

14 (C) Federal, State, and local human rights
15 and privacy laws, as applicable; and

16 (D) State staffing and training require-
17 ments.

18 (20) TENDER AGE MINOR.—The term “tender
19 age minor” means an individual who is 12 years of
20 age or younger or has the developmental age of such
21 an individual.

22 (21) UNACCOMPANIED NONCITIZEN CHILD.—
23 The term “unaccompanied noncitizen child” has the
24 meaning given the term “unaccompanied alien child”

1 in section 462(g) of the Homeland Security Act of
2 2002 (6 U.S.C. 279(g)).

3 **SEC. 403. RULE OF CONSTRUCTION.**

4 Nothing in this subtitle may be construed—

5 (1) to limit the rights of a noncitizen child—

6 (A) to preserve 1 or more issues for judi-
7 cial review in the appeal of an individual case;
8 or

9 (B) to exercise any independent right the
10 noncitizen child may otherwise have;

11 (2) to affect the application of the Flores settle-
12 ment agreement to all children in immigration cus-
13 tody;

14 (3) to abrogate, modify, or replace the Flores
15 settlement agreement; or

16 (4) to preclude or limit Flores settlement agree-
17 ment class counsel from conducting independent in-
18 vestigations or seeking enforcement actions relating
19 to violations of the Flores settlement agreement in
20 any appropriate district court of the United States.

21 **PART I—PROCEDURES AND TEMPORARY**

22 **PLACEMENTS FOLLOWING APPREHENSION**

23 **SEC. 411. PROHIBITION ON FAMILY SEPARATION.**

24 (a) IN GENERAL.—A noncitizen child shall remain
25 physically together with their parent, legal guardian, or

1 nonparent family member at all times while in the custody
2 of the Secretary of Homeland Security or the Secretary
3 of Health and Human Services, unless—

4 (1) the noncitizen child requests privacy tempo-
5 rarily;

6 (2) during the screening process, a determina-
7 tion is made based on clear and convincing evidence
8 that the parent or legal guardian of the noncitizen
9 child, or the nonparent family member of the child
10 who has been determined by a child welfare expert
11 to be suitable to provide care and physical custody
12 of the child in the United States, presents an immi-
13 nent threat to United States national security or is
14 inadmissible under subparagraphs (C)(i), (E), (G),
15 or (I) of section 212(a)(2) of the Immigration and
16 Nationality Act (8 U.S.C. 1182(a)(2)); or

17 (3) the child welfare expert documents, based
18 on clear and convincing evidence, that the continued
19 care of the noncitizen child by the parent, legal
20 guardian, or nonparent family member is likely to
21 result in serious emotional or physical damage to the
22 child.

23 (b) ROLE OF DHS.—An employee or contractor of
24 the Department of Homeland Security may not play any

1 role in the documentation or determination described in
2 subsection (a).

3 (c) TERMINATION OF SEPARATION.—In the case of
4 a separation under paragraph (2) or (3) of subsection (a),
5 as soon as practicable after the potential damage to the
6 child is sufficiently mitigated or remedied—

7 (1) in the case of a child in the custody of the
8 Secretary of Health and Human Services, the Sec-
9 retary of Health and Human Services shall reunify
10 the child with the individual from whom they were
11 separated; and

12 (2) in the case of a child in the custody of the
13 Secretary of Homeland Security, the Secretary of
14 Homeland Security shall release the individual in ac-
15 cordance with subsection (a)(5) of section 235 of the
16 William Wilberforce Trafficking Victims Protection
17 Reauthorization Act of 2008 (8 U.S.C. 1232), as
18 amended by section 412.

19 (d) CHALLENGE TO SEPARATION.—In the case of a
20 separation under paragraph (2) or (3) of subsection (a),
21 the Secretary of Homeland Security shall—

22 (1) notify the parents, legal guardians, and chil-
23 dren concerned of their—

24 (A) right to challenge such separation
25 under titles VI and VII; and

1 (B) private right of action to seek review
2 before a district court of the United States; and
3 (2) provide a copy of any determination, evi-
4 dence, arrest warrants, or other documentation sup-
5 porting such separation to such individuals and their
6 attorneys.

7 (e) TREATMENT OF UNACCOMPANIED CHILDREN
8 TRAVELING WITH CERTAIN CAREGIVERS.—Unaccom-
9 panied children traveling with a nonparent family member
10 shall be treated by the Secretary of Health and Human
11 Services in accordance with paragraph (3)(C) of section
12 235(b) of the William Wilberforce Trafficking Victims
13 Protection Reauthorization Act of 2008 (8 U.S.C.
14 1232(b)), as amended by section 412.

15 (f) STAFFING.—

16 (1) CHILD WELFARE EXPERTS.—The Secretary
17 of Health and Human Services shall hire child wel-
18 fare experts to carry out the screening process de-
19 scribed in subsection (a).

20 (2) QUALIFICATIONS.—Each child welfare ex-
21 pert hired under this subsection shall—

22 (A) be professionally trained and licensed
23 in social work;

1 (B) have direct experience providing trauma-informed care to children who have experienced trauma; and

4 (C) be proficient in Spanish or 1 of the top
5 5 most common languages spoken by noncitizen
6 children in the past 5 years.

7 **SEC. 412. PROTECTIONS FOR NONCITIZEN CHILDREN.**

8 Section 235 of the William Wilberforce Trafficking
9 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
10 1232) is amended—

11 (1) by striking “unaccompanied alien child”
12 each place it appears and inserting “unaccompanied
13 noncitizen child”;

14 (2) by striking “unaccompanied alien child’s”
15 each place it appears and inserting “unaccompanied
16 noncitizen child’s”;

17 (3) by striking “unaccompanied alien children”
18 each place it appears and inserting “unaccompanied
19 noncitizen children”;

20 (4) by striking “unaccompanied alien children’s”
21 each place it appears and inserting “unaccompanied
22 noncitizen children’s”;

23 (5) in subsection (a)—

24 (A) by striking paragraphs (2) and (4);

31

1 (B) by redesignating paragraphs (3) and
2 (5) as paragraphs (2) and (3), respectively;

3 (C) in paragraph (2), as redesignated, in
4 the paragraph heading, by striking “OTHER”
5 and inserting “UNACCOMPANIED NONCITIZEN”;

6 (D) in paragraph (3), as redesignated—

7 (i) in subparagraph (C), in the sub-
8 paragraph heading, by striking “UNACCOM-
9 PANIED ALIEN CHILDREN” and inserting
10 “UNACCOMPANIED NONCITIZEN CHIL-
11 DREN”; and

12 (ii) in subparagraph (D), in the mat-
13 ter preceding clause (i), by striking “, ex-
14 cept for an unaccompanied alien child from
15 a contiguous country subject to exceptions
16 under subsection (a)(2),”; and

17 (E) by inserting after paragraph (3), as re-
18 designated, the following:

19 “(4) CHILD CAREGIVER PROFESSIONALS AT
20 THE BORDER.—

21 “(A) IN GENERAL.—The Secretary of
22 Homeland Security shall ensure that a licensed
23 child caregiver professional is physically present
24 to provide onsite expertise at each—

1 “(i) land port of entry at which non-
2 citizen children are most likely to enter;

3 “(ii) Border Patrol station on the
4 southern border; and

5 “(iii) U.S. Customs and Border Pro-
6 tection processing facility and reception
7 center, regardless of whether such facility
8 or center is temporary in nature.

9 “(B) QUALIFICATIONS.—

10 “(i) IN GENERAL.—Such a child care-
11 giver professional—

12 “(I) shall—

13 “(aa) be professionally
14 trained and licensed to provide
15 services to children;

16 “(bb) have direct experience
17 providing trauma-informed care
18 to children who have experienced
19 trauma; and

20 “(cc) subject to clause (ii),
21 be proficient in Spanish or 1 of
22 the top 5 most common lan-
23 guages spoken by noncitizen chil-
24 dren in the past 5 years; and

1 “(II) may be a licensed childcare
2 worker, licensed pediatric health pro-
3 fessional, or licensed child welfare
4 professional.

5 “(ii) PHASE-IN OF LANGUAGE PRO-
6 FICIENCY.—During the 3-year period be-
7 ginning on the date of the enactment of
8 the Children’s Safe Welcome Act of 2026,
9 25 percent of the child caregiver profes-
10 sionals hired by the Secretary of Homeland
11 Security to carry out the duties under this
12 section shall be exempt from clause
13 (i)(III).

14 “(C) OVERSIGHT OF CARE.—Such a child
15 caregiver professional shall oversee the care of
16 noncitizen children in U.S. Customs and Border
17 Protection facilities, consistent with the stand-
18 ards established under sections 414 and 415 of
19 the Children’s Safe Welcome Act of 2026, in-
20 cluding by—

21 “(i) issuing and ensuring access to
22 adequate food, hydration, hygiene neces-
23 sities, clothing, and other supplies as need-
24 ed;

1 “(ii) supporting general care to in-
2 fants and children, including monitoring,
3 changing diapers, assisting with toilet use
4 and handwashing, feeding any child who is
5 not able to feed himself or herself, and
6 identifying and tending to other similar
7 basic needs of children as such needs arise;

8 “(iii) providing supervision and sup-
9 port to children during recreational and ex-
10 ercise activities;

11 “(iv) maintaining a safe working envi-
12 ronment and observing and encouraging
13 adherence to safety rules and health guide-
14 lines; and

15 “(v) referring any suspected or re-
16 ported medical or mental health issues to
17 onsite Border Patrol or U.S. Customs and
18 Border Protection personnel and medical
19 personnel.

20 “(D) AVAILABILITY.—Caregiver services
21 provided under this paragraph shall be—

22 “(i) available 24 hours per day, 7
23 days per week, including on weekends and
24 Federal holidays; and

1 “(ii) provided by a mixed-gender staff,
2 including not fewer than 1 male and 1 fe-
3 male staff member at all times.

4 “(5) RELEASE OF CHILDREN APPREHENDED
5 WITH PARENTS, ADOPTIVE PARENTS, OR LEGAL
6 GUARDIANS.—In the case of a child apprehended
7 with a parent, adoptive parent, or legal guardian,
8 the Secretary of Homeland Security shall—

9 “(A) subject to paragraph (2) or (3) of
10 section 411(a) of the Children’s Safe Welcome
11 Act of 2026, release the child together with the
12 parent, adoptive parent, or legal guardian, as
13 applicable; and

14 “(B) ensure that the child is provided with
15 support from a qualified nongovernmental com-
16 munity-based organization with experience pro-
17 viding services to immigrant, refugee, and asy-
18 lum-seeking populations.

19 “(6) RELEASE OF CHILDREN APPREHENDED
20 WITH NONPARENT FAMILY MEMBERS.—In the case
21 of a child apprehended with a nonparent family
22 member determined under subsection (b)(3)(C)(iii)
23 to be an appropriate sponsor for the child, the Sec-
24 retary of Health and Human Services shall—

1 “(A) subject to paragraph (2) or (3) of
2 section 411(a) of the Children’s Safe Welcome
3 Act of 2026, release the child together with the
4 nonparent family member; and

5 “(B) ensure that the child is provided with
6 support from a qualified nongovernmental com-
7 munity-based organization with experience pro-
8 viding services to immigrant, refugee, and asy-
9 lum-seeking populations.

10 “(7) PROHIBITION ON OPERATION OF FAMILY
11 DETENTION FACILITIES.—The Federal Government
12 may not operate, under any circumstance, a family
13 detention facility.”;

14 (6) in subsection (b)—

15 (A) in paragraph (1), in the paragraph
16 heading, by striking “UNACCOMPANIED ALIEN
17 CHILDREN” and inserting “UNACCOMPANIED
18 NONCITIZEN CHILDREN”;

19 (B) in paragraph (3)—

20 (i) in the paragraph heading, by strik-
21 ing “UNACCOMPANIED ALIEN CHILDREN”
22 and inserting “UNACCOMPANIED NONCIT-
23 IZEN CHILDREN”;

1 (ii) by striking “Except in the case of
2 exceptional circumstances,” and inserting
3 the following:

4 “(A) IN GENERAL.—Except in the case of
5 exceptional circumstances, subject to subpara-
6 graph (B),”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(B) LIMITATION ON U.S. CUSTOMS AND
10 BORDER PROTECTION CUSTODY.—Under no cir-
11 cumstance may the Commissioner hold an unac-
12 companied or accompanied noncitizen child in
13 custody for more than 72 hours.

14 “(C) RECEPTION CENTERS.—

15 “(i) DESIGNATION.—The Commis-
16 sioner shall designate 1 or more reception
17 centers located within 100 miles of each
18 port of entry and each Border Patrol Sta-
19 tion on the southern border for the pur-
20 pose of conducting expedited evaluations
21 described in clause (iii).

22 “(ii) TRANSFER.—In the case of an
23 unaccompanied noncitizen child appre-
24 hended with a nonparent family member,
25 the Commissioner shall immediately trans-

1 fer the child and his or her 1 or more non-
2 parent family members, as applicable, to a
3 reception center designated under clause
4 (i) for the purpose of an evaluation under
5 clause (iii).

6 “(iii) EXPEDITED EVALUATIONS.—

7 “(I) IN GENERAL.—On the ar-
8 rival of an unaccompanied noncitizen
9 child apprehended with a nonparent
10 family member at a designated recep-
11 tion center, a case manager or case
12 coordinator of the Department of
13 Health and Human Services shall
14 evaluate the child to determine wheth-
15 er he or she may be released safely
16 from U.S. Customs and Border Pro-
17 tection custody to the nonparent fam-
18 ily member with whom the child was
19 apprehended.

20 “(II) PRIVATE SPACE.—The
21 Commissioner shall make available in
22 each designated reception center a
23 private space in which such a case
24 manager or case coordinator may
25 carry out such evaluations.

39

1 “(iv) STAFFING.—

2 “(I) CASE MANAGERS AND CASE
3 COORDINATORS.—

4 “(aa) IN GENERAL.—Case
5 managers and case coordinators
6 of the Department of Health and
7 Human Services shall be detailed
8 to designated reception centers
9 for brief periods to ensure the
10 independence of Department of
11 Health and Human Services staff
12 from the duties and functions of
13 U.S. Customs and Border Pro-
14 tection.

15 “(bb) DUTIES.—A case
16 manager or case coordinator de-
17 tailed to a designated reception
18 center shall assist the Federal
19 field specialist at the reception
20 center in verifying family rela-
21 tionships and screening each un-
22 accompanied noncitizen child ap-
23 prehended with a nonparent fam-
24 ily member for safety concerns
25 using existing or newly developed

1 Department of Health and
2 Human Services tools and skills,
3 including document review, obser-
4 vation, and interviews of the
5 child and family members.

6 “(II) FEDERAL FIELD SPECIAL-
7 ISTS.—

8 “(aa) IN GENERAL.—Fed-
9 eral field specialists of the De-
10 partment of Health and Human
11 Services shall prioritize for review
12 the release decisions for any child
13 arriving at the border of the
14 United States with a relative who
15 is not a parent of the child,
16 whom the Director of the Office
17 of Refugee Resettlement would
18 consider as a potential sponsor
19 for the child.

20 “(bb) DUTIES.—Such a
21 Federal field specialist shall work
22 with case managers and case co-
23 ordinators to review the rec-
24 ommendation of case managers
25 or case coordinators with respect

1 to the qualification of such rel-
2 atives as sponsors for such chil-
3 dren.

4 “(III) LEGAL SERVICES PRO-
5 VIDERS.—The Secretary of Health
6 and Human Services shall enter into
7 1 or more contracts with nongovern-
8 mental legal services providers to pro-
9 vide legal orientation presentations to
10 accompanied noncitizen children and
11 unaccompanied noncitizen children ap-
12 prehended with nonparent family
13 members and their parents or legal
14 guardians or nonparent family mem-
15 bers, as applicable, under consider-
16 ation for expedited release under this
17 subparagraph.

18 “(v) RELEASE DECISION.—The Sec-
19 retary of Health and Human Services shall
20 make a determination with respect to expe-
21 dited release under this subparagraph not
22 later than 72 hours after the child has
23 been determined to be an unaccompanied
24 noncitizen child.

1 “(vi) RELEASE OF NONPARENT FAM-
2 ILY MEMBER.—

3 “(I) IN GENERAL.—If the Sec-
4 retary of Health and Human Services
5 determines that the nonparent family
6 member of an unaccompanied noncit-
7 izen child apprehended with a non-
8 parent family member is a safe spon-
9 sor, and the applicable Federal field
10 specialist and case manager or case
11 coordinator have verified the family
12 relationship, the Commissioner shall
13 approve the release of the nonparent
14 family member for the purpose of re-
15 unification with the child.

16 “(II) RETENTION OF UNACCOM-
17 PANIED NONCITIZEN CHILD DETER-
18 MINATION.—An unaccompanied non-
19 citizen child released to a nonparent
20 family member who is released under
21 subclause (I) shall retain his or her
22 determination as an unaccompanied
23 noncitizen child.

24 “(III) POST-RELEASE COUNSEL
25 AND SERVICES.—The Secretary of

1 Health and Human Services shall pro-
2 vide to each child released to a non-
3 parent family member who is released
4 under subclause (I) post-release coun-
5 sel and services, such as legal counsel,
6 in the location in which the child's re-
7 moval proceedings are scheduled.

8 “(vii) TRANSFER TO OFFICE OF REF-
9 UGEE RESETTLEMENT CUSTODY.—

10 “(I) IN GENERAL.—If the Sec-
11 retary of Health and Human Services
12 cannot make a determination with re-
13 spect to whether a nonparent family
14 member is an imminent substantial
15 and credible threat to a child within
16 72 hours after the Commissioner has
17 made the unaccompanied noncitizen
18 child determination, or if an unaccom-
19 panied noncitizen child apprehended
20 with a nonparent family member is
21 denied expedited release under this
22 subparagraph—

23 “(aa) such child shall be
24 placed in the least restrictive set-
25 ting;

1 “(bb) notice shall be pro-
2 vided to the nonparent family
3 member and the parents or legal
4 guardians of the child, to the ex-
5 tent such individuals may be
6 ascertained and contacted, with
7 respect to—

8 “(AA) the reason for
9 the inability to timely make
10 such determination or for
11 the denial; and

12 “(BB) the location of
13 the child’s transfer and any
14 subsequent transfer; and

15 “(cc) the family relationship
16 shall be documented.

17 “(II) APPOINTMENT OF CHILD
18 ADVOCATE.—In the case of a child de-
19 nied expedited release under this sub-
20 paragraph, the Secretary of Health
21 and Human Services shall appoint a
22 child advocate for the child.

23 “(viii) PROHIBITION.—The adjudica-
24 tion of asylum applications shall not be

1 carried out in a reception center des-
2 ignated under this subparagraph.

3 “(D) TRANSPORTATION.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), the Commissioner may
6 not transport any unaccompanied noncit-
7 izen child in a vehicle with a detained adult
8 who is not related to the child.

9 “(ii) EXCEPTION.—

10 “(I) IN GENERAL.—The Commis-
11 sioner may transport an unaccom-
12 panied noncitizen child in a vehicle
13 with such an adult only from the
14 place of arrest or apprehension to a
15 U.S. Customs and Border Protection
16 facility.

17 “(II) PRECAUTIONS.—In trans-
18 porting an unaccompanied noncitizen
19 child under subclause (I), the Com-
20 missioner shall take necessary pre-
21 cautions for the protection and well-
22 being of the unaccompanied noncitizen
23 child.”; and

24 (C) by adding at the end the following:

1 “(5) SUBSTANTIVE AND PROCEDURAL PROTEC-
2 TIONS.—

3 “(A) IN GENERAL.—On a determination
4 that a child is an unaccompanied noncitizen
5 child, the unaccompanied noncitizen child shall
6 be afforded, for the duration of the unaccom-
7 panied noncitizen child’s removal proceedings,
8 all substantive and procedural protections pro-
9 vided under this section and any other applica-
10 ble Federal law.

11 “(B) UNACCOMPANIED NONCITIZEN CHILD
12 DETERMINATION.—No Federal agency, officer,
13 or personnel may—

14 “(i) reevaluate or revoke a determina-
15 tion that a child is an unaccompanied non-
16 citizen child, unless an age assessment con-
17 ducted by the Secretary of Health and
18 Human Services consistent with section
19 415(h) of the Children’s Safe Welcome Act
20 of 2026 indicates that the individual is 18
21 years of age or older; or

22 “(ii) deny or impede access to any
23 protection provided for unaccompanied
24 noncitizen children under Federal law, in-
25 cluding on the basis of—

47

1 “(I) the reunification of an unac-
2 companied noncitizen child with a
3 parent or legal guardian;

4 “(II) the release of an unaccom-
5 panied noncitizen child to a nonparent
6 family member in accordance with
7 subsection (b)(3)(C)(vi); or

8 “(III) an unaccompanied noncit-
9 izen child having attained 18 years of
10 age.”;

11 (7) in subsection (d)(8), in the paragraph head-
12 ing, by striking “UNACCOMPANIED ALIEN CHIL-
13 DREN” and inserting “UNACCOMPANIED NONCITIZEN
14 CHILDREN”;

15 (8) by striking subsection (g);

16 (9) by redesignating subsections (h) and (i) as
17 subsections (g) and (h), respectively; and

18 (10) by adding at the end the following:

19 “(i) ACCESS TO LEGAL SERVICES.—Each child in im-
20 migration custody, including accompanied noncitizen chil-
21 dren, shall—

22 “(1) receive a legal orientation presentation;
23 and

24 “(2) have access to legal counsel and child ad-
25 vocates.

1 “(j) TREATMENT OF ADULT FAMILY MEMBERS AP-
2 PREHENDED WITH CHILDREN.—

3 “(1) IN GENERAL.—A parent or legal guardian
4 or a nonparent family member who is apprehended
5 with a child shall be placed in removal proceedings
6 under section 240 of the Immigration and Nation-
7 ality Act (8 U.S.C. 1229a).

8 “(2) REQUIREMENT.—Such a parent or legal
9 guardian or nonparent family member and the child
10 concerned shall be provided an opportunity—

11 “(A) to consult, independently and jointly,
12 legal counsel; and

13 “(B) to request such measures as may be
14 necessary to ensure—

15 “(i) full and fair consideration of their
16 cases for relief from removal; and

17 “(ii) the best interests of the child.

18 “(k) REMOVAL PROCEEDINGS FOR ACCOMPANIED
19 NONCITIZEN CHILDREN.—With respect to an accom-
20 panied noncitizen child, the child and their parent or legal
21 guardian may only be placed in removal proceedings under
22 section 240 of the Immigration and Nationality Act (8
23 U.S.C. 1229a).

24 “(l) DEFINITIONS.—In this section:

1 “(1) ACCOMPANIED NONCITIZEN CHILD.—The
2 term ‘accompanied noncitizen child’ means a noncit-
3 izen under 18 years of age who—

4 “(A) has no lawful immigration status in
5 the United States; and

6 “(B) is apprehended while traveling with a
7 parent, adoptive parent, or legal guardian.

8 “(2) COMMISSIONER.—The term ‘Commis-
9 sioner’ means the Commissioner of U.S. Customs
10 and Border Protection.

11 “(3) DANGER OF ABUSE OR NEGLECT AT THE
12 HANDS OF THE PARENT, LEGAL GUARDIAN, OR NON-
13 PARENT FAMILY MEMBER.—The term ‘danger of
14 abuse or neglect at the hands of the parent, legal
15 guardian, or nonparent family member’ shall not
16 mean migrating to or crossing the United States
17 border.

18 “(4) NONPARENT FAMILY MEMBER.—With re-
19 spect to an unaccompanied noncitizen child appre-
20 hended with a nonparent family member, the term
21 ‘nonparent family member’ means an individual who
22 is—

23 “(A) 18 years of age or older; and

1 “(B) a relative of such child, including a
2 grandparent, aunt, uncle, first cousin, sibling,
3 and fictive kin.

4 “(5) UNACCOMPANIED NONCITIZEN CHILD.—
5 The term ‘unaccompanied noncitizen child’ has the
6 meaning given the term ‘unaccompanied alien child’
7 in section 462(g) of the Homeland Security Act of
8 2002 (6 U.S.C. 279(g)).

9 “(6) UNACCOMPANIED NONCITIZEN CHILD AP-
10 PREHENDED WITH A NONPARENT FAMILY MEM-
11 BER.—The term ‘unaccompanied noncitizen child
12 apprehended with a nonparent family member’
13 means an unaccompanied noncitizen child who is ap-
14 prehended while traveling with a nonparent family
15 member.”.

16 **SEC. 413. NONADVERSARIAL ASYLUM PROCESSING FOR**
17 **NONCITIZEN CHILDREN.**

18 Section 208(b)(3)(C) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1158(b)(3)(C)) is amended to read as
20 follows:

21 “(C) NONADVERSARIAL ASYLUM PROC-
22 ESSING FOR CHILDREN.—The Director of U.S.
23 Citizenship and Immigration Services shall have
24 jurisdiction over the asylum application of an
25 individual who—

1 “(i) has been classified as an unac-
2 companied noncitizen child (as defined in
3 section 235 of the William Wilberforce
4 Trafficking Victims Protection Reauthor-
5 ization Act of 2008 (8 U.S.C. 1232)), re-
6 gardless of the age or marital status of the
7 individual on the date on which he or she
8 files an asylum application;

9 “(ii) was a child apprehended with a
10 parent, adoptive parent, or legal guardian,
11 regardless of the age or marital status of
12 the individual on the date on which he or
13 she files an asylum application; or

14 “(iii) is the parent or legal guardian
15 of an individual described in clause (ii).”.

16 **SEC. 414. STANDARDS FOR U.S. CUSTOMS AND BORDER**
17 **PROTECTION DETENTION OF NONCITIZEN**
18 **CHILDREN.**

19 (a) INITIAL PROCESSING OF NONCITIZEN CHILDREN
20 AND FAMILIES WITH NONCITIZEN CHILDREN.—

21 (1) IN GENERAL.—The Commissioner of U.S.
22 Customs and Border Protection (referred to in this
23 part as the “Commissioner”) may only detain a non-
24 citizen child for the purpose of initial processing.

1 (2) TIME LIMITATION.—Under no circumstance
2 may the Commissioner detain a family with a non-
3 citizen child for more than 72 hours.

4 (b) PRIORITIZATION OF BEST INTERESTS OF THE
5 CHILD AND FAMILY UNITY.—In all decisions undertaken
6 by the Commissioner with respect to the detention of a
7 noncitizen child, the Commissioner shall prioritize—

8 (1) the best interests of the noncitizen child;
9 and

10 (2) in the case of a noncitizen child appre-
11 hended with a parent, legal guardian, or nonparent
12 family member, family unity.

13 **SEC. 415. STANDARDS FOR U.S. CUSTOMS AND BORDER**
14 **PROTECTION FACILITIES HOUSING NONCIT-**
15 **IZEN CHILDREN.**

16 (a) IN GENERAL.—A noncitizen child may not be
17 housed in a U.S. Customs and Border Protection facility
18 that is not in compliance with this subtitle or the amend-
19 ments made by this subtitle.

20 (b) HUMANITARIAN ACCESS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary
23 of Homeland Security and the Secretary of Health
24 and Human Services shall jointly develop operating
25 procedures to provide employees of the Department

1 of Health and Human Services immediate access to
2 any U.S. Customs and Border Protection facility so
3 as to facilitate the humane treatment of individuals
4 and families encountered at the border.

5 (2) ELEMENTS.—The procedures developed
6 under paragraph (1) shall, at a minimum, provide
7 that—

8 (A) for each U.S. Customs and Border
9 Protection facility in which an individual may
10 be detained in U.S. Customs and Border Pro-
11 tection custody longer than 72 hours, the De-
12 partment of Health and Human Services shall
13 have access to a separate designated space in
14 the facility so that Department of Health and
15 Human Services employees may conduct med-
16 ical and mental health screenings, ensure op-
17 portunities for general hygiene, provide ade-
18 quate food and hydration, offer nursing and
19 diapering supplies, and provide appropriate
20 space for children; and

21 (B) employees of the Department of
22 Health and Human Services at such a facility
23 shall immediately begin efforts—

24 (i) to reunify unaccompanied children
25 with sponsors in the United States; and

1 (ii) verify family relationships to en-
2 sure that unaccompanied children who ar-
3 rive with a nonparent family member may
4 remain in the care of such nonparent fam-
5 ily member.

6 (c) NATIONAL STANDARDS ON TRANSPORT, ESCORT,
7 DETENTION, AND SEARCH.—

8 (1) REVIEW.—Not later than 180 days after
9 the date of the enactment of this Act, the Commis-
10 sioner, in consultation with stakeholder organiza-
11 tions that serve immigrant and refugee children and
12 families, shall conduct a review of the U.S. Customs
13 and Border Protection standards entitled “National
14 Standards on Transport, Escort, Detention, and
15 Search” issued in October 2015, to identify nec-
16 essary improvements with respect to the treatment
17 and care of noncitizen children in U.S. Customs and
18 Border Protection custody.

19 (2) REVISION.—Not later than 90 days after
20 the date on which the review required by paragraph
21 (1) is completed, the Commissioner shall revise such
22 standards to incorporate the improvements identified
23 by the review.

24 (3) COMPLIANCE.—Not later than 180 days
25 after the revision under paragraph (2), each U.S.

1 Customs and Border Protection facility that houses
2 1 or more noncitizen children shall attain compliance
3 with the revised standards.

4 (d) FACILITY REQUIREMENTS.—

5 (1) IN GENERAL.—The Commissioner shall en-
6 sure that each U.S. Customs and Border Protection
7 facility that houses 1 or more noncitizen children is
8 safe and sanitary and promotes an appropriate and
9 healthy environment for children.

10 (2) CHILDREN’S AREA.—

11 (A) IN GENERAL.—The Commissioner
12 shall ensure that each U.S. Customs and Bor-
13 der Protection facility that houses 1 or more
14 noncitizen children includes—

15 (i) a dedicated physical environment
16 that is appropriate for children of all ages
17 and stages of development (referred to in
18 this paragraph as a “children’s area”); and

19 (ii) an outdoor recreation area.

20 (B) ELEMENTS.—Each children’s area
21 shall be colorful and include—

22 (i) low, warm lights;

23 (ii) child-sized furniture and equip-
24 ment, including developmentally appro-

- 1 appropriate books and toys that facilitate struc-
2 tured and unstructured play;
3 (iii) child-friendly images and dis-
4 plays;
5 (iv) a children's bathroom;
6 (v) a diaper-changing area and access
7 to sanitation;
8 (vi) nursing chairs for breastfeeding
9 mothers; and
10 (vii) an area in which children may sit
11 and rest comfortably.

12 (C) CHILD CAREGIVER PROFESSIONAL
13 STAFFING.—Each children's area shall be
14 staffed by 1 or more individuals who are profes-
15 sionally trained and licensed to provide services
16 to children, including licensed childcare work-
17 ers, licensed pediatric health professionals, and
18 licensed child welfare professionals.

19 (3) MEDICAL SCREENING AND CARE.—

20 (A) IN GENERAL.—The Commissioner
21 shall ensure that—

- 22 (i) except as provided in subparagraph
23 (F)(i), not later than 6 hours after the ar-
24 rival of a noncitizen child at a U.S. Cus-
25 toms and Border Protection facility, the

1 child receives a medical screening con-
2 ducted by a licensed physician, advanced
3 practice provider, nurse, or physician's as-
4 sistant in accordance with this paragraph;

5 (ii) a noncitizen child in the custody
6 of the Commissioner shall have unre-
7 stricted access to appropriate medication
8 for the management of an illness or injury
9 of the child;

10 (iii) in the case of such a child with
11 a medical assistive device or other health
12 care support item, the noncitizen child, or
13 the parent, legal guardian, or nonparent
14 family member of the child, is permitted
15 unrestricted access to the device or item;

16 (iv) on release from such custody, a
17 noncitizen child, or the parent, legal guard-
18 ian, or nonparent family member of the
19 child, is provided with documentation of
20 the child's medical screening and care, in-
21 cluding the need for any followup while in
22 such custody, in accordance with subpara-
23 graph (B)(viii); and

24 (v) medication in possession of a non-
25 citizen child, or in the possession of the

1 child's parent, legal guardian, or non-
2 parent family member, on arrival shall not
3 be destroyed or discarded before the review
4 and determination under subparagraph
5 (B)(vi) occur.

6 (B) DUTIES OF MEDICAL PROFES-
7 SIONAL.—With respect to a medical screening
8 required by subparagraph (A) and the care of
9 a noncitizen child at a U.S. Customs and Bor-
10 der Protection facility, a licensed physician, ad-
11 vanced practice provider, nurse, or physician's
12 assistant attending the child at the facility
13 shall—

14 (i) assess and identify any illness, con-
15 dition, or physical ailment;

16 (ii)(I) identify any acute condition or
17 elevated medical risk; and

18 (II) in the case of a child for which
19 such a condition or risk is identified, con-
20 sult with a licensed pediatrician or pedi-
21 atric subspecialist;

22 (iii) ensure that appropriate health
23 care is provided to the child as necessary,
24 including pediatric and reproductive health
25 care;

1 (iv) in the case of a child under 12
2 years of age, conduct a physical examina-
3 tion of the child in the presence of a par-
4 ent, legal guardian, or family member;

5 (v) in the case of a child who is 12
6 years of age or older—

7 (I) provide the child with the
8 choice of—

9 (aa) a physical examination
10 in the presence of a parent, legal
11 guardian, or nonparent family
12 member; or

13 (bb) a private physical ex-
14 amination without the presence
15 of a parent, legal guardian, or
16 nonparent family member; and

17 (II) conduct such examination in
18 accordance with the child's preference;

19 (vi) review any medication that is in
20 the possession of the child on arrival to de-
21 termine whether the medication shall be
22 kept by the child or the child's parent,
23 legal guardian, or nonparent family mem-
24 ber, as applicable;

1 (vii) in the case of a medication de-
2 scribed in clause (vi) that may not be kept
3 by the child or the child's parent, legal
4 guardian, or nonparent family member for
5 medical storage purposes, such as a medi-
6 cation that requires refrigeration, ensure
7 storage with appropriate access for the
8 child's use while in U.S. Customs and Bor-
9 der Protection custody;

10 (viii) ensure that the medical screen-
11 ing and care under this paragraph, and
12 any other medical evaluation of or inter-
13 vention for the child conducted while the
14 child is in the custody of the Commis-
15 sioner, is documented in accordance with
16 commonly accepted standards in the
17 United States for medical records docu-
18 mentation; and

19 (ix) ensure that a copy of all medical
20 records and documentation of any medical
21 screening and any other medical evaluation
22 of, or intervention for, the child conducted
23 while the child is in the custody of the
24 Commissioner is—

1 (I) provided to the child and the
2 child's parent, legal guardian, or non-
3 parent family member before the child
4 is released from such custody; or

5 (II) in the case of a child who is
6 transferred to the custody of the Di-
7 rector, sent to the Office of Refugee
8 Resettlement immediately upon such
9 transfer.

10 (C) PROCEDURES FOR MEDICAL
11 SCREENINGS.—The Commissioner shall estab-
12 lish procedures for medical screenings and ex-
13 aminations under this paragraph that are con-
14 sistent with—

15 (i) relevant guidelines set forth in the
16 American Medical Association Code of
17 Medical Ethics; and

18 (ii) the recommendations of the Amer-
19 ican Academy of Pediatrics and the Amer-
20 ican College of Obstetricians and Gyne-
21 cologists.

22 (D) LANGUAGE SERVICES.—The Commis-
23 sioner shall ensure—

24 (i) the availability of in-person, lan-
25 guage-appropriate interpretation services,

1 including indigenous languages, for each
2 noncitizen child in the custody of the Com-
3 missioner during any medical screening or
4 examination; and

5 (ii) that noncitizen children in such
6 custody are informed of the availability of
7 such services.

8 (E) LOCATION OF MEDICAL
9 SCREENINGS.—The Commissioner shall ensure
10 that medical screenings, examinations, and any
11 follow-up care under this paragraph are con-
12 ducted in a location that—

13 (i) is private and provides a com-
14 fortable and considerate atmosphere for
15 children;

16 (ii) ensures each noncitizen child's
17 dignity and right to privacy; and

18 (iii) contains all necessary and appro-
19 priate medical equipment and supplies, in-
20 cluding basic over-the-counter medications
21 appropriate for all age groups.

22 (F) ACUTE MEDICAL CONDITIONS.—

23 (i) IN GENERAL.—The Commissioner
24 shall ensure that any noncitizen child ex-
25 hibiting symptoms of an acute medical con-

1 dition, or who is at risk for an acute med-
2 ical condition, receives immediate care
3 from a licensed physician, advanced prac-
4 tice provider, nurse, or physician's assist-
5 ant.

6 (ii) TRANSFER TO LOCAL HEALTH
7 CARE FACILITY.—

8 (I) IN GENERAL.—If appropriate
9 medical care cannot be provided for a
10 noncitizen child described in clause (i)
11 at a U.S. Customs and Border Pro-
12 tection facility, the Commissioner
13 shall expeditiously transfer the child
14 to a local medical facility.

15 (II) ACCOMPANIMENT BY FAM-
16 ILY.—In the case of a noncitizen child
17 transferred under subclause (I), 1 or
18 more parents, legal guardians, or non-
19 parent family members, shall be per-
20 mitted to accompany the child to such
21 medical facility and stay with the
22 child if so accompanying the child
23 does not pose a serious safety risk to
24 the child, as determined by a child
25 welfare expert.

1 (iii) ONGOING AVAILABILITY OF
2 TRANSPORTATION.—The Commissioner
3 shall maintain—

4 (I) appropriate transportation at
5 each U.S. Customs and Border Pro-
6 tection facility that houses 1 or more
7 noncitizen children to ensure the
8 availability of transport to outside
9 medical facilities in the case of a med-
10 ical emergency; or

11 (II) an on-call service to provide
12 such transportation to such a facility
13 within 30 minutes.

14 (G) RULE OF CONSTRUCTION.—Nothing in
15 this paragraph shall be construed to require a
16 noncitizen child, parent, legal guardian, or non-
17 parent family member to disclose the child's
18 medical history.

19 (4) SERVICES AND SUPPLIES.—The Commis-
20 sioner shall ensure that each U.S. Customs and Bor-
21 der Protection facility that houses 1 or more noncit-
22 izen children is in compliance with the following
23 standards at all times:

1 (A) TEMPERATURE.—The temperature in-
2 side the facility shall be maintained between 70
3 and 73 degrees Fahrenheit.

4 (B) VENTILATION.—The facility shall com-
5 ply with the most recent guidance issued by the
6 Centers for Disease Control and Prevention
7 with respect to ventilation in buildings to miti-
8 gate the spread of COVID–19.

9 (C) FOOD AND WATER.—

10 (i) IN GENERAL.—Food shall be pro-
11 vided—

12 (I) in a manner that follows Fed-
13 eral food safety laws and regulations;
14 and

15 (II) according to the guidelines of
16 the American Association of Pediat-
17 rics and the American College of Ob-
18 stetricians and Gynecologists with re-
19 spect to nutrition, consistency, cal-
20 ories, and portion size, consistent with
21 the age of each child.

22 (ii) MEALS AND SNACKS.—

23 (I) ARRIVAL.—On arrival at the
24 facility, a child shall be provided with

66

1 a healthy, nutritious, and culturally
2 appropriate meal.

3 (II) MEALS.—Meals shall—

4 (aa) be served daily to all
5 noncitizen children for breakfast,
6 lunch, and dinner, of which not
7 fewer than 2 meals daily shall be
8 served hot; and

9 (bb) include a variety of
10 fresh fruit, vegetables, a protein,
11 and grains.

12 (III) SNACKS.—Noncitizen chil-
13 dren shall have unrestricted access to
14 healthy snacks.

15 (IV) LIMITATION ON
16 UNHEALTHFUL FOODS.—The avail-
17 ability of highly processed foods and
18 sugars shall be limited.

19 (iii) WATER.—Each noncitizen child
20 shall—

21 (I) be provided with not less than
22 1 gallon of drinking water or age-ap-
23 propriate fluids daily; and

24 (II) have unrestricted access to
25 drinking water.

1 (iv) ACCOMMODATION.—A noncitizen
2 child's individual dietary needs or restric-
3 tions shall be accommodated.

4 (v) SPECIAL CONSIDERATIONS FOR IN-
5 FANTS AND YOUNG CHILDREN.—

6 (I) BOTTLE FEEDING.—

7 (aa) IN GENERAL.—On ar-
8 rival at a facility, the parent,
9 legal guardian, or nonparent
10 family member of a noncitizen
11 child using a bottle for feeding
12 shall be offered 2 clean baby bot-
13 tles, a bottle brush, dish soap,
14 and enough bottled water and
15 baby formula for not less than 96
16 ounces of formula milk.

17 (bb) ADDITIONAL SUP-
18 PLIES.—Additional baby formula
19 and bottled water, and access to
20 a bottle warmer, shall be pro-
21 vided on request of the parent,
22 legal guardian, or nonparent
23 family member.

24 (II) BREASTFEEDING.—In the
25 case of any noncitizen child who is

1 breastfeeding at the time of arrival at
2 the facility—

3 (aa) continued breastfeeding
4 shall be supported; and

5 (bb) the breastfeeding moth-
6 er of each such noncitizen child
7 shall be provided with privacy,
8 blankets, a quiet area for
9 breastfeeding, a nursing chair,
10 and adequate amounts of food
11 and water consistent with the di-
12 etary needs of a breastfeeding
13 mother.

14 (D) HYGIENE.—

15 (i) CLOTHES AND SHOES.—Each non-
16 citizen child shall be provided with a set of
17 clean clothes, and on request, a pair of
18 shoes in good condition and warm clothing.

19 (ii) SHOWERS.—

20 (I) IN GENERAL.—Each noncit-
21 izen child shall be provided access to
22 a hot shower with a barrier for pri-
23 vacy.

1 (II) ACCESS.—A noncitizen child
2 shall be provided access to additional
3 hot showers on request.

4 (III) TEMPERATURE.—Hot water
5 for a shower under this clause shall be
6 set at a temperature consistent with
7 the temperature required under
8 childcare facility standards for
9 childcare facilities licensed in the
10 State in which the facility is located.

11 (iii) MENSTRUATION SUPPLIES.—
12 Each female noncitizen child shall be of-
13 fered immediately a supply of tampons and
14 pads at no cost.

15 (iv) DIAPERING.—

16 (I) IN GENERAL.—The parent,
17 legal guardian, or other family mem-
18 ber of each noncitizen child using dia-
19 pers shall be provided immediately
20 with 3 size-appropriate diapers and a
21 packet of diaper wipes.

22 (II) ADDITIONAL DIAPERS.—Ad-
23 ditional diapers and diaper wipes shall
24 be provided on request at no cost.

1 (III) DIAPER CHANGING AREA.—

2 The parent, legal guardian, or other
3 family member of each such noncit-
4 izen child shall be provided—

5 (aa) access to a safe and
6 sanitary area in which to change
7 the child's diaper;

8 (bb) a clean diaper changing
9 pad; and

10 (cc) a handwashing station.

11 (v) BATHROOMS.—Each noncitizen
12 child shall be provided access to bath-
13 rooms.

14 (E) SLEEP.—

15 (i) MATS, BLANKETS, AND PIL-
16 LOWS.—

17 (I) IN GENERAL.—On arrival,
18 each noncitizen child shall be provided
19 with a clean mat that is not less than
20 3 inches thick, a clean cloth blanket,
21 and a clean pillow.

22 (II) ADDITIONAL BLANKETS.—A
23 noncitizen child shall be provided with
24 additional blankets on request by the

1 child or the parent, legal guardian, or
2 other family member of the child.

3 (ii) QUIET LOCATION.—On request or
4 if there are signs of a noncitizen child feel-
5 ing tired, the child shall be provided with
6 access to a quiet location in which to sleep
7 that has dimmed lights.

8 (iii) SCHEDULE.—Between the hours
9 of 9:00 p.m. and 6:00 a.m.—

10 (I) noncitizen children shall have
11 access to lighting that is safe and con-
12 ducive to sleep; and

13 (II) noise shall be at a level con-
14 ducive to sleep.

15 (F) RECREATION.—

16 (i) IN GENERAL.—Noncitizen children
17 shall have access to age-appropriate rec-
18 reational activities, including indoor and
19 outdoor spaces for physical activity, toys,
20 art supplies, sports equipment, and books.

21 (ii) OUTDOOR PLAY.—Noncitizen chil-
22 dren shall be allowed to play outside for
23 not less than 30 minutes every 3 hours
24 during daylight hours.

1 (G) RELIGIOUS PRACTICE.—Noncitizen
2 children shall be permitted to practice their reli-
3 gion or to not practice a religion, as applicable.

4 (5) NOTICE OF RIGHTS.—

5 (A) IN GENERAL.—The Ombudsperson
6 shall develop a notice of children’s rights, which
7 shall be posted in each U.S. Customs and Bor-
8 der Protection facility that houses children in
9 any location in which noncitizen children are lo-
10 cated.

11 (B) DESCRIPTION OF RIGHTS.—The notice
12 required by subparagraph (A) shall include—

13 (i) a description of—

14 (I) all rights afforded to a noncit-
15 izen child under section 235 of the
16 William Wilberforce Trafficking Vic-
17 tims Protection Reauthorization Act
18 of 2008 (8 U.S.C. 1232) and this sub-
19 title;

20 (II) the right to a bond redeter-
21 mination hearing; and

22 (III) any other existing mecha-
23 nism by which children may seek to
24 enforce their rights, including place-
25 ment review panels; and

1 (ii) a list of pro bono legal services
2 providers and contact information for such
3 providers.

4 (C) FORMAT AND LANGUAGES.—

5 (i) IN GENERAL.—Such notice shall
6 be—

7 (I) written in a manner that is
8 child friendly and age-appropriate;
9 and

10 (II) made available and posted in
11 multiple languages, including the top
12 20 preferred languages.

13 (ii) ADDITIONAL LANGUAGES.—The
14 Ombudsperson may require such notice to
15 be made available and posted in any addi-
16 tional language the Ombudsperson con-
17 siders necessary based on the demo-
18 graphics of arriving noncitizen children.

19 (D) AVAILABILITY.—A child caregiver pro-
20 fessional of the Department of Homeland Secu-
21 rity shall provide each noncitizen child with
22 such notice on the child's arrival at the U.S.
23 Customs and Border Protection facility.

24 (e) SEPARATION FROM UNFAMILIAR ADULTS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), an unaccompanied noncitizen child in the
3 custody of the Commissioner shall be physically sep-
4 arated from any adult who is not related to the
5 child.

6 (2) IMMEDIATE SEPARATION NOT FEASIBLE.—
7 In any circumstance in which such separation is not
8 immediately feasible, such as during transport to a
9 U.S. Customs and Border Protection facility, an un-
10 accompanied noncitizen child shall not be left alone
11 with such an adult or detained with such an adult
12 for more than 6 hours.

13 (f) STAFF TRAINING.—

14 (1) IN GENERAL.—The Commissioner shall en-
15 sure that—

16 (A) the staff of each U.S. Customs and
17 Border Protection facility in which 1 or more
18 noncitizen children are housed receives training
19 on responding to the needs of children and fam-
20 ilies exposed to trauma, including training on—

21 (i) the principles and practices of
22 trauma-informed care and psychological
23 first aid;

24 (ii) vicarious traumatization and sec-
25 ondary stress; and

1 (iii) recognizing the signs of a child in
2 medical distress; and

3 (B) every effort is made to ensure that the
4 safety and well-being of noncitizen children in
5 U.S. Customs and Border Protection custody
6 are satisfactorily provided for by facility staff.

7 (2) RULEMAKING.—

8 (A) IN GENERAL.—The Commissioner
9 shall issue regulations that require Border Pa-
10 trol and Office of Field Operations officials to
11 participate in regular training so as to ensure
12 that such officials treat all individuals in their
13 custody with dignity, prevent abuse, and ensure
14 constitutionally guaranteed and humane condi-
15 tions of confinement.

16 (B) ELEMENTS.—The regulations required
17 by subparagraph (A) shall do the following:

18 (i) Prohibit U.S. Customs and Border
19 Protection officials from—

20 (I) discussing immigration out-
21 comes with detained individuals; and

22 (II) using derogatory language
23 towards individuals in their custody.

24 (ii) Address matters of child develop-
25 ment, mental health and trauma, children

1 with special needs, cultural competency,
2 and any other matter the Commissioner
3 considers appropriate.

4 (iii) Require foreign language com-
5 petency and interview protocols in cases in
6 which interpretation is required.

7 (iv) Require continuing education in
8 any subject necessary to ensure compliance
9 with this subtitle or the amendments made
10 by this subtitle.

11 (g) MONITORING AND OVERSIGHT.—

12 (1) IN GENERAL.—Compliance of U.S. Customs
13 and Border Protection facilities with this subtitle
14 and section 235 of the William Wilberforce Traf-
15 ficking Victims Protection Reauthorization Act of
16 2008 (8 U.S.C. 1232) shall be monitored by the
17 Ombudsperson, in accordance with section 471.

18 (2) POSTING OF OMBUDSPERSON'S CONTACT
19 INFORMATION.—

20 (A) IN GENERAL.—The Commissioner
21 shall post, in each U.S. Customs and Border
22 Protection facility in which 1 or more noncit-
23 izen children are housed, the contact informa-
24 tion for the Ombudsperson in multiple lan-

1 guages, including the top 20 preferred lan-
2 guages.

3 (B) ADDITIONAL LANGUAGES.—The
4 Ombudsperson may require such contact infor-
5 mation to be posted in any additional language
6 the Ombudsperson considers necessary based on
7 the demographics of arriving noncitizen chil-
8 dren.

9 (h) AGE ASSESSMENTS.—

10 (1) IN GENERAL.—Any individual who claims to
11 be under the age of 18 years shall be presumed to
12 be so and shall be treated according to the law and
13 standards applicable to noncitizen children in immi-
14 gration custody, unless following an age assessment,
15 it is established by clear and convincing evidence
16 that the individual is 18 years of age or older.

17 (2) REQUIREMENTS.—

18 (A) IN GENERAL.—An age assessment may
19 only be conducted if the Secretary or Secretary
20 of Homeland Security has recent, credible, and
21 documented evidence that the individual con-
22 cerned is 18 years of age or older.

23 (B) CONSIDERATIONS.—If an age assess-
24 ment is conducted, the Secretary and the Sec-
25 retary of Homeland Security shall take into

1 consideration, to the extent such information is
2 readily available—

3 (i) written or photographic evidence;

4 (ii) statements and representations of
5 the individual concerned and of the family
6 and community members who know such
7 individual; and

8 (iii) the relevant cultural and ethnic
9 context.

10 (C) PROHIBITED METHODS.—The Sec-
11 retary or the Secretary of Homeland Security
12 may not—

13 (i) conduct any medical age assess-
14 ment that consists of imaging studies, such
15 as bone or dental radiography, dental ex-
16 aminations, or height, weight, skin, or sex-
17 ual maturity ratings; or

18 (ii) rely on the physical appearance of
19 a child to justify an age assessment.

20 (D) LEGAL COUNSEL.—

21 (i) IN GENERAL.—An individual with
22 respect to whom an age assessment is con-
23 ducted shall be provided with legal counsel
24 before receiving such assessment and may

1 not be removed before receiving such coun-
2 sel.

3 (ii) EVIDENCE.—Legal counsel pro-
4 vided under clause (i) shall be provided
5 with all evidence upon which the Secretary
6 or the Secretary of Homeland Security re-
7 lies to justify conducting an age assess-
8 ment or to support an age assessment de-
9 termination.

10 **SEC. 416. MODIFICATION OF TERM “ASYLUM OFFICER” TO**
11 **EXCLUDE OFFICERS OF U.S. CUSTOMS AND**
12 **BORDER PROTECTION.**

13 Section 235(b)(1)(E) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1225(b)(1)(E)) is amended—

15 (1) in clause (i), by striking “, and” and insert-
16 ing a semicolon;

17 (2) in clause (ii), by striking the period at the
18 end and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(iii) is employed by the Refugee,
21 Asylum, and International Operations Di-
22 rectorate of U.S. Citizenship and Immigra-
23 tion Services.”.

1 **PART II—STANDARDS FOR DEPARTMENT OF**
2 **HEALTH AND HUMAN SERVICES CUSTODY OF**
3 **UNACCOMPANIED NONCITIZEN CHILDREN**

4 **Subpart A—Standards for Foster Care Homes and**
5 **Childcare Facilities**

6 **SEC. 420. OPERATION OF FOSTER CARE HOMES AND**
7 **CHILDCARE FACILITIES.**

8 (a) IN GENERAL.—An entity contracted by the Direc-
9 tor to operate a childcare facility shall be licensed by an
10 appropriate State agency to provide residential, group, or
11 foster care services for dependent children.

12 (b) OPERATION AS NONSECURE FACILITIES.—Each
13 foster care home operated by a State-licensed program
14 contracted by the Director to provide care for 1 or more
15 unaccompanied noncitizen children, and each childcare fa-
16 cility, including any facility for special needs noncitizen
17 children, shall be maintained as a nonsecure facility, in
18 accordance with applicable State law.

19 **SEC. 421. NOTICE OF RIGHTS.**

20 (a) IN GENERAL.—The Ombudsperson shall develop
21 a notice of children's rights in childcare facilities, which
22 shall be—

23 (1) posted in each childcare facility in all loca-
24 tions in which unaccompanied noncitizen children
25 are located; and

1 (2) distributed to each unaccompanied noncit-
2 izen child on arrival at a childcare facility.

3 (b) DESCRIPTION OF RIGHTS.—The notice required
4 by subsection (a) shall include—

5 (1) a description of—

6 (A) all rights afforded to an unaccom-
7 panied noncitizen child under section 235 of the
8 William Wilberforce Trafficking Victims Protec-
9 tion Reauthorization Act of 2008 (8 U.S.C.
10 1232) and this subtitle;

11 (B) the right to a bond redetermination
12 hearing; and

13 (C) any other existing mechanism by which
14 children may seek to enforce their rights, in-
15 cluding placement review panels; and

16 (2) a list of pro bono legal services providers
17 and contact information for such providers.

18 (c) FORMAT AND LANGUAGES.—

19 (1) IN GENERAL.—Such notice shall be—

20 (A) written in a manner that is child
21 friendly and age-appropriate; and

22 (B) made available and posted in multiple
23 languages, including the top 20 preferred lan-
24 guages.

1 (2) ADDITIONAL LANGUAGES.—The
2 Ombudsperson may require that such notice be
3 made available and posted in any additional lan-
4 guage the Ombudsperson considers necessary based
5 on the demographics of arriving noncitizen children.

6 (d) ORIENTATION TO ROLE OF OFFICE OF THE
7 OMBUDSPERSON.—Each State-licensed program that op-
8 erates a childcare facility shall provide to each unaccom-
9 panied noncitizen child in its care—

10 (1) information about the Office of the
11 Ombudsperson; and

12 (2) the contact information for the Office of the
13 Ombudsperson.

14 **SEC. 422. STAFFING AND TRAINING.**

15 (a) FEDERAL FIELD SPECIALISTS.—The Director
16 shall—

17 (1) maintain for each childcare facility a rea-
18 sonable Federal field specialist-to-unaccompanied
19 noncitizen child ratio;

20 (2) hire additional Federal field specialists as
21 necessary to ensure that, for the majority of unac-
22 companied noncitizen children in the custody of the
23 Secretary, a decision regarding their release can be
24 made by Federal field specialists not later than 48

1 hours after the approval of a release recommenda-
2 tion to a sponsor; and

3 (3) develop and manage a plan for expeditiously
4 placing unaccompanied noncitizen children who have
5 no identified sponsor in the least restrictive setting
6 that most approximates a family.

7 (b) CASE MANAGEMENT SPECIALISTS.—The Direc-
8 tor shall ensure that each State-licensed program that op-
9 erates a childcare facility—

10 (1) maintains a ratio of 8 unaccompanied non-
11 citizen children to each case management specialist;

12 (2) provides training for case management spe-
13 cialists that enables the Department of Health and
14 Human Services to meet required timelines for the
15 reunification of unaccompanied noncitizen children
16 in accordance with section 434(c); and

17 (3) develops accountability measures with re-
18 spect to the adherence of case management special-
19 ists to such timelines.

20 (c) CONTINGENCY FUND TO ADDRESS EMERGENT
21 NEEDS.—

22 (1) IN GENERAL.—In addition to amounts oth-
23 erwise available, there is appropriated to the Sec-
24 retary of Health and Human Services, out of any
25 money in the Treasury not otherwise appropriated,

1 \$46,500,000, to remain available until expended, for
2 a contingency fund (referred to in this section as the
3 “Fund”) for the hiring of case management special-
4 ists as required by an influx or any other emergent
5 situation for the purpose of facilitating the release
6 process and minimizing the risk that childcare facili-
7 ties reach full capacity.

8 (2) USE OF FUND.—

9 (A) DISCRETIONARY USE.—The Director
10 may draw upon the Fund to reduce the ratio to
11 6 unaccompanied noncitizen children for each
12 case management specialist if—

13 (i) the national utilization rate (ex-
14 cluding funded but unplaceable beds and
15 calculated as the number of filled beds di-
16 vided by the number of beds available for
17 placement, expressed as a percentage)
18 reaches or exceeds 65 percent in any week;
19 or

20 (ii) the Director certifies to Congress
21 that the rate of increase in childcare facil-
22 ity usage, as calculated by the Director for
23 purposes of section 472(b)(3)(F)(i)(VI),
24 has led the Director to believe that such
25 national utilization rate will reach 90 per-

1 cent in any week during the subsequent
2 10-week period.

3 (B) MANDATORY USE.—The Director shall
4 draw upon the Fund to reduce the ratio to 6
5 unaccompanied noncitizen children for each
6 case management specialist if such national uti-
7 lization rate reaches or exceeds 90 percent in
8 any week.

9 (d) TRAINING.—

10 (1) IN GENERAL.—With respect to the per-
11 sonnel of a State-licensed program that operates a
12 childcare facility, the Director shall provide regular
13 in-person training, and a coaching plan with support
14 for 30 days, for such personnel who interact with
15 unaccompanied noncitizen children, including youth
16 care workers, that is—

17 (A) specific to the age and gender of the
18 unaccompanied noncitizen children at the spe-
19 cific childcare facility; and

20 (B) consistent across the Office of Refugee
21 Resettlement's network of State-licensed pro-
22 grams.

23 (2) TOPICS.—The training required by para-
24 graph (1) shall address the following topics:

1 (A) Ethical standards of conduct based on
2 accepted child welfare principles with respect to
3 the care of unaccompanied noncitizen children.

4 (B) Mental health and trauma.

5 (C) Child development.

6 (D) Prevention of sexual abuse and harass-
7 ment.

8 (E) Cultural humility.

9 (F) Racial sensitivity.

10 (G) De-escalation techniques to avert un-
11 necessary involvement of local law enforcement
12 prior to exhaustion of alternative, trauma-in-
13 formed care, treatment, and restorative re-
14 sponses.

15 (H) Disabilities.

16 (3) SPECIFIC TRAINING FOR STAFF WORKING
17 WITH EARLY CHILDHOOD MINORS.—The Director
18 shall ensure that personnel who interact with unac-
19 companied noncitizen children who are early child-
20 hood minors receive specialized training relevant to
21 the needs and capacities of such children.

22 (4) DEVELOPMENT OF TRAINING MATERIALS.—
23 The Director, in collaboration with stakeholders who
24 have expertise in child migration, child mental
25 health, and child development, shall—

1 (A) develop written, audio, or visual mate-
2 rials with which training under this subsection
3 may be conducted; and

4 (B) before distribution to personnel of such
5 State-licensed programs, provide the
6 Ombudsperson with such materials.

7 (5) DEPARTMENT OF HEALTH AND HUMAN
8 SERVICES STAFF.—Not later than 90 days after the
9 date of the enactment of this Act, the Secretary
10 shall provide appropriate guidance and training for
11 all Department of Health and Human Services em-
12 ployees with respect to the requirements of this sub-
13 title.

14 **Subpart B—Services for Unaccompanied Noncitizen**
15 **Children**

16 **SEC. 423. REQUIRED SERVICES.**

17 (a) PROVISION OF REQUIRED SERVICES.—A State-
18 licensed program that operates a childcare facility shall
19 provide the following services for each unaccompanied
20 noncitizen child in its care:

21 (1) On admission to the childcare facility, a
22 comprehensive orientation regarding—

23 (A) the rights of the unaccompanied non-
24 citizen child;

25 (B) the role of the State-licensed program;

1 (C) the services, rules, procedures, and ex-
2 pectations of the State-licensed program; and

3 (D) the availability of legal assistance.

4 (2) Proper physical care and maintenance, in-
5 cluding suitable living accommodations, food, appro-
6 priate clothing, and personal hygiene items.

7 (3) Not later than 2 business days after admis-
8 sion to the childcare facility, a comprehensive med-
9 ical examination that includes screening for infec-
10 tious disease.

11 (4) Appropriate, ongoing, and routine medical
12 and dental care, as prescribed by a licensed physi-
13 cian, advanced practice provider, nurse, or physician
14 assistant, including—

15 (A) reproductive health and family plan-
16 ning services;

17 (B) emergency health care services;

18 (C) immunizations in accordance with the
19 Centers for Disease Control and Prevention
20 guidelines;

21 (D) administration of prescribed medica-
22 tion and special diets; and

23 (E) mental health screening and interven-
24 tion, including referrals.

1 (5) An individualized needs assessment, which
2 shall include the following:

3 (A) Collection of essential data relating to
4 the identification and history of the unaccom-
5 panied noncitizen child and family.

6 (B) Identification of any special needs of
7 the unaccompanied noncitizen child, including
8 any need that requires immediate intervention.

9 (C) An educational assessment and plan.

10 (D) An assessment of family relationships.

11 (E) A statement of religious preference
12 and practice.

13 (F) An assessment of the personal goals,
14 strengths, and weaknesses of the unaccom-
15 panied noncitizen child.

16 (G) Collection of identifying information
17 regarding immediate family members, other rel-
18 atives, godparents, or friends who may be resid-
19 ing in the United States and who may be able
20 to assist in family reunification.

21 (6) A comprehensive individual plan for the
22 care of the unaccompanied noncitizen child, which
23 shall be—

24 (A) developed in accordance with the
25 child's needs, as determined by the individual-

1 ized needs assessment under paragraph (5);
2 and

3 (B) implemented and closely coordinated
4 through an operative case management system.

5 (7) Education services, as described in section
6 425.

7 (8) Recreational activities, as described in sec-
8 tion 426.

9 (9) Counseling services, including—

10 (A) not fewer than 2 weekly individual
11 counseling sessions conducted by licensed men-
12 tal health professionals, including social work-
13 ers, psychologists, and psychiatric staff; and

14 (B) not fewer than 1 weekly group coun-
15 seling session conducted by licensed mental
16 health professionals, including social workers,
17 psychologists, or psychiatric staff.

18 (10) Acculturation and adaptation services, in-
19 cluding the provision of information regarding the
20 development of social and interpersonal skills.

21 (11) Religious and spiritual services of the un-
22 accompanied noncitizen child's choice, if any.

23 (12) Case management services designed to
24 identify relatives or prospective sponsors in the
25 United States and ensure the quick release of the

1 unaccompanied noncitizen child from the custody of
2 the Secretary.

3 (13) Visitation and contact with family mem-
4 bers, regardless of the immigration status of the
5 family members. An unaccompanied noncitizen child
6 and family members of such a child shall be pro-
7 vided with a private, confidential space to meet in
8 during such visitation. The Secretary of Homeland
9 Security may not pursue enforcement actions
10 against such family members during or immediately
11 before or after such visitation.

12 (14) Telephone and video access for contacting
13 parents, family members, and caregivers, in a pri-
14 vate space that ensures confidentiality, at no cost to
15 the unaccompanied noncitizen child, family member,
16 or caregiver. An unaccompanied noncitizen child
17 shall be permitted such access not fewer than 4
18 times weekly for a period of not less than 30 min-
19 utes each time.

20 (15) A reasonable right to privacy, including
21 the right of the unaccompanied noncitizen child—

22 (A) to wear the child's own clothes, as
23 available;

1 (B) to retain a private space in the
2 childcare facility for the storage of personal be-
3 longings;

4 (C) to talk privately on the telephone, as
5 permitted by the rules and regulations of the
6 State-licensed program;

7 (D) to visit privately with guests, as per-
8 mitted by such rules and regulations; and

9 (E) to receive and send uncensored cor-
10 respondence.

11 (16) Legal services information regarding the
12 availability of free legal assistance, the right to be
13 represented by counsel, screenings and legal orienta-
14 tion presentations, and facilitated, confidential ac-
15 cess to counsel, as described in part IV.

16 (b) CONSIDERATIONS FOR PROVISION OF SERV-
17 ICES.—A State-licensed program that operates a childcare
18 facility shall provide the services described in subsection
19 (a) in a manner that is sensitive to the age, culture, native
20 language, and complex needs of each unaccompanied non-
21 citizen child.

22 (c) RULES AND DISCIPLINE STANDARDS.—

23 (1) IN GENERAL.—The rules and discipline
24 standards of such a State-licensed program shall
25 be—

1 (A) formulated with consideration given to
2 the age ranges, developmental stages, and de-
3 gree of trauma experienced by the unaccom-
4 panied noncitizen children in the applicable
5 childcare facility; and

6 (B) culturally sensitive to the needs of
7 such children.

8 (2) PROHIBITED MEASURES.—Such a State-li-
9 censed program may not subject any unaccompanied
10 noncitizen child to—

11 (A) corporal punishment, physical or chem-
12 ical restraint, seclusion, humiliation, verbal or
13 mental abuse, or punitive interference with the
14 daily functions of living, such as eating, sleep-
15 ing, or bathroom access; or

16 (B) any disciplinary measure that—

17 (i) adversely affects the health or
18 physical or psychological well-being of the
19 unaccompanied noncitizen child; or

20 (ii) denies an unaccompanied noncit-
21 izen child regular meals, water, sleep, exer-
22 cise, medical care, correspondence privi-
23 leges, legal assistance, education, recre-
24 ation, bathroom access, or any other serv-
25 ice described in subsection (a).

1 (d) RECORDKEEPING.—

2 (1) INDIVIDUAL CASE RECORDS.—The operator
3 of each childcare facility and influx facility shall de-
4 velop, maintain, and safeguard individual client case
5 records on each unaccompanied noncitizen child in
6 care at the facility.

7 (2) CONFIDENTIALITY.—The operator of each
8 childcare facility and influx facility shall develop and
9 maintain a system of accountability that preserves
10 the confidentiality of client information and protects
11 such records from unauthorized use or disclosure in
12 accordance with section 494.

13 (3) REPORTING.—The operator of each
14 childcare facility and influx facility shall maintain
15 adequate records and make regular reports, as re-
16 quired by the Ombudsperson, that permit the
17 Ombudsperson to monitor and enforce this subtitle,
18 the amendments made by this subtitle, and any
19 other requirement or standard determined by the
20 Ombudsperson to be in the best interests of unac-
21 companied noncitizen children.

22 **SEC. 424. EVALUATION FOR DISABILITY.**

23 (a) IN GENERAL.—The Director shall provide unac-
24 companied noncitizen children who present an indication
25 of a disability with an evaluation for services under section

1 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
2 and provide unaccompanied noncitizen children with dis-
3 abilities with services (including accommodations) through
4 an individualized plan that includes a plan for prompt re-
5 lease.

6 (b) RECORDS.—Any record of a screening or an eval-
7 uation conducted under this section, and any record re-
8 lated to a decision with respect to the release of an unac-
9 companied noncitizen child with a disability, shall be main-
10 tained separately from the unaccompanied noncitizen
11 child’s immigration file (commonly known as an “A-
12 File”).

13 **SEC. 425. EDUCATION.**

14 (a) CURRICULUM.—

15 (1) STATE STANDARDS.—A State-licensed pro-
16 gram shall provide educational instruction to unac-
17 companied noncitizen children using a curriculum
18 that—

19 (A) includes access to physical education,
20 art, and other electives; and

21 (B) is consistent with the licensing and
22 academic standards of the State in which the
23 State-licensed program is located.

1 (2) BASIC ACADEMIC AREAS.—The basic aca-
2 demic areas covered by such curriculum shall include
3 science, social studies, math, reading, and writing.

4 (b) LICENSING AND CERTIFICATION REQUIRE-
5 MENTS.—

6 (1) IN GENERAL.—Teachers, administrators,
7 counselors, and support staff providing education to
8 unaccompanied noncitizen children at a childcare fa-
9 cility shall—

10 (A) meet local and State certification or li-
11 censure requirements; and

12 (B) in the case of an unaccompanied non-
13 citizen child in custody for a period longer than
14 60 days or who was previously attending school
15 in the United States, ensure that the child re-
16 ceives transferable credit.

17 (c) INSTRUCTION.—

18 (1) IN GENERAL.—Educational instruction at a
19 childcare facility shall be—

20 (A) appropriate to the level of development
21 and communication skills of an unaccompanied
22 noncitizen child; and

23 (B) provided in a structured classroom set-
24 ting on a weekly basis Monday through Friday.

1 (2) CLASS SIZE.—An unaccompanied noncitizen
2 child may not be placed in a class in which the
3 teacher-to-student ratio exceeds the applicable State
4 maximum ratio.

5 (d) LANGUAGE ACCESS AND EDUCATIONAL ENVI-
6 RONMENT.—The educational program at a childcare facil-
7 ity shall—

8 (1) include instruction and reading materials,
9 educational and otherwise, in the primary languages
10 of the unaccompanied noncitizen children at the
11 childcare facility; and

12 (2) be provided in an emotionally, culturally,
13 and physically safe environment.

14 (e) INDIVIDUAL EDUCATION PROGRAM.—A State-li-
15 censed program that operates a childcare facility shall pro-
16 vide any eligible unaccompanied noncitizen child who is
17 a child with a disability (as defined in section 602 of the
18 Individuals with Disabilities Education Act (20 U.S.C.
19 1401)) with special education and related services pursu-
20 ant to an individualized education program that is devel-
21 oped for the unaccompanied noncitizen child and is con-
22 sistent with the requirements provided under the Individ-
23 uals with Disabilities Education Act (20 U.S.C. 1401 et
24 seq.).

1 (f) OTHER EDUCATIONAL OPPORTUNITIES.—The
2 educational program of such a State-licensed program
3 shall include educational opportunities addressing per-
4 sonal, social, emotional, intellectual, and employment
5 skills.

6 **SEC. 426. RECREATION.**

7 (a) IN GENERAL.—A State-licensed program that op-
8 erates a childcare facility shall provide recreational oppor-
9 tunities that meet or exceed—

10 (1) the guidelines of the Department of Health
11 and Human Services entitled “2018 Physical Activ-
12 ity Guidelines for Americans”; and

13 (2) the guidelines of the President’s Council on
14 Sports, Fitness, and Nutrition.

15 (b) ACTIVITIES.—

16 (1) IN GENERAL.—Activities for recreation and
17 leisure time, which shall include daily outdoor activ-
18 ity, weather permitting, shall include—

19 (A) not less than 1 hour daily of large-
20 muscle activity; and

21 (B) not less than 1 hour daily of struc-
22 tured leisure time activities, which shall not in-
23 clude time spent watching television or video.

24 (2) DAYS ON WHICH SCHOOL IS NOT IN SES-
25 SION.—The periods scheduled for activities described

1 in paragraph (1) shall be increased to a total of 3
2 hours daily on any day on which school is not in ses-
3 sion.

4 (3) RECREATION AREAS.—Not less frequently
5 than weekly, a State-licensed program that does not
6 have an adequate on-site recreation area shall take
7 children to off-site parks, community recreation cen-
8 ters, or other suitable locations.

9 (4) LANGUAGE-APPROPRIATE READING MATE-
10 RIALS.—A State-licensed program shall provide ap-
11 propriate reading materials in the preferred lan-
12 guages of unaccompanied noncitizen children for use
13 during leisure time.

14 **Subpart C—Placement of Children**

15 **SEC. 427. PHASING OUT LARGE CONGREGATE CARE FACILI-**
16 **TIES.**

17 (a) DEFINITION OF LARGE CONGREGATE CARE FA-
18 CILITY.—In this section, the term “large congregate care
19 facility” means a facility intended to house more than 25
20 individuals at a time.

21 (b) PHASEOUT.—

22 (1) IN GENERAL.—Beginning on the date that
23 is 2 years after the date of the enactment of this
24 Act—

100

1 (A) the Director may not place an unac-
2 companied noncitizen child in a large con-
3 gregate care facility; and

4 (B) no Federal funds shall be made avail-
5 able for the purpose of—

6 (i) housing an unaccompanied noncit-
7 izen child in such a facility; or

8 (ii) placing an unaccompanied noncit-
9 izen child in any congregate care facility
10 for a period longer than 14 days.

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to any of the following:

13 (A) An influx facility.

14 (B) A setting specializing in prenatal,
15 postpartum, or parenting support for youth.

16 (C) A supervised independent living setting
17 under the post-18 program described in section
18 439(c).

19 (D) A program addressing the needs of
20 victims of trafficking.

21 (E) A qualified residential treatment pro-
22 gram specifically designed to meet the needs of
23 a child with serious emotional or behavioral
24 health needs.

25 (c) PLAN REQUIRED.—

1 (1) IN GENERAL.—The Director shall develop a
2 plan to eliminate the use of large congregate care fa-
3 cilities by the date that is 2 years after the date of
4 the enactment of this Act.

5 (2) ELEMENTS.—The plan required by para-
6 graph (1) shall include the following:

7 (A) Specific measures the Director will
8 take to eliminate the use of such facilities.

9 (B) Performance benchmarks that require
10 the Director to place unaccompanied noncitizen
11 children in compliant congregate care facilities
12 as follows:

13 (i) 25 percent of such children not
14 later than the date that is 1 year after the
15 date of the enactment of this Act.

16 (ii) 75 percent of such children not
17 later than 545 days after such date of en-
18 actment.

19 (iii) 100 percent of such children not
20 later than 2 years after such date of enact-
21 ment.

22 (3) SUBMITTAL TO CONGRESS.—Not later than
23 90 days after the date of the enactment of this Act,
24 the Director shall submit to Congress the plan devel-
25 oped under paragraph (1).

1 (d) TRANSITIONAL SUPPORT FOR NONGOVERN-
2 MENTAL ORGANIZATIONS.—To the extent that the transi-
3 tion to childcare facilities housing 25 unaccompanied non-
4 citizen children or fewer affects nongovernmental organi-
5 zations that provide services to such children, the Director
6 shall increase funding to such organizations—

7 (1) to prevent a disruption or decrease in serv-
8 ices;

9 (2) to establish centralized locations for unac-
10 companied noncitizen children to receive services
11 from such organizations; and

12 (3) to increase funding for representation of re-
13 leased children.

14 **SEC. 428. LEAST RESTRICTIVE SETTING.**

15 An unaccompanied noncitizen child in the custody of
16 the Secretary shall be placed in the least restrictive setting
17 that most approximates a family and in which the child's
18 special needs, if any, may be met consistent with the best
19 interests and special needs of the child.

20 **SEC. 429. FOSTER FAMILY CARE.**

21 (a) PREFERENCE FOR FOSTER FAMILY CARE.—

22 (1) IN GENERAL.—With respect to an unaccom-
23 panied noncitizen child in the custody of the Sec-
24 retary, the Director shall make active efforts to
25 place the child in the least restrictive setting that

1 most approximates a family and in which the child's
2 special needs, if any, may be met.

3 (2) ADDITIONAL CONSIDERATION.—Such an
4 unaccompanied noncitizen child shall be placed with-
5 in reasonable proximity to the location of the child's
6 immigration proceedings, taking into account any
7 special needs of the child before placing the child in
8 a childcare facility.

9 (b) TRANSITIONAL FOSTER CARE.—

10 (1) IN GENERAL.—An unaccompanied noncit-
11 izen child whose length of care in the custody of the
12 Secretary is anticipated to be not more than 30 days
13 shall be eligible for a transitional foster care place-
14 ment in a family home licensed to provide such
15 shorter term care.

16 (2) PRIORITY.—The Director shall prioritize for
17 placement in transitional foster care the following
18 categories of unaccompanied noncitizen children:

19 (A) Unaccompanied noncitizen children
20 under 13 years of age.

21 (B) Sibling groups with 1 or more siblings
22 who are under 13 years of age.

23 (C) Unaccompanied noncitizen children
24 who are pregnant or parenting.

1 (D) Unaccompanied noncitizen children
2 with special needs, including any unaccom-
3 panied noncitizen child with a disability.

4 (c) STAYS EXPECTED TO EXTEND MORE THAN 30
5 DAYS.—

6 (1) IN GENERAL.—An unaccompanied noncit-
7 izen child whose length of care in the custody of the
8 Secretary is anticipated to be more than 30 days, or
9 a noncitizen who entered the custody of the Sec-
10 retary as a child and who has reached the age of 18
11 years, shall be eligible for a long-term foster care
12 placement in the least restrictive setting that most
13 approximates a family and in which the child's best
14 interests and any special needs may be met.

15 (2) CONTRACTING REQUIREMENTS.—The Di-
16 rector shall—

17 (A) seek to enter into 1 or more contracts
18 with State-licensed foster care providers for the
19 provision of long-term foster care placements
20 for all eligible unaccompanied noncitizen chil-
21 dren; and

22 (B) ensure that such providers accept un-
23 accompanied noncitizen children for placement
24 in a timely manner.

1 (d) ACCESS TO FOSTER CARE FOR CHILDREN WITH
2 DISABILITIES OR MENTAL OR BEHAVIORAL HEALTH-
3 RELATED NEEDS.—

4 (1) IN GENERAL.—The Director shall—

5 (A) ensure access to transitional and long-
6 term foster care placements for unaccompanied
7 noncitizen children notwithstanding—

8 (i) disabilities;

9 (ii) behavioral concerns or involvement
10 in the juvenile justice system;

11 (iii) prior incident reports; or

12 (iv) prior or current restrictive place-
13 ments (as defined in section 432); and

14 (B) seek to enter into 1 or more contracts
15 with foster care providers that have the docu-
16 mented capacity and commitment to accept
17 children regardless of disabilities or mental or
18 behavioral health-related needs.

19 (2) EQUAL ACCESS.—

20 (A) IN GENERAL.—An unaccompanied
21 noncitizen child with mental or behavioral
22 health-related needs who does not pose a docu-
23 mented, imminent threat to himself or herself,
24 to others, or to the community shall be eligible

1 for, and shall be provided equal access to, a fos-
2 ter care placement.

3 (B) ELIGIBILITY FOR TRANSFER.—If such
4 a child is in a restrictive placement, he or she
5 shall be eligible for direct transfer to a foster
6 care placement.

7 (3) LIMITATION ON REFUSAL OF PLACE-
8 MENT.—A State-licensed program that operates a
9 childcare facility may not refuse placement of an un-
10 accompanied noncitizen child based on a disability or
11 a mental or behavioral health-related need absent in-
12 dividualized documentation that—

13 (A) State licensing requirements bar ac-
14 ceptance of the specific unaccompanied noncit-
15 izen child based on the child's individual needs;
16 and

17 (B) a request for a variance from such a
18 requirement has been denied or is unavailable
19 under State law.

20 (e) BACKGROUND CHECKS.—

21 (1) IN GENERAL.—The Director shall ensure
22 that a Federal Bureau of Investigation background
23 check and, in any applicable State, a child abuse or
24 neglect registry check, has been conducted for each

1 resident of a foster care placement for an unaccom-
2 panied noncitizen child.

3 (2) LIMITATION ON DENIAL OF PLACEMENT.—

4 The Director shall deny the foster care placement
5 for an unaccompanied alien child if the criminal his-
6 tory of a resident of a potential foster care place-
7 ment includes a conviction—

8 (A) for child abuse or trafficking; or

9 (B) that has a direct and immediate im-
10 pact on the safety of the unaccompanied alien
11 child.

12 **SEC. 430. ADDITIONAL REQUIREMENTS RELATING TO CHIL-**
13 **DREN WITH DISABILITIES AND CHILDREN**
14 **WITH MENTAL HEALTH NEEDS.**

15 (a) PRIORITIZATION OF RELEASE.—The Director
16 shall prioritize the release to sponsors of unaccompanied
17 noncitizen children with disabilities so that such children
18 may receive, in the community rather than in immigration
19 custody, evidence-based, trauma-informed services tailored
20 to their needs.

21 (b) ACCESS TO SERVICES WHILE IN CUSTODY.—In
22 the case of an unaccompanied noncitizen child with dis-
23 abilities who cannot be expeditiously released, the Director
24 shall provide access to any necessary service in the least

1 restrictive integrated setting possible until a family-based
2 placement is secured.

3 (c) SUPPORT.—The Director shall support unaccom-
4 panied noncitizen children with disabilities by—

5 (1) contracting with a range of placements so
6 as to ensure that integrated settings are available
7 for such children;

8 (2) providing resources to support placement,
9 such as by connecting providers with community-
10 based services or assisting with licensing variances;
11 and

12 (3) developing and delivering trauma-informed
13 disability-related training to all frontline care pro-
14 vider staff, in collaboration with stakeholders who
15 have expertise in serving children with disabilities.

16 (d) NETWORK CAPACITY.—Not less than 75 percent
17 of all childcare facilities and foster care placements shall
18 have appropriate State licensing and documented capa-
19 bility to house unaccompanied noncitizen children with
20 disabilities.

21 **SEC. 431. MINIMIZING TRANSFERS.**

22 (a) IN GENERAL.—The Director shall—

23 (1) minimize transfer of unaccompanied noncit-
24 izen children among childcare facilities and between

1 short-term and long-term foster care placements;
2 and

3 (2) ensure that—

4 (A) the Ombudsperson tracks any third or
5 subsequent transfer of a child between childcare
6 facilities or placements;

7 (B) unaccompanied noncitizen children re-
8 main in the least restrictive settings that most
9 approximate a family; and

10 (C) unaccompanied noncitizen children who
11 are siblings are housed together in the same
12 childcare facility unless there is an extraor-
13 dinary need for specialized care, such as inpa-
14 tient health care services.

15 (b) NOTICE.—

16 (1) IN GENERAL.—In the case of an unaccom-
17 panied noncitizen child who is transferred to another
18 childcare facility or foster family home placement,
19 not less than 48 hours before the transfer occurs,
20 the Director shall—

21 (A) notify the child in a language and for-
22 mat the child understands; and

23 (B) notify and provide a justification for
24 the transfer to the child's sponsor, legal counsel

1 or local legal services provider, and child advo-
2 cate, as applicable.

3 (2) EXCEPTION.—

4 (A) IN GENERAL.—Paragraph (1) shall not
5 apply in an unusual and compelling cir-
6 cumstance, such as—

7 (i) a circumstance in which—

8 (I) the safety of the unaccom-
9 panied noncitizen child or any other
10 individual is threatened; or

11 (II) the child has previously at-
12 tempted to abscond from custody; or

13 (ii) a case in which the unaccom-
14 panied noncitizen child's legal counsel has
15 waived notice under that paragraph.

16 (B) NOTICE AFTER TRANSFER.—In the
17 case of a circumstance or waiver described in
18 subparagraph (A), notice shall be provided to
19 the unaccompanied noncitizen child's legal
20 counsel or local legal services provider, and
21 child advocate, as applicable, not later than 24
22 hours after the transfer.

23 (c) POSSESSIONS AND LEGAL PAPERS.—The Direc-
24 tor shall ensure that any unaccompanied noncitizen child

1 is transferred with all of his or her possessions and legal
2 papers.

3 **SEC. 432. RESTRICTIVE PLACEMENTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) RESTRICTIVE PLACEMENT.—The term “re-
6 strictive placement” means—

7 (A) a staff-secure facility;

8 (B) a therapeutic staff-secure facility; and

9 (C) a placement in any setting other than
10 a childcare facility, an influx facility, or licensed
11 foster care placement.

12 (2) THERAPEUTIC CHILDCARE FACILITY.—The
13 term “therapeutic childcare facility” means a—

14 (A) congregate care facility for the purpose
15 of rehabilitation or residential treatment; and

16 (B) an out-of-network facility or group
17 home the staff of which has specialized training
18 to care for children and adolescents with signifi-
19 cant emotional, behavioral, social, or medical
20 needs.

21 (b) PLACEMENT REVIEW HEARINGS FOR TRANSFERS
22 TO RESTRICTIVE PLACEMENTS.—

23 (1) IN GENERAL.—In the case of transfer of an
24 unaccompanied noncitizen child to a restrictive
25 placement, the Director shall provide an administra-

1 tive placement review hearing conducted in accord-
2 ance with sections 554 through 557 of title 5,
3 United States Code.

4 (2) NOTICE.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Director shall provide
7 written notice of intent to transfer an unaccom-
8 panied noncitizen child to a restrictive place-
9 ment to the child concerned and the child's
10 legal counsel and child advocate.

11 (B) EXCEPTION.—The Director may
12 transfer an unaccompanied noncitizen child to a
13 restrictive placement without providing notice
14 under subparagraph (A) only if the Director
15 has a reasonable belief, based on clearly
16 articulable facts, that the child is a present, im-
17 minent danger to himself or herself or to oth-
18 ers.

19 (C) ELEMENTS.—A notice required by
20 subparagraph (A) shall include, in a language
21 and format the unaccompanied noncitizen child
22 understands, the following:

23 (i) The time, date, and location of the
24 hearing under paragraph (1).

1 (ii) A description of the individualized
2 allegations relied on by the Director in
3 support of such transfer, including all sup-
4 porting evidence.

5 (iii) An explanation that the unaccom-
6 panied noncitizen child—

7 (I) has a right to contest such
8 transfer at such hearing; and

9 (II) may submit additional evi-
10 dence, including witness testimony.

11 (3) TIMING OF HEARING.—A hearing under
12 this subsection shall occur not less than—

13 (A) 72 hours after the unaccompanied
14 noncitizen child concerned receives notice under
15 paragraph (2); and

16 (B) 5 business days before the transfer to
17 the restrictive placement is scheduled to occur.

18 (4) PROCEDURAL MATTERS.—

19 (A) NEUTRAL FACT FINDER.—A hearing
20 under this subsection shall be presided over by
21 a neutral fact finder who—

22 (i) is not an employee of the Office of
23 Refugee Resettlement; and

24 (ii) has expertise in child welfare.

25 (B) RIGHTS OF CHILD.—

1 (i) IN GENERAL.—At a hearing under
2 this subsection, an unaccompanied noncit-
3 izen child shall have—

4 (I) the right to counsel; and

5 (II) the right and opportunity to
6 confront, inspect, and rebut the evi-
7 dence alleged to justify the transfer to
8 a restrictive placement.

9 (ii) WAIVER OF PRESENCE.—With the
10 assistance of counsel, an unaccompanied
11 noncitizen child may waive his or her pres-
12 ence at a hearing under this subsection.

13 (C) AVAILABILITY OF OFFICE OF REFUGEE
14 RESETTLEMENT RECORDS.—The Director shall
15 disclose to the unaccompanied noncitizen child
16 concerned and the legal counsel and child advo-
17 cate of the child, as applicable, the child’s entire
18 case file and all evidence supporting the deter-
19 mination to transfer the child to a restrictive
20 placement—

21 (i) not later than 24 hours after such
22 determination is made; and

23 (ii) not less than 2 days before the
24 date of the hearing under this subsection.

1 (D) INTERPRETATION SERVICES.—An in-
2 terpreter in the preferred language of the unac-
3 companied noncitizen child shall be made avail-
4 able for a hearing under this subsection.

5 (E) BURDENS OF PRODUCTION AND
6 PROOF.—The Director shall have the burden of
7 production and the burden of proof, by clear
8 and convincing evidence, to establish that—

9 (i) the unaccompanied noncitizen child
10 is a present danger to himself or herself or
11 to others;

12 (ii) a restrictive placement is con-
13 sistent with the best interests of the child;

14 (iii) there is no viable alternative to a
15 restrictive placement to ensure the best in-
16 terests of the child; and

17 (iv) the child's placement in a facility
18 that is not a restrictive placement would
19 not provide the services or resources nec-
20 essary.

21 (F) RECORD OF PROCEEDINGS.—The
22 record of proceedings for a hearing under this
23 subsection, and all related documentation—

24 (i) shall be maintained separately and
25 apart from the unaccompanied noncitizen

1 child's immigration file (commonly called
2 the "A-File"); and

3 (ii) shall not form any part of, and
4 shall not be relied upon, in any removal
5 proceedings or any adjudication carried out
6 by U.S. Citizenship and Immigration Serv-
7 ices, including with respect to final deci-
8 sions and discretionary factors.

9 (5) WRITTEN DECISION.—

10 (A) IN GENERAL.—Not later than 2 busi-
11 ness days before the date on which the unac-
12 companied noncitizen child concerned is sched-
13 uled to be transferred to a restrictive place-
14 ment, the fact finder shall issue a written deci-
15 sion approving or denying such transfer, which
16 shall be binding on the Office of Refugee Reset-
17 tlement.

18 (B) CONSIDERATION OF BEST INTEREST
19 RECOMMENDATION.—In making a decision on
20 such a transfer, the fact finder shall consider,
21 and respond in writing to, the recommendation
22 of the child advocate of the unaccompanied non-
23 citizen child concerned.

24 (C) ELEMENTS.—A written decision under
25 this paragraph shall—

1 (i) set forth a detailed, specific, and
2 individualized justification for the decision;
3 and

4 (ii) notify the unaccompanied noncit-
5 izen child of the child's—

6 (I) right to placement review
7 hearings under subsection (e);

8 (II) right to seek review of the
9 decision by the Ombudsperson under
10 paragraph (6); and

11 (III) right to seek judicial review
12 of the decision.

13 (D) LANGUAGE ACCESS.—The decision
14 shall be made available in a language and in a
15 format the unaccompanied noncitizen child un-
16 derstands.

17 (E) SUBMISSION TO OMBUDSPERSON.—
18 Not later than 72 hours after a decision in a
19 placement review hearing is issued under this
20 paragraph, the fact finder shall submit the deci-
21 sion to the Ombudsperson.

22 (6) REVIEW BY OMBUDSPERSON.—

23 (A) IN GENERAL.—On request by an unac-
24 companied noncitizen child or the legal counsel
25 or child advocate of the child, the

1 Ombudsperson shall carry out a review of a de-
2 cision under paragraph (5), which shall be com-
3 pleted not later than 15 days after the date on
4 which the request for review is made.

5 (B) RECOMMENDATION.—

6 (i) IN GENERAL.—In carrying out a
7 review under this paragraph, the
8 Ombudsperson may make a recommenda-
9 tion with respect to whether such decision
10 should be modified.

11 (ii) FINDING OF ERRONEOUS DECI-
12 SION.—

13 (I) IN GENERAL.—If the
14 Ombudsperson determines that the
15 decision under paragraph (5) was er-
16 roneous, the Ombudsperson shall sub-
17 mit to the Director a recommendation
18 for further action.

19 (II) WRITTEN STATEMENT.—

20 (aa) IN GENERAL.—If the
21 Director declines to follow the
22 recommendation of the
23 Ombudsperson, the Director shall
24 provide a detailed written jus-
25 tification to the child, the pro-

1 spective sponsor, the legal coun-
2 sel and the child advocate of the
3 child, and the legal counsel of the
4 prospective sponsor, as applica-
5 ble.

6 (bb) NONDELEGATION.—
7 The Director may not delegate
8 the requirement to issue such a
9 written statement to any other
10 individual.

11 (c) LIMITATIONS ON PLACEMENT IN SECURE FACILI-
12 TIES AND STAFF-SECURE FACILITIES.—

13 (1) IN GENERAL.—The Director may not place
14 an unaccompanied noncitizen child in a staff-secure
15 facility based solely on a risk of self-harm or behav-
16 ior related to the child's trauma or mental health
17 that could be addressed in a less restrictive setting
18 with additional accommodations or rehabilitative
19 care.

20 (2) SECURE FACILITIES.—The Director may
21 never hold or place an unaccompanied noncitizen
22 child in a secure facility.

23 (3) STAFF-SECURE FACILITIES.—

1 (A) IN GENERAL.—The Director may only
2 hold or place an unaccompanied noncitizen child
3 in a staff-secure facility if—

4 (i) there is clear and convincing evi-
5 dence that the child poses a serious and
6 imminent danger to others at the time of
7 placement;

8 (ii) upon holistic review of the child's
9 file, there is clear and convincing evidence
10 that the assessed danger does not stem
11 from the child's trauma or mental health
12 conditions; and

13 (iii) even with additional accommoda-
14 tions and de-escalation measures, the child
15 cannot be adequately cared for in a less re-
16 strictive setting or rehabilitative care.

17 (B) DURATION.—The Director may only
18 hold an unaccompanied noncitizen child in a
19 staff-secure facility under subparagraph (A)
20 during the period in which the Director can
21 demonstrate that the conditions described in
22 that subparagraph exist.

23 (C) TRANSFER.—The Director shall con-
24 sider transfer of the child to a less restrictive
25 placement as soon as these requirements are no

1 longer met, even if the child has been in the
2 placement for less than 30 days.

3 (4) PROHIBITION ON PLACEMENT IN U.S. IMMI-
4 GRATION AND CUSTOMS ENFORCEMENT FACILI-
5 TIES.—The Director may not place any noncitizen
6 child in—

7 (A) a U.S. Immigration and Customs En-
8 forcement facility; or

9 (B) a facility operated by contract with
10 U.S. Immigration and Customs Enforcement.

11 (d) PLACEMENT IN THERAPEUTIC CHILDCARE FA-
12 CILITIES.—

13 (1) LIMITATION.—The Director may place an
14 unaccompanied noncitizen child in a therapeutic
15 childcare secure facility only if—

16 (A) the unaccompanied noncitizen child
17 has received a detailed, individualized evalua-
18 tion by a licensed psychologist or psychiatrist
19 who is experienced in the care of children; and

20 (B) the mental health professional con-
21 ducting the evaluation under subparagraph (A)
22 has determined that—

23 (i) the child poses a substantial risk
24 of harm to himself or herself or to others;

1 (ii) such placement is in the best in-
2 terests of the child; and

3 (iii) even with additional accommoda-
4 tions or rehabilitative care, at the time of
5 placement, the child cannot be adequately
6 cared for in a less restrictive setting until
7 the child receives services provided in such
8 a placement.

9 (2) PREFERENCE FOR COMMUNITY-BASED
10 THERAPEUTIC FOSTER CARE.—Before placing an
11 unaccompanied noncitizen child in a therapeutic
12 childcare facility, the Director shall first seek to
13 place the child in a family-based therapeutic foster
14 care placement.

15 (3) APPLICABILITY OF OTHER PROVISIONS.—
16 The procedures relating to transfers, notice, and
17 placement review hearings under this part apply
18 equally to unaccompanied noncitizen children placed
19 in residential treatment centers and other thera-
20 peutic childcare facilities.

21 (4) SERVICES TO BE PROVIDED.—

22 (A) EVALUATION.—

23 (i) IN GENERAL.—An unaccompanied
24 noncitizen child placed in a therapeutic
25 childcare facility shall be evaluated by a li-

1 censed psychologist or psychiatrist who is
2 experienced in the care of children.

3 (ii) REPORT.—The mental health pro-
4 fessional conducting the evaluation under
5 clause (i) for an unaccompanied noncitizen
6 child shall—

7 (I) issue a written report that
8 sets forth—

9 (aa) the reasons for such
10 placement;

11 (bb) treatment goals; and

12 (cc) a plan specific to the
13 child for transition to a less re-
14 strictive setting; and

15 (II) make such report available
16 to the unaccompanied noncitizen child
17 and the child advocate of the child.

18 (B) ACCESS TO COUNSEL.—The operator
19 of a residential treatment center or any other
20 therapeutic childcare facility for unaccompanied
21 noncitizen children shall provide access to—

22 (i) legal services; and

23 (ii) existing legal counsel and child
24 advocates of such children, as applicable.

25 (e) MONTHLY REVIEW HEARING.—

1 (1) IN GENERAL.—Not less frequently than
2 monthly, each unaccompanied noncitizen child in a
3 restrictive placement shall be afforded a placement
4 review hearing to determine whether continued
5 placement in the restrictive placement is appro-
6 priate.

7 (2) CONDUCT OF HEARINGS.—A hearing under
8 this subsection shall be conducted in accordance
9 with the procedures and standards for placement re-
10 view hearings under subsection (b).

11 (3) REPORT BY MENTAL HEALTH PROVIDER.—
12 With respect to an unaccompanied noncitizen child
13 who is in a therapeutic childcare facility not later
14 than 5 days before a hearing under this subsection,
15 a licensed psychologist or psychiatrist who is experi-
16 enced in the care of children shall submit to the fact
17 finder a detailed report on the mental health needs
18 of the unaccompanied noncitizen child concerned.

19 (4) WRITTEN DECISION.—

20 (A) IN GENERAL.—The fact finder shall
21 issue a written decision continuing or termi-
22 nating the restrictive placement of the unac-
23 companied noncitizen child concerned, which
24 shall be binding on the Office of Refugee Reset-
25 tlement.

1 (B) CONSIDERATION OF BEST INTEREST
2 RECOMMENDATION.—In making a decision on
3 such placement, the fact finder shall consider—

4 (i) the best interest recommendation
5 of the child advocate with respect to the
6 unaccompanied noncitizen child concerned;
7 and

8 (ii) the findings contained in the re-
9 port submitted under paragraph (3).

10 (C) ELEMENTS.—A written decision under
11 this paragraph shall—

12 (i) set forth a detailed, specific, and
13 individualized justification for the decision;
14 and

15 (ii) notify the unaccompanied noncit-
16 izen child of—

17 (I) the right to further placement
18 review hearings under this subsection;
19 and

20 (II) the right to seek judicial re-
21 view of the decision.

22 (D) LANGUAGE ACCESS.—The decision
23 shall be made available in a language and in a
24 format the unaccompanied noncitizen child un-
25 derstands.

1 (5) RECORD OF PROCEEDINGS.—The record of
2 proceedings for a hearing under this subsection, and
3 all related documentation—

4 (A) shall be maintained separately and
5 apart from the unaccompanied noncitizen
6 child’s immigration file (commonly called the
7 “A-File”); and

8 (B) shall not form any part of, and shall
9 not be relied upon, in any removal proceedings
10 or any adjudication carried out by U.S. Citizen-
11 ship and Immigration Services, including with
12 respect to final decisions and discretionary fac-
13 tors.

14 (f) PLACEMENT OF UNACCOMPANIED NONCITIZEN
15 CHILDREN WITH DISABILITIES IN RESTRICTIVE PLACE-
16 MENTS.—

17 (1) IN GENERAL.—An unaccompanied noncit-
18 izen child who is receiving services under section 504
19 of the Rehabilitation Act of 1973 (29 U.S.C. 794)
20 shall not be placed in a facility that does not have
21 access to such services.

22 (2) NEEDS DETERMINATION.—

23 (A) IN GENERAL.—Before placing such an
24 unaccompanied noncitizen child in a restrictive
25 setting, the Director shall make a determination

1 as to whether the needs of the child can be met
2 in a more integrated setting.

3 (B) ELEMENTS.—A determination under
4 subparagraph (A) shall include—

5 (i) an identification of the relevant
6 trauma-informed, evidence-based services
7 and accommodations that have been identi-
8 fied as potentially relevant;

9 (ii) a description of any such service
10 or accommodation that has been provided
11 and the period of time in which the service
12 or accommodation has been provided;

13 (iii) if any such service or accommo-
14 dation has been ineffective, an assessment
15 of the reason; and

16 (iv) an assessment of whether addi-
17 tional services or accommodations could be
18 provided at the child's current placement.

19 (3) SERVICES AVAILABLE IN A LESS RESTRIC-
20 TIVE PLACEMENT.—

21 (A) IN GENERAL.—If services are identi-
22 fied that have the potential to maintain such an
23 unaccompanied noncitizen child in a less re-
24 strictive placement, the Director shall ensure
25 that the child receives such services before the

1 Director considers a transfer to a restrictive
2 placement.

3 (B) IDENTIFICATION OF SERVICES AND
4 ACCOMMODATIONS.—

5 (i) IN GENERAL.—For each such un-
6 accompanied noncitizen child, at each
7 placement review hearing under subsection
8 (e), the Director shall explicitly identify
9 services and accommodations that could be
10 made available in a less restrictive place-
11 ment.

12 (ii) JUSTIFICATION.—A recommenda-
13 tion by the Director against placing such
14 an unaccompanied noncitizen child in a
15 less restrictive placement shall be sup-
16 ported by specific documentation as to the
17 reasons that, even with such accommoda-
18 tions, the child cannot be safely placed in
19 a less restrictive placement.

20 (4) INDEPENDENT REVIEW.—

21 (A) IN GENERAL.—In the case of such an
22 unaccompanied noncitizen child whom the Di-
23 rector intends to transfer to a restrictive place-
24 ment, before the child's placement review hear-
25 ing, the decision to so transfer shall be reviewed

1 by an independent third-party licensed psychol-
2 ogist or psychiatrist who is experienced in the
3 care of children in accordance with a standard-
4 ized process for evaluating the data and pre-
5 sented rationale, including a consideration of
6 accommodations that could avoid the need for
7 restrictive placement.

8 (B) CONTINUED RESTRICTIVE PLACE-
9 MENT.—In the case of such an unaccompanied
10 noncitizen child in a restrictive placement whom
11 the Director does not intend to transfer to a
12 less restrictive placement, before the child's
13 next placement review hearing, the decision
14 shall be reviewed by an independent third-party
15 licensed psychologist or psychiatrist who is ex-
16 perience in the care of children, in accordance
17 with a standardized process for evaluating the
18 data and presented rationale, including a con-
19 sideration of accommodations that could avoid
20 the need for restrictive placement.

21 (C) REPORT.—Not later than 45 days
22 after conducting a review under this paragraph,
23 the independent third-party mental health pro-
24 fessional shall issue a written report describing
25 the results of the review to the fact finder, the

1 child concerned, the legal counsel and child ad-
2 vocate of such child, and the Director.

3 **SEC. 433. JUDICIAL REVIEW OF PLACEMENT.**

4 (a) IN GENERAL.—An unaccompanied noncitizen
5 child, or the parent, legal guardian, or nonparent family
6 member of the child, with the consent of the child, may
7 seek judicial review in a district court of the United States
8 of—

9 (1) a determination with respect to the type of
10 childcare facility in which the child is placed; or

11 (2) a sponsorship determination.

12 (b) VENUE.—Venue for judicial review under sub-
13 section (a) may be found in—

14 (1) the district in which the original childcare
15 facility in which the unaccompanied noncitizen child
16 concerned was placed is located; or

17 (2) the district in which the childcare facility to
18 which the unaccompanied noncitizen child was trans-
19 ferred is located.

20 (c) LIMITED REVIEW.—Review under this section
21 shall be limited to entering an order solely affecting the
22 individual claims of the unaccompanied noncitizen child or
23 the parent, legal guardian, or prospective sponsor seeking
24 such review.

1 (d) AGENCY EXERCISE OF DISCRETION REVIEWED
2 DE NOVO.—The exercise of discretion by the Secretary
3 or the Secretary of Homeland Security in making a place-
4 ment decision reviewed under this section shall be reviewed
5 de novo.

6 (e) BOND REDETERMINATION.—An unaccompanied
7 noncitizen child in removal proceedings shall be afforded
8 a bond redetermination hearing before an immigration
9 judge in every case, unless the child indicates on the notice
10 of custody determination form that he or she waives the
11 right to such a hearing.

12 **Subpart D—Family Reunification and Standards**
13 **Relating to Sponsors**

14 **SEC. 434. FAMILY REUNIFICATION EFFORTS BY OFFICE OF**
15 **REFUGEE RESETTLEMENT.**

16 (a) IN GENERAL.—During the period in which an un-
17 accompanied noncitizen child is in the custody of the Sec-
18 retary, the Director shall—

19 (1) provide individualized, onsite case manage-
20 ment and family reunification services;

21 (2) ensure that—

22 (A) a case manager contacts the child not
23 later than 48 hours after the child is trans-
24 ferred to the custody of the Secretary; and

1 (B) in the case of case manager reassign-
2 ment, the case manager reassigned to the child
3 contacts the child not later than 24 hours after
4 such reassignment;

5 (3) make and document prompt, active, and
6 continuous efforts towards family reunification and
7 release; and

8 (4) work diligently—

9 (A) to review family reunification applica-
10 tions from prospective sponsors; and

11 (B) to assist prospective sponsors in com-
12 pleting such applications and complying with
13 sponsor requirements.

14 (b) PREFERENCE FOR RELEASE.—The Director may
15 release an unaccompanied noncitizen child from the cus-
16 tody of the Secretary to a sponsor who is, in the order
17 of preference, any of the following:

18 (1) A parent.

19 (2) A legal guardian.

20 (3) An adult relative.

21 (4) An adult individual, or an entity, designated
22 by the parent or legal guardian of the unaccom-
23 panied noncitizen child as capable and willing to
24 care for the child's well-being, which designation is
25 supported by—

1 (A) a declaration signed by the parent or
2 legal guardian under penalty of perjury before
3 an immigration or consular officer; or

4 (B) such other document that makes such
5 a designation and establishes the affiant's par-
6 entage or guardianship.

7 (5) A licensed program willing to accept legal
8 custody of the child.

9 (6) An adult individual or entity seeking cus-
10 tody of the child.

11 (c) TIMELINES FOR REUNIFICATION.—The Director
12 shall use the information collected under, and data re-
13 quirements described in, section 472(b)—

14 (1) to determine the characteristics that exert
15 significant effect on the reunification of unaccom-
16 panied noncitizen children with a sponsor;

17 (2) to establish categories of children who ex-
18 hibit such characteristics, which categories shall dis-
19 tinguish between—

20 (A)(i) children released to parents or legal
21 guardians; and

22 (ii) children released to other sponsors;
23 and

24 (B)(i) children who have home studies
25 mandated by section 235 of the Trafficking Vic-

1 tims Protection Reauthorization Act of 2008 (8
2 U.S.C. 1232);

3 (ii) children granted home studies through
4 the discretion of the Director; and

5 (iii) other children;

6 (3) to establish timelines for reunification ap-
7 propriate to each such category of children;

8 (4) to monitor ongoing reunification efforts for
9 compliance with such timelines; and

10 (5) to identify systematic barriers to release for
11 children in such categories.

12 (d) SYSTEMATIC BARRIERS TO RELEASE.—The Di-
13 rector shall eliminate any administrative hindrance identi-
14 fied as a systemic barrier to release under subsection
15 (c)(4).

16 (e) EXPEDITED REUNIFICATION OF EARLY CHILD-
17 HOOD MINORS.—The Director shall develop procedures to
18 facilitate the expedited reunification of unaccompanied
19 noncitizen children who are early childhood minors with
20 family members seeking to serve as sponsors.

21 (f) LIMITATION ON REMOTE SERVICES.—Case man-
22 agement and family reunification services may only be pro-
23 vided remotely for unaccompanied noncitizen children
24 housed in an influx facility or a childcare facility activated
25 for use during an influx.

1 (g) RECORDKEEPING.—The Director shall maintain
2 a written record of the efforts made by the Office of Ref-
3 ugee Resettlement to reunify and release each unaccom-
4 panied noncitizen child in the custody of the Secretary.

5 **SEC. 435. STANDARDS RELATING TO SPONSORS.**

6 (a) PROCEDURES AND PROTECTIONS.—

7 (1) IN GENERAL.—The Director shall not im-
8 pose sponsor requirements (including application
9 deadlines and requests for information or docu-
10 mentation about prospective sponsors, the household
11 members of prospective sponsors, or other individ-
12 uals) that do not have a substantial and direct im-
13 pact on child safety.

14 (2) NONDISCRIMINATION.—In reviewing an ap-
15 plication for sponsorship, the Director may not rely
16 on the national origin, immigration status, language,
17 religion, sexual orientation, sex (including gender
18 identity or gender expression), color, or race of the
19 child concerned or of the prospective sponsor to
20 delay or deny the application.

21 (3) PROHIBITION ON CERTAIN REASONS FOR
22 SPONSORSHIP DENIAL.—A prospective sponsor may
23 not be denied sponsorship solely due to—

24 (A) poverty, use of public assistance, lack
25 of employment or health insurance, or past or

1 current health conditions that do not have a
2 substantial and direct impact on child safety;

3 (B) absence of a pre-existing relationship
4 with the unaccompanied noncitizen child con-
5 cerned; or

6 (C) immigration status.

7 (4) LEGAL RIGHTS OF PROSPECTIVE SPON-
8 SORS.—

9 (A) IN GENERAL.—In making decisions
10 about the sponsorship of an unaccompanied
11 noncitizen child, the Director shall—

12 (i) take into consideration the legal
13 rights of any parent, legal guardian, or
14 family member who is seeking sponsorship
15 of the child; and

16 (ii) ensure that Office of Refugee Re-
17 settlement processes for ensuring the
18 child's safe release do not interfere with
19 such rights.

20 (B) PARENTS.—A parent shall not be de-
21 nied reunification with their child absent a de-
22 termination supported by clear and convincing
23 evidence that custody of the child by the parent
24 is likely to result in serious emotional or phys-
25 ical damage to the child.

1 (5) ASSESSMENT REQUIRED.—

2 (A) IN GENERAL.—The Director may only
3 release an unaccompanied noncitizen child to an
4 individual or a licensed program for whom a
5 prospective sponsor assessment has been com-
6 pleted, consistent with the requirements of sec-
7 tion 235(c)(3) of the William Wilberforce Traf-
8 ficking Victims Protection Reauthorization Act
9 of 2008 (8 U.S.C. 1232(c)(3)).

10 (B) ELEMENTS.—A sponsor assessment
11 shall include—

12 (i) a completed family reunification
13 application; and

14 (ii) consideration of the wishes and
15 concerns of the unaccompanied noncitizen
16 child concerned.

17 (C) OPPORTUNITY TO ADDRESS CON-
18 CERNS.—A prospective sponsor shall be af-
19 forded the opportunity to address any concern
20 raised during the sponsor assessment process
21 before the prospective sponsor's application is
22 denied.

23 (D) BACKGROUND CHECKS.—

24 (i) IN GENERAL.—Fingerprint-based
25 checks of national crime information data-

1 bases (as defined in section 534(f)(3) of
2 title 28, United States Code) may be re-
3 quested for prospective sponsors if a public
4 records check of the sponsor reveals safety
5 concerns or there is a documented risk to
6 the safety of the child.

7 (ii) LIMITATION.—The Director shall
8 deny sponsorship for an unaccompanied
9 noncitizen child if the criminal history of a
10 prospective sponsor or a household member
11 of the sponsor includes a conviction—

12 (I) for child abuse or trafficking;

13 or

14 (II) that has a direct and imme-
15 diate impact on the safety of the un-
16 accompanied noncitizen child.

17 (6) SAFEGUARDS.—

18 (A) IN GENERAL.—The Director shall im-
19 plement safeguards to prevent any information
20 obtained in the course of the sponsor assess-
21 ment process from being used for any purpose
22 other than assessing the sponsor's fitness to
23 care for an unaccompanied noncitizen child.

1 (B) APPLICABILITY.—Such safeguards
2 shall apply regardless of the outcome of the
3 prospective sponsor’s application.

4 (7) ANNUAL EVALUATION.—

5 (A) IN GENERAL.—Not less frequently
6 than annually, the Director shall conduct an
7 evaluation of Office of Refugee Resettlement
8 policies and practices to determine whether
9 such policies and practices create unnecessary
10 barriers to release or result in delays in unac-
11 companied noncitizen children’s prompt release
12 to sponsors.

13 (B) SUBMISSION TO OMBUDSPERSON.—
14 The Director shall submit each evaluation con-
15 ducted under subparagraph (A) to the
16 Ombudsperson.

17 (b) SPONSORSHIP DETERMINATION.—

18 (1) IN GENERAL.—Not later than 7 days after
19 the date on which the Director receives a family re-
20 unification application from a prospective sponsor,
21 the Director shall make a determination with respect
22 to whether the unaccompanied noncitizen child con-
23 cerned may be placed with the sponsor.

24 (2) CONSIDERATION OF EFFECT OF DENIAL.—

25 In making a determination under paragraph (1), the

1 Director shall take into consideration the effect a de-
2 nial of the application, and continued immigration
3 custody for the unaccompanied noncitizen child con-
4 cerned, would have on—

5 (A) the health and well-being of the child;
6 and

7 (B) in the case of a prospective sponsor
8 who is a parent, legal guardian, or a family
9 member of the child, the right of the parent,
10 legal guardian, or family member to the care
11 and custody of the child.

12 (3) SPONSORSHIP HEARING.—

13 (A) IN GENERAL.—The Director shall pro-
14 vide an opportunity for an administrative hear-
15 ing, conducted in accordance with sections 554
16 through 557 of title 5, United States Code, in
17 the case of—

18 (i) a determination that a prospective
19 sponsor is not fit to receive the unaccom-
20 panied noncitizen child concerned; or

21 (ii) failure by the Director to make a
22 determination on a family reunification ap-
23 plication within the timeframe set forth in
24 paragraph (1).

25 (B) NOTICE.—

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1 (i) IN GENERAL.—Not later than 24
2 hours after a determination or failure de-
3 scribed in subparagraph (A), the Director
4 shall provide notice of such a hearing to—

5 (I) the unaccompanied noncitizen
6 child;

7 (II) the legal counsel and the
8 child advocate of such child;

9 (III) the prospective sponsor; and

10 (IV) the legal counsel of such
11 prospective sponsor.

12 (ii) ELEMENTS.—The notice required
13 under clause (i) shall include, in a lan-
14 guage the unaccompanied noncitizen child
15 and the prospective sponsor understand,
16 the following:

17 (I) The time, date, and location
18 of the hearing.

19 (II) Notice with respect to the
20 availability of transportation to the
21 hearing for the child and the prospec-
22 tive sponsor under subparagraph
23 (E)(i).

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1 (III) In the case of a determina-
2 tion that the prospective sponsor is
3 unfit—

4 (aa) the justification for
5 such determination; and

6 (bb) a description of any
7 supporting evidence and informa-
8 tion.

9 (IV) In the case of a failure to
10 make a timely determination, a jus-
11 tification for such failure.

12 (V) Notification that the unac-
13 companied noncitizen child and pro-
14 spective sponsor may submit addi-
15 tional evidence, including witness tes-
16 timony, in support of the family re-
17 unification application at or before the
18 hearing.

19 (C) LIMITATION ON OFFICE OF REFUGEE
20 RESETTLEMENT EVIDENCE.—In a hearing
21 under this paragraph, the Director may only
22 submit evidence and information that is de-
23 scribed on the notice provided under subpara-
24 graph (B).

25 (D) TIMING OF HEARING.—

1 (i) IN GENERAL.—Except as provided
2 in clause (ii), a hearing under this para-
3 graph shall occur not less than 7 days and
4 not more than 14 days after the date on
5 which notice under subparagraph (B) is
6 provided.

7 (ii) REQUEST FOR ADDITIONAL
8 TIME.—Such a hearing may occur on a
9 date that is more than 14 days after the
10 date such notice is provided if the prospec-
11 tive sponsor requests additional time.

12 (E) PRESENCE AT HEARING.—

13 (i) TRANSPORTATION.—On request by
14 the unaccompanied noncitizen child or the
15 prospective sponsor, the Director shall fa-
16 cilitate the transportation of the child and
17 the prospective sponsor to a centralized lo-
18 cation for the hearing.

19 (ii) WAIVER OF CHILD'S PRESENCE.—
20 With the assistance of counsel, an unac-
21 companied noncitizen child may waive the
22 child's presence at a hearing under this
23 paragraph.

24 (iii) VIRTUAL HEARING.—An unac-
25 companied noncitizen child may request a

1 virtual hearing under this paragraph and
2 waive the right to an in-person hearing.

3 (F) PROCEDURAL MATTERS.—

4 (i) NEUTRAL FACT FINDER.—A hear-
5 ing under this paragraph shall be presided
6 over by a neutral fact finder who—

7 (I) is not an employee of the Of-
8 fice of Refugee Resettlement; and

9 (II) has expertise in child wel-
10 fare.

11 (ii) CHILD AND SPONSOR RIGHTS.—At
12 a hearing under this paragraph, an unac-
13 companied noncitizen child and the child's
14 prospective sponsor shall have—

15 (I) the right to counsel; and

16 (II) the right and opportunity to
17 confront, inspect, and rebut the evi-
18 dence alleged to justify a determina-
19 tion by the Director that the prospec-
20 tive sponsor is unfit.

21 (iii) INTERPRETATION SERVICES.—An
22 interpreter in the preferred language of the
23 unaccompanied noncitizen child and the
24 prospective sponsor shall be made available
25 for a hearing under this paragraph.

1 (iv) BURDENS OF PRODUCTION AND
2 PROOF.—The Director shall have the bur-
3 den of production and the burden of proof,
4 by clear and convincing evidence, to estab-
5 lish that—

6 (I) placement with the prospec-
7 tive sponsor is likely to result in seri-
8 ous emotional or physical damage to
9 the child; and

10 (II) continued Office of Refugee
11 Resettlement custody is the least re-
12 strictive setting that is in the best in-
13 terests of the child.

14 (v) RECORD OF PROCEEDINGS.—The
15 record of proceedings for a hearing under
16 this paragraph, and all related documenta-
17 tion—

18 (I) shall be maintained separately
19 and apart from the unaccompanied
20 noncitizen child’s immigration file
21 (commonly called the “A-File”); and

22 (II) shall not form any part of,
23 and shall not be relied upon, in any
24 removal proceedings or any adjudica-
25 tion carried out by U.S. Citizenship

1 and Immigration Services, including
2 with respect to final decisions and dis-
3 cretionary factors.

4 (G) WRITTEN DECISION.—

5 (i) IN GENERAL.—Not later than 2
6 business days after the date of a hearing
7 under this paragraph, the fact finder
8 shall—

9 (I) issue a written decision order-
10 ing the release of the unaccompanied
11 noncitizen child to the prospective
12 sponsor or denying such release,
13 which shall be binding on the Office of
14 Refugee Resettlement; and

15 (II) provide the written decision
16 to—

17 (aa) the child and the pro-
18 spective sponsor; and

19 (bb) the legal counsel and
20 the child advocate of the child
21 and the legal counsel of the pro-
22 spective sponsor, as applicable.

23 (ii) DENIALS.—In the case of a denial
24 of release to the prospective sponsor, the
25 decision shall—

1 (I) set forth detailed, specific,
2 and individualized reasoning for such
3 denial; and

4 (II) notify the child and prospec-
5 tive sponsor of their right to seek re-
6 view of the decision by the
7 Ombudsperson under subparagraph
8 (H).

9 (iii) LANGUAGE ACCESS.—The deci-
10 sion shall be made available in a language
11 and in a format the unaccompanied noncit-
12 izen child and the prospective sponsor un-
13 derstand.

14 (H) REVIEW BY OMBUDSPERSON.—

15 (i) IN GENERAL.—On request by an
16 unaccompanied noncitizen child, the legal
17 counsel or prospective sponsor of such
18 child, or the legal counsel of such prospec-
19 tive sponsor, the Ombudsperson shall carry
20 out a review of a decision under subpara-
21 graph (G), which shall be completed not
22 later than 15 days after the date on which
23 the request for review is made.

24 (ii) RECOMMENDATION.—

1 (I) IN GENERAL.—In carrying
2 out a review under this subparagraph,
3 the Ombudsperson may make a rec-
4 ommendation on the placement or
5 sponsorship of the unaccompanied
6 noncitizen child concerned.

7 (II) FINDING OF ERRONEOUS DE-
8 CISION.—

9 (aa) IN GENERAL.—If the
10 Ombudsperson determines that
11 the decision under subparagraph
12 (G) was erroneous, the
13 Ombudsperson shall submit to
14 the Director a recommendation
15 for further action.

16 (bb) WRITTEN STATE-
17 MENT.—

18 (AA) IN GENERAL.—If
19 the Director declines to fol-
20 low the recommendation of
21 the Ombudsperson, the Di-
22 rector shall provide a de-
23 tailed written justification to
24 the child, the prospective
25 sponsor, the legal counsel

1 and the child advocate of the
2 child, and the legal counsel
3 of the prospective sponsor,
4 as applicable.

5 (BB) NONDELEGA-
6 TION.—The Director may
7 not delegate the requirement
8 to issue such a written
9 statement to any other indi-
10 vidual.

11 (I) JUDICIAL REVIEW.—An unaccompanied
12 noncitizen child or nonparent family member of
13 the child, with the consent of the child, may ob-
14 tain judicial review of a decision under subpara-
15 graph (G) in a district court of the United
16 States.

17 (J) CONTINUED EFFORTS BY OFFICE OF
18 REFUGEE RESETTLEMENT.—During the pend-
19 ency of a hearing under this paragraph, and
20 any review of a decision resulting from such a
21 hearing under subparagraph (H) or (I), the Di-
22 rector shall continue to seek alternative pro-
23 spective sponsors for the unaccompanied noncit-
24 izen child concerned.

1 **SEC. 436. SPECIAL CONSIDERATIONS RELATING TO RE-**
2 **LEASE OF CHILDREN WITH DISABILITIES.**

3 (a) IN GENERAL.—The Director may not delay the
4 release of an unaccompanied noncitizen child based solely
5 on a pending evaluation for services under section 504 of
6 the Rehabilitation Act of 1973 (29 U.S.C. 794).

7 (b) SUPPORTING EVIDENCE REQUIRED FOR DETER-
8 MINATION NOT TO RELEASE.—A determination by the
9 Director not to release an unaccompanied noncitizen child
10 receiving services under such section based on a prospec-
11 tive sponsor's inability to meet the needs of the child shall
12 be supported by evidence of efforts by the Director to edu-
13 cate, and provide concrete resources and support to, the
14 prospective sponsor through the provision of post-release
15 services.

16 (c) RELEASE TO PARENTS.—The Director may not
17 deny the reunification of an unaccompanied noncitizen
18 child receiving services under such section with his or her
19 parent absent a determination supported by clear and con-
20 vincing evidence that—

21 (1) custody of the child by the parent is likely
22 to result in serious emotional or physical damage to
23 the child; and

24 (2) continued Office of Refugee Resettlement
25 custody is the least restrictive setting that is in the
26 best interests of the child.

1 (d) REVIEW.—

2 (1) IN GENERAL.—With respect to a determina-
3 tion by the Director not to release an unaccom-
4 panied noncitizen child receiving services under such
5 section based on an assessment that the child is a
6 danger to himself or herself or to others, a review
7 of such determination shall be carried out by an
8 independent third-party licensed psychologist or psy-
9 chiatrist who is experienced in the care of children
10 before the date on which the sponsorship hearing
11 under section 435(b)(3) occurs.

12 (2) PROCEDURE.—A review under paragraph
13 (1) shall—

14 (A) be carried out using a standardized
15 method for evaluating the data and shall in-
16 clude the rationale for denying release; and

17 (B) consider the availability of assistive
18 services or technology that could be provided to
19 the unaccompanied noncitizen child concerned if
20 he or she were released.

21 (3) AVAILABILITY.—Such a review shall be
22 made in writing and made available to the unaccom-
23 panied noncitizen child and the child's legal counsel
24 before the date on which a sponsorship hearing
25 under section 435(b)(3) occurs.

1 (e) OFFICE OF REFUGEE RESETTLEMENT SUPPORT
2 FOR SPONSORS.—With respect to children with disabilities
3 released from the custody of the Secretary, the Director
4 shall support and assist sponsors in accessing and coordi-
5 nating post-release community-based services and support
6 or technology, to the extent such services and support are
7 available.

8 (f) ALTERNATIVE PLACEMENT.—If a sponsor is not
9 identified for an unaccompanied noncitizen child who re-
10 ceives services under section 504 of the Rehabilitation Act
11 of 1973 (29 U.S.C. 794), the Director shall make every
12 effort to place the child in therapeutic foster care, foster
13 care, or the Unaccompanied Refugee Minor program.

14 **Subpart E—Release**

15 **SEC. 437. PROCEDURES FOR RELEASE.**

16 (a) IN GENERAL.—The Secretary shall release an un-
17 accompanied noncitizen child from the custody of the Sec-
18 retary—

19 (1) without unnecessary delay; and

20 (2) as quickly as may be safely accomplished.

21 (b) PROVISION OF RECORDS ON RELEASE.—On re-
22 lease from the custody of the Secretary, including in cir-
23 cumstances of repatriation, the Director shall provide un-
24 accompanied noncitizen children and their sponsors, as ap-
25 plicable, the unaccompanied noncitizen child's complete

1 Office of Refugee Resettlement case file and records, in-
2 cluding—

3 (1) documentation that details the child’s med-
4 ical and educational status, progress, and any re-
5 lated evaluations;

6 (2) information relating to any special needs of
7 the child; and

8 (3) any other information relevant to promoting
9 the child’s well-being after release.

10 (c) PRESCRIPTION MEDICATION.—The Director shall
11 ensure that unaccompanied noncitizen children prescribed
12 medication are released with not less than a 60-day supply
13 of their medication and information from a physician re-
14 garding continuing or discontinuing the medication.

15 (d) TRANSPORTATION.—Expenses incurred in trans-
16 porting unaccompanied noncitizen children and their spon-
17 sors for the purpose of the release of the child shall be
18 paid by the Office of Refugee Resettlement.

19 (e) PROHIBITION ON SECRETARY TAKING CHILD
20 BACK INTO CUSTODY.—

21 (1) IN GENERAL.—After the release of an unac-
22 companied noncitizen child from the custody of the
23 Secretary to a sponsor, the Secretary may not take
24 the child back into custody.

1 (2) REPORTING TO STATE CHILD WELFARE
2 AGENCY.—With respect to a child released from
3 such custody, if the Director becomes aware of a
4 concern related to suspected abuse or neglect in a
5 sponsor's care, the Director may report such con-
6 cerns to the applicable State child welfare agency.

7 **SEC. 438. POST-RELEASE SERVICES.**

8 (a) REQUIRED IN LIMITED CIRCUMSTANCES.—

9 (1) IN GENERAL.—The Director may not uni-
10 formly require post-release services to be in place be-
11 fore releasing an unaccompanied noncitizen child to
12 a sponsor.

13 (2) CASE MANAGEMENT SPECIALIST DETER-
14 MINATION.—The Director may only require post-re-
15 lease services to be in place before releasing an un-
16 accompanied noncitizen child to a sponsor if, after
17 conducting an individualized assessment of the par-
18 ticular needs of the child, the case management spe-
19 cialist makes a determination that the child would
20 be at risk of imminent physical or emotional harm
21 if post-release services were not in place before such
22 release.

23 (b) EXPANSION.—The Director shall provide post-re-
24 lease services, on a voluntary basis, to unaccompanied
25 noncitizen children, including by—

1 (1) conducting outreach campaigns by naviga-
2 tors in communities to ensure that children, spon-
3 sors, and families understand the post-release serv-
4 ices offered;

5 (2) providing active assistance with school en-
6 rollment;

7 (3) supporting sponsors in obtaining necessary
8 medical records, including vaccination and medica-
9 tion records, from the period during which the unac-
10 companied noncitizen children were in the custody of
11 the Secretary;

12 (4) stating that all unaccompanied children re-
13 leased into United States communities are deemed
14 to be “lawfully residing” for purposes of determining
15 eligibility for medical assistance under Medicaid or
16 child health assistance and pregnancy-related assist-
17 ance under the Children’s Health Insurance Pro-
18 gram (CHIP) in States that have elected to cover
19 “lawfully residing” pregnant individuals and chil-
20 dren under sections 1903(v)(4) and 2107(e)(1)(O)
21 of the Social Security Act (42 U.S.C. 1396b(v)(4),
22 1397gg(e)(1)(O)), as added by section 214 of the
23 Children’s Health Insurance Program Reauthoriza-
24 tion Act of 2009 (commonly referred to as the
25 “CHIPRA 214 option”);

1 (5) ensuring access to family reunification and
2 medical support services, including support and
3 trauma-informed counseling for the family and men-
4 tal health counseling, through direct provision of
5 such services or through partnerships and referrals
6 to services in the community; and

7 (6) ensuring that sponsors of children with spe-
8 cial medical needs receive Office of Refugee Resettle-
9 ment support in accessing appropriate medical care.

10 **SEC. 439. INDIVIDUALS ATTAINING 18 YEARS OF AGE.**

11 (a) PRESUMPTION OF RELEASE ON RECOG-
12 NIZANCE.—

13 (1) IN GENERAL.—If an individual in the cus-
14 tody of the Secretary of Health and Human Services
15 is not released to a sponsor before the individual at-
16 tains the age of 18 years, there shall be a presump-
17 tion that the individual shall be released on an order
18 of recognizance.

19 (2) REBUTTAL.—The Secretary of Homeland
20 Security shall bear the burden of proof, by clear and
21 convincing evidence, in overcoming the presumption
22 under paragraph (1) and in demonstrating that such
23 an individual is not eligible to be released on an
24 order of recognizance.

25 (3) ALTERNATIVES TO DETENTION.—

1 (A) IN GENERAL.—In the case of an indi-
2 vidual aging out of the custody of the Secretary
3 who is not eligible to be released on an order
4 of recognizance, the individual shall be eligible
5 to participate in noncustodial alternatives to de-
6 tention programs provided by the Department
7 of Health and Human Services, including place-
8 ment with an individual, an organizational
9 sponsor, or a supervised group home with sup-
10 portive services to facilitate access to edu-
11 cational and occupational opportunities.

12 (B) PLACEMENT PREFERENCES.—The cat-
13 egories of placements available to an individual
14 described in subparagraph (A) shall be the fol-
15 lowing, in order of preference:

16 (i) The least restrictive family-based
17 setting, including long-term foster care.

18 (ii) An independent living program.

19 (iii) A childcare facility that meets the
20 particular needs of the individual.

21 (4) CONTINUATION OF SERVICES.—The Direc-
22 tor shall ensure that an individual released on an
23 order of recognizance under this subsection is pro-
24 vided with—

1 (A) continued access to counseling, case
2 management, legal counsel, and other support
3 services during the pendency of the individual's
4 immigration proceedings; and

5 (B) information on applying for special im-
6 migrant juvenile status under section
7 101(a)(27)(J) of the Immigration and Nation-
8 ality Act (8 U.S.C. 1101(a)(27)(J)), and re-
9 sources to assist the individual with applying
10 for such status.

11 (b) POST-18 PLAN FOR INDIVIDUALS AGING OUT OF
12 CUSTODY.—

13 (1) IN GENERAL.—The Director shall develop a
14 post-18 plan for each unaccompanied noncitizen
15 child entering Office of Refugee Resettlement cus-
16 tody who—

17 (A) is over the age of 17 years and 6
18 months; or

19 (B) is not likely to be released to a sponsor
20 before attaining 18 years of age.

21 (2) ELEMENTS.—Each plan under paragraph
22 (1) shall include the following:

23 (A) An investigation into organizational
24 sponsors and social support services.

1 (B) Coordination with the Secretary of
2 Homeland Security to ensure the release of the
3 unaccompanied noncitizen child on his or her
4 own recognizance if release to an organizational
5 or individual sponsor is not successful.

6 (c) POST-18 PROGRAM.—With respect to an indi-
7 vidual in the custody of the Secretary who attains 18 years
8 of age before reunification, placement with a sponsor, or
9 adjudication with respect to immigration status, the Di-
10 rector may extend Office of Refugee Resettlement custody
11 for a period ending not later than the date on which the
12 individual attains 21 years of age, if the individual—

13 (1)(A) has not been reunified but has a family
14 member available for reunification;

15 (B) has an identified sponsor;

16 (C) has been admitted to long-term foster care
17 or a residential treatment center; or

18 (D) otherwise does not have reunification op-
19 tions but has not yet been adjudicated with respect
20 to immigration status by a local court in the applica-
21 ble jurisdiction; and

22 (2) solely at his or her discretion, without coer-
23 cion and on the recommendation of his or her case
24 manager, elects to remain in Office of Refugee Re-

1 settlement custody in the post-18 program until the
2 date on which, as applicable—

3 (A) the screening process for reunification
4 is completed and the individual is reunified with
5 a family member or placed with a sponsor; or

6 (B) the individual is adjudicated with re-
7 spect to immigration status in a local court in
8 the applicable jurisdiction, receives relief from
9 removal, and enters an applicable program for
10 unaccompanied refugee minors.

11 (d) CONSIDERATION RELATING TO U.S. IMMIGRA-
12 TION AND CUSTOMS ENFORCEMENT CUSTODY.—In con-
13 sidering a sponsorship application for an unaccompanied
14 noncitizen child who may attain 18 years of age in the
15 custody of the Secretary, the Director shall consider the
16 potential for, and impact of, trauma and the risk to the
17 safety and well-being of the child if the child were to be
18 transferred to the custody of U.S. Immigration and Cus-
19 toms Enforcement on attaining such age.

20 (e) PROHIBITION ON DETENTION AND REMOVAL.—
21 An individual who was in the custody of the Secretary as
22 an unaccompanied noncitizen child shall not be appre-
23 hended, arrested, transferred, or taken into the custody
24 of U.S. Immigration and Customs Enforcement, or re-

1 moved from the United States, based solely on having at-
2 tained 18 years of age.

3 (f) CONTINUED ACCESS TO DUE PROCESS, LEGAL
4 RELIEF, AND HOUSING.—An individual who entered the
5 United States as a child shall not lose the opportunity for
6 due process and potential legal relief, or access to commu-
7 nity-based housing, based solely on having attained the
8 age of 18 years.

9 **SEC. 440. CUSTODY REVIEW BY OMBUDSPERSON.**

10 (a) IN GENERAL.—If an unaccompanied noncitizen
11 child, the legal counsel or prospective sponsor of such
12 child, or the legal counsel of such prospective sponsor has
13 reasonable cause to believe that the child should have been
14 released, the child, the prospective sponsor, or such legal
15 counsel may request an investigation by the
16 Ombudsperson.

17 (b) NOTIFICATION OF LENGTHY CUSTODY.—In the
18 case of any unaccompanied noncitizen child who remains
19 in the custody of the Secretary for 45 days or more, the
20 Director shall—

21 (1) notify the Ombudsperson of such continued
22 custody; and

23 (2) provide the Ombudsperson a complete copy
24 of the Office of Refugee Resettlement case file and
25 a detailed explanation for such continued custody.

1 **PART III—EMERGENCIES AND INFLUXES**

2 **SEC. 441. SENSE OF CONGRESS.**

3 It is the sense of Congress that before opening or ex-
4 panding an influx facility, the Secretary and the Director
5 should explore all other avenues for placing an unaccom-
6 panied noncitizen child in the least restrictive, State-li-
7 censed setting that most approximates a family and in
8 which the special needs of the child, if any, may be met
9 consistent with the best interests and special needs of the
10 child.

11 **SEC. 442. DEFINITIONS.**

12 In this part:

13 (1) **EMERGENCY.**—The term “emergency”
14 means an event of limited duration, such as a nat-
15 ural disaster, facility fire, civil disturbance, or med-
16 ical concern.

17 (2) **OPERATIONAL CAPACITY.**—The term “oper-
18 ational capacity” means the net bed capacity of Of-
19 fice of Refugee Resettlement facilities and other
20 housing operated by State-licensed programs for un-
21 accompanied noncitizen children.

22 **SEC. 443. PLACEMENT.**

23 (a) **IN GENERAL.**—In the event of an emergency or
24 influx that prevents the prompt placement of unaccom-
25 panied noncitizen children in childcare facilities, the Direc-
26 tor—

1 (1) shall make every effort—

2 (A) to place arriving unaccompanied non-
3 citizen children in other State-licensed pro-
4 grams; and

5 (B) to release unaccompanied noncitizen
6 children from other programs as expeditiously
7 as possible; and

8 (2) may not house an unaccompanied noncitizen
9 child in an influx facility or any other emergency or
10 temporary facility for more than 20 days.

11 (b) TRANSFER TO LICENSED FACILITY.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), in the case of an unaccompanied noncit-
14 izen child for whom release to a sponsor within 20
15 days of placement in an influx facility is not pos-
16 sible, the Director shall transfer the child to a
17 childcare facility.

18 (2) EXCEPTION.—The Director may not trans-
19 fer a child under paragraph (1) if the transfer would
20 prolong the child's total length of custody by more
21 than 48 hours.

22 (c) LIMITATION ON TRANSFER TO INFLUX FACIL-
23 ITY.—The Director may not transfer to an influx facility
24 any unaccompanied noncitizen child—

25 (1) for whom—

1 (A) a prospective sponsor has not been
2 identified; or

3 (B) such transfer would delay release by
4 more than 48 hours; or

5 (2) who—

6 (A) has been identified by the Director
7 as—

8 (i) having a prospective sponsor who
9 is not a parent, a legal guardian, or an im-
10 mediate relative; or

11 (ii) not having any identified prospec-
12 tive sponsor;

13 (B) is younger than 16 years of age;

14 (C) is part of a sibling group in the cus-
15 tody of the Secretary of which 1 or more sib-
16 lings are younger than 16 years of age;

17 (D) speaks a language other than English
18 or Spanish as his or her primary language;

19 (E) has special needs;

20 (F) is currently prescribed psychotropic
21 medication;

22 (G) is pregnant or parenting;

23 (H) will attain 18 years of age on a date
24 that is not more than 30 days after the pro-
25 posed date of transfer to the influx facility;

1 (I) is scheduled to be released on a date
2 that is not more than 3 days after the proposed
3 date of the transfer;

4 (J) has a pending home study;

5 (K) has not received a legal orientation
6 presentation or a legal screening;

7 (L) has a date scheduled for a hearing be-
8 fore an immigration court or a State court, in-
9 cluding family and juvenile court;

10 (M) has a pending application for relief
11 from removal;

12 (N) has legal counsel; or

13 (O) has a child advocate.

14 (d) FAMILY GROUPS.—The Director shall ensure
15 that—

16 (1) unaccompanied noncitizen children with sib-
17 lings or other relatives under the age of 18 in the
18 custody of the Secretary are not separated from
19 each other; and

20 (2) such family groups have unlimited visitation
21 with each other in influx facilities.

22 **SEC. 444. PLANNING FOR EMERGENCIES AND INFLUXES.**

23 (a) PLAN REQUIRED.—Not later than 180 days after
24 the date of the enactment of this Act, the Director shall
25 develop a plan for—

1 (1) maintaining and expanding emergency ca-
2 pacity in licensed foster care homes and small con-
3 gregate care facilities for housing unaccompanied
4 noncitizen children so as to eliminate the need for
5 influx facilities; and

6 (2) in the case of an emergency or influx, plac-
7 ing unaccompanied noncitizen children with sponsors
8 as expeditiously as possible.

9 (b) SUPPLEMENTAL PLACEMENT LIST.—

10 (1) IN GENERAL.—The Director shall develop
11 and maintain a supplemental placement list of facili-
12 ties that have, in the aggregate, not fewer than 200
13 beds available to accept unaccompanied noncitizen
14 children in the case of an emergency or influx, which
15 shall be in addition to the number of beds available
16 for placements under normal circumstances.

17 (2) LICENSING AND COMPLIANCE.—Any facility
18 on the supplemental placement list shall be—

19 (A) licensed in the State in which it is lo-
20 cated; and

21 (B) in compliance with all standards and
22 procedures applicable to State-licensed pro-
23 grams under this subtitle.

24 (3) ELEMENTS.—The supplemental placement
25 list shall include, for each facility, the following:

1 (A) The name of the facility.

2 (B) The number of beds available in the
3 facility in the case of an emergency or influx.

4 (C) The name and telephone number of 1
5 or more contact persons, including a contact
6 person for nights, holidays, and weekends.

7 (D) Any limitation on categories of child
8 the facility may accept, such as age categories.

9 (E) A description of any special service
10 available.

11 (4) APPROPRIATE COMMUNITY SERVICES.—To
12 the extent practicable, the Director shall attempt to
13 include on the supplemental placement list facilities
14 located in geographic areas in which culturally and
15 linguistically appropriate community services are
16 available.

17 (5) HIGH CAPACITY AT CHILDCARE FACILI-
18 TIES.—If the operational capacity of all childcare fa-
19 cilities and foster care placements reaches or exceeds
20 75 percent for a period of 3 consecutive days, the
21 Director shall contact the facilities on the supple-
22 mental placement list to determine the number of
23 available supplemental placements.

24 (c) NEED FOR SUPPLEMENTAL PLACEMENTS EX-
25 CCEEDING CAPACITY.—If the number of unaccompanied

1 noncitizen children in need of placement in the case of
2 an emergency or influx exceeds the available appropriate
3 placements on the supplemental placement list, the Direc-
4 tor shall—

5 (1) locate additional placements through State-
6 licensed programs and nonprofit child and family
7 services agencies providing placement services; and

8 (2) expedite the reunification and release of un-
9 accompanied noncitizen children from U.S. Customs
10 and Border Protection custody.

11 **SEC. 445. INFLUX FACILITY STANDARDS AND STAFFING.**

12 (a) OPERATION OF INFLUX FACILITIES.—In the
13 event that the operation of an influx facility cannot be
14 avoided, the Director may operate an influx facility in ac-
15 cordance with this section.

16 (b) STANDARDS.—

17 (1) IN GENERAL.—An influx facility that does
18 not meet the standards described in this subsection
19 may not be used to house any child, and children
20 housed at such an influx facility shall be transferred
21 out of the influx facility immediately.

22 (2) FIRST DAY OF OPERATION.—On the first
23 day of operation, an influx facility shall be in compli-
24 ance with—

1 (A) the staffing ratio requirements, case
2 management requirements, telephone call ac-
3 cess, legal services access, education and recre-
4 ation requirements, and medical and mental
5 health services requirements that apply to
6 childcare facilities; and

7 (B) the facility standards under the Prison
8 Rape Elimination Act of 2003 (34 U.S.C.
9 30301 et seq.).

10 (3) WITHIN 30 DAYS.—Not later than 30 days
11 after the date on which an influx facility commences
12 operation, the influx facility shall achieve compliance
13 with all standards set forth in part II, including
14 State licensing standards.

15 (c) CONTRACTOR STANDARDS.—The Director may
16 not enter into a contract with any entity to operate an
17 influx facility, unless the entity has each of the following:

18 (1) Demonstrated experience in providing serv-
19 ices for unaccompanied noncitizen children or chil-
20 dren in foster care.

21 (2) A plan for placement of children for whom
22 no sponsor has been identified.

23 (3) A plan for—

24 (A) identifying, and immediately notifying
25 the Director with respect to, any child believed

1 to have been erroneously transferred to, or in
2 care at, the influx facility contrary to the limi-
3 tations set forth in paragraphs (1) and (2) of
4 section 443(c); and

5 (B) not later than 10 days after identi-
6 fying such a child, transferring the child to an
7 appropriate placement.

8 (4) An emergency plan that includes protection
9 against transmission of COVID–19 and other infec-
10 tious diseases, including a plan—

11 (A) to provide regular testing for any ap-
12 plicable disease;

13 (B) to comply with service standards for
14 quarantine with respect to any such disease
15 that mirror the services and guidance for chil-
16 dren and congregate care settings recommended
17 by the Centers for Disease Control and Preven-
18 tion; and

19 (C) to ensure access to immunizations for
20 unaccompanied noncitizen children in the influx
21 facility, in accordance with any applicable guid-
22 ance of the Centers for Disease Control and
23 Prevention.

24 (5) Emergency response protocols for place-
25 ment, care, and transfer of children, which reduce

1 the amount of time a child is in an emergency influx
2 facility.

3 (6) A clear organizational chart, reporting
4 structure, and contact information.

5 (7) A staffing plan that includes maintaining
6 specified case manager-to-child ratios and a specified
7 number of case manager visits with a child each
8 week.

9 (8) A training plan for case managers that in-
10 cludes in-service coaching and individual support for
11 a case manager's first 30 days as an employee of the
12 entity.

13 (9) A written code of conduct that is—

14 (A) distributed to all officers, employees,
15 and volunteers; and

16 (B) contains clear boundaries for working
17 with and around children.

18 (10) Written ethical standards that are—

19 (A) distributed to all officers, employees,
20 and volunteers; and

21 (B) based on accepted child welfare prin-
22 ciples and best practices.

23 (11) A written security plan to protect against
24 unauthorized access to the influx facility and other
25 potential threats.

1 (12) Data systems that meet the data and qual-
2 ity standards described in section 472 for tracking
3 children through intake, case management, transpor-
4 tation, and placement.

5 (d) WAIVER.—

6 (1) IN GENERAL.—In the case of an influx fa-
7 cility, the Director may waive compliance with a
8 standard or procedure under part II for a period of
9 not more than 30 days.

10 (2) NOTICE TO CONGRESS.—If the Director
11 waives compliance with the requirement that an in-
12 flux facility shall be licensed by the State in which
13 it is located, the Director shall provide to Congress
14 notice of such waiver, which shall include—

15 (A) a justification for the waiver; and

16 (B)(i) a plan for the influx facility to ob-
17 tain such licensing; or

18 (ii) in the case of an influx facility that will
19 be unable to obtain such licensing—

20 (I) an explanation of the reason
21 that—

22 (aa) licensing is not possible; and

23 (bb) the particular influx facility
24 was chosen and remains operationally
25 necessary.

1 (e) REPORTING MECHANISMS.—The Director shall
2 establish clear procedures—

3 (1) for unaccompanied noncitizen children at
4 influx facilities to directly and confidentially report
5 incidents of abuse or neglect at influx facilities to
6 the Ombudsperson, consulates, and State authori-
7 ties; and

8 (2) to allow State child protective services im-
9 mediate access to any influx facility to investigate
10 any such report.

11 (f) STAFFING.—

12 (1) BACKGROUND CHECKS.—

13 (A) IN GENERAL.—The Director shall en-
14 sure that a Federal Bureau of Investigation
15 background check, and in any applicable State
16 a child abuse or neglect check, has been con-
17 ducted for each influx facility staff member who
18 will have direct contact with unaccompanied
19 noncitizen children.

20 (B) TIMING OF BACKGROUND CHECKS.—

21 The background checks described in subpara-
22 graph (A) shall be completed before a staff
23 member interacts with any unaccompanied non-
24 citizen child at an influx facility.

1 (C) PROHIBITION.—The Director shall en-
2 sure than an entity with which the Director has
3 contracted to operate an influx facility does not
4 hire as staff of the influx facility any individual
5 who has—

6 (i) any conviction for child abuse or
7 trafficking; or

8 (ii) a conviction that is less than 10
9 years old the underlying offense of which
10 would have a substantial and direct effect
11 on the safety of unaccompanied noncitizen
12 children.

13 (D) SUBMITTAL OF EVIDENCE.—Not later
14 than the date on which an influx facility com-
15 mences operation, the operator of the influx fa-
16 cility shall submit to the Director and the
17 Ombudsperson evidence that background checks
18 in accordance with this paragraph—

19 (i) have been completed for the rel-
20 evant facility staff; and

21 (ii) will be completed for all new hires
22 going forward.

23 (2) FLUENCY IN SPANISH.—Each staff member
24 of an influx facility who will have contact with unac-
25 companied noncitizen children shall—

1 (A) be fluent in Spanish and English; and

2 (B) have experience in the care of children.

3 (3) PEDIATRIC HEALTH SPECIALISTS.—An in-
4 flux facility shall have onsite pediatric health special-
5 ists, including a pediatrician, licensed psychologist,
6 or psychiatrist who is experienced in the care of chil-
7 dren.

8 (4) RATIOS.—Not later than 15 days after the
9 date on which an influx facility commences oper-
10 ation, the Director shall ensure that the influx facil-
11 ity maintains staffing ratios as follows:

12 (A) During waking hours, not less than 1
13 on-duty youth care worker for every 8 unaccom-
14 panied noncitizen children.

15 (B) During sleeping hours, not less than 1
16 on-duty youth care worker for every 16 unac-
17 companied noncitizen children.

18 **SEC. 446. MONITORING AND OVERSIGHT.**

19 (a) SITE VISITS.—

20 (1) DIRECTOR.—

21 (A) IN GENERAL.—Not less frequently
22 than monthly during the period in which an in-
23 flux facility is in operation, the Director shall
24 conduct a comprehensive onsite monitoring
25 visit.

1 (B) ELEMENTS.—Each site visit conducted
2 under subparagraph (A) shall include—

3 (i) an evaluation of the compliance of
4 the influx facility with—

5 (I) the standards and procedures
6 under part II; and

7 (II) the facility standards under
8 the Prison Rape Elimination Act of
9 2003 (34 U.S.C. 30301 et seq.);

10 (ii) an assessment of the delivery of,
11 and unaccompanied noncitizen children's
12 access to, health care and mental health
13 care services;

14 (iii) an assessment of unaccompanied
15 noncitizen children's access to counsel and
16 legal services; and

17 (iv) private, confidential interviews
18 with unaccompanied noncitizen children
19 housed in the influx facility.

20 (2) INSPECTOR GENERAL.—The Inspector Gen-
21 eral of the Department of Health and Human Serv-
22 ices may conduct unscheduled visits to any influx fa-
23 cility, during which the Inspector General may meet
24 confidentially with any unaccompanied noncitizen
25 child housed in the influx facility.

1 (3) OMBUDSPERSON.—Not less frequently than
2 monthly during the period in which an influx facility
3 is in operation, the Ombudsperson shall conduct a
4 comprehensive onsite visit to monitor for compliance
5 with applicable Federal and State law (including
6 regulations), including—

7 (A) the Flores settlement agreement;

8 (B) section 235 of the William Wilberforce
9 Trafficking Victims Protection Reauthorization
10 Act of 2008 (8 U.S.C. 1232); and

11 (C) this subtitle.

12 (b) TOURS BY APPROVED STAKEHOLDERS.—Not less
13 frequently than monthly during the period in which an in-
14 flux facility is in operation, the Director shall allow ap-
15 proved stakeholders, including representatives from non-
16 profit organizations serving or advocating on behalf of un-
17 accompanied noncitizen children, to tour the influx facil-
18 ity.

19 **PART IV—LEGAL REPRESENTATION FOR**

20 **UNACCOMPANIED NONCITIZEN CHILDREN**

21 **SEC. 451. LEGAL ORIENTATION PRESENTATIONS AND**

22 **LEGAL SCREENINGS.**

23 (a) IN GENERAL.—Not later than 10 days after
24 transfer to the custody of the Secretary, an unaccom-
25 panied noncitizen child shall receive a free legal orienta-

1 tion presentation and legal screening conducted by a legal
2 services provider, which shall include information relating
3 to—

4 (1) the right to apply for relief from removal;

5 (2) the right to request voluntary departure in
6 lieu of removal; and

7 (3) the right to a hearing before an immigra-
8 tion judge.

9 (b) PRIORITIZATION BEFORE RELEASE.—

10 (1) IN GENERAL.—The Director shall make af-
11 firmative, thorough, and timely efforts to ensure
12 that each unaccompanied noncitizen child receives a
13 presentation and screening described in subsection
14 (a) before release, and in the case of any unaccom-
15 panied noncitizen child who does not receive such
16 presentation and screening before release, the Direc-
17 tor shall ensure that the child receives the presen-
18 tation and screening on release.

19 (2) RULE OF CONSTRUCTION.—Nothing in this
20 section may be construed to prohibit the release of
21 an unaccompanied noncitizen child to a sponsor
22 based solely on not having received such a presen-
23 tation and screening.

1 **SEC. 452. LEGAL REPRESENTATION.**

2 (a) IN GENERAL.—Each unaccompanied noncitizen
3 child in the custody of the Secretary of Health and
4 Human Services shall be represented by counsel appointed
5 or provided by the Secretary, at Government expense, un-
6 less the child has obtained, at his or her own expense,
7 counsel authorized to practice in immigration proceedings.

8 (b) PROCEDURE.—Representation under subsection
9 (a) shall—

10 (1) be appointed or provided by the Secretary
11 as expeditiously as possible;

12 (2) extend through every stage of removal pro-
13 ceedings, from the child's initial appearance through
14 the termination of immigration proceedings; and

15 (3) include any ancillary matter appropriate to
16 such proceedings (including, to the extent prac-
17 ticable and as appropriate, an application for em-
18 ployment authorization), even if the child attains 18
19 years of age or is reunified with a parent or legal
20 guardian while the proceedings are pending.

21 (c) PRIVATE, CONFIDENTIAL MEETING SPACE.—The
22 Director shall ensure that unaccompanied noncitizen chil-
23 dren are provided access to a private, confidential space
24 to meet with legal services providers and a private, con-
25 fidential telephone line to contact their legal counsel or
26 legal services providers at the expense of the government.

1 (d) CONTACT WITH LEGAL COUNSEL.—An unaccom-
2 panied noncitizen child shall be permitted to call or meet
3 with his or her legal counsel or legal services provider at
4 any time.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated such sums as may be necessary to
8 carry out this section.

9 (2) FUNDING.—Amounts made available under
10 this section shall be maintained separately from
11 amounts designated for childcare facilities.

12 (f) SCOPE OF REPRESENTATION.—Government-ap-
13 pointed counsel appointed or provided by the Secretary
14 under this section may provide to an unaccompanied non-
15 citizen child the full scope of representation, including rep-
16 resentation in—

17 (1) any matter relevant to the child's well-
18 being, including conditions of detention and matters
19 relating to medical and mental health services and
20 medication;

21 (2) placement review hearings;

22 (3) sponsorship hearings; and

23 (4) any other matter relating to immigration.

24 (g) COOPERATION OF OFFICE OF REFUGEE RESET-
25 TLEMENT REQUIRED.—

1 (1) IN GENERAL.—The Director shall ensure
2 that the legal counsel of an unaccompanied noncit-
3 izen child has access to prompt, reasonable, and reg-
4 ular direct communication with case managers, case
5 coordinators, and Federal field specialists overseeing
6 the child’s placement, release, family reunification,
7 transfer, and medical and mental health services.

8 (2) REQUESTS BY COUNSEL FOR INFORMA-
9 TION.—On request by the legal counsel or the inde-
10 pendent legal services provider of an unaccompanied
11 noncitizen child, the Director shall provide, not later
12 than 7 days after the date on which the request is
13 made, the following:

14 (A) The names and telephone numbers of
15 all prospective sponsors of the unaccompanied
16 noncitizen child concerned.

17 (B) A copy of the complete Office of Ref-
18 ugee Resettlement case file and records of the
19 unaccompanied noncitizen child concerned.

20 **PART V—APPOINTMENT OF CHILD ADVOCATES**
21 **AND IMPROVEMENTS TO IMMIGRATION COURTS**

22 **SEC. 461. APPOINTMENT OF CHILD ADVOCATES.**

23 (a) IN GENERAL.—The Secretary shall appoint inde-
24 pendent child advocates to unaccompanied noncitizen chil-
25 dren, including—

1 (1) each vulnerable unaccompanied noncitizen
2 child in the custody of the Secretary; and

3 (2) each vulnerable unaccompanied noncitizen
4 child who has been released from such custody.

5 (b) EXPANSION OF CHILD ADVOCATE SERVICES.—

6 (1) IN GENERAL.—The Secretary shall increase
7 funding for child advocate services to facilitate the
8 expansion, by not later than the date that is 180
9 days after the date of the enactment of this Act, of
10 the provision of such services to all locations at
11 which—

12 (A) unaccompanied noncitizen children in
13 the custody of the Secretary are housed; or

14 (B) unaccompanied noncitizen children ap-
15 pear before immigration courts for removal pro-
16 ceedings.

17 (2) PRIORITIZATION.—In expanding services
18 under this subsection, the Secretary shall prioritize
19 locations that have the highest numbers of unaccom-
20 panied noncitizen children in the custody of the Sec-
21 retary and unaccompanied noncitizen children ap-
22 pearing before immigration courts.

23 (3) ACCESS TO RECORDS.—

24 (A) IN GENERAL.—A child advocate ap-
25 pointed under this section shall have timely ac-

1 cess to all materials necessary to effectively ad-
2 vocate for the best interests of the unaccom-
3 panied noncitizen child concerned, including the
4 child's complete Office of Refugee Resettlement
5 case file and records.

6 (B) REQUEST.—On request by such a
7 child advocate, the Director shall provide a
8 complete copy of an unaccompanied noncitizen
9 child's Office of Refugee Resettlement case file
10 and records not later than 72 hours after the
11 request is made.

12 (4) BEST INTEREST RECOMMENDATIONS.—A
13 child advocate appointed under this section shall
14 submit a best interest recommendation based on law,
15 policy, medical or behavioral health, and relevant so-
16 cial science research to any Federal or State agency
17 making a decision with respect to the best interests
18 of an unaccompanied noncitizen child, including—

19 (A) the Department of Health and Human
20 Services;

21 (B) the Department of Justice;

22 (C) the Department of Homeland Security;

23 and

24 (D) a Federal, State, or Tribal court.

1 (5) CONFIDENTIALITY.—All communications
2 between child advocates appointed under this section
3 and unaccompanied noncitizen children shall be con-
4 fidential, and such a child advocate may not be com-
5 pelled to testify or provide evidence, in any pro-
6 ceeding, with respect to any information or opinion
7 conveyed to the child advocate by an unaccompanied
8 noncitizen child in the course of serving as child ad-
9 vocate.

10 (6) LEGAL SUPPORT.—The Secretary shall en-
11 sure that each location at which child advocate serv-
12 ices are provided under this section is staffed with
13 1 or more attorneys who have expertise in immigra-
14 tion law and child welfare law.

15 (7) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated such sums
17 as may be necessary to carry out this subsection.

18 **SEC. 462. IMMIGRATION COURT IMPROVEMENTS.**

19 (a) HIRING OF IMMIGRATION JUDGES.—

20 (1) IN GENERAL.—To adjudicate pending cases
21 and efficiently process future cases, the Attorney
22 General shall increase the total number of immigra-
23 tion judges by not fewer than 75 judges during fis-
24 cal year 2025.

1 (2) QUALIFICATIONS.—The Attorney General
2 shall ensure that each immigration judge hired
3 under this subsection—

4 (A) is highly qualified;

5 (B) has substantial experience in the field
6 of immigration law; and

7 (C) is trained to conduct fair and impartial
8 hearings in accordance with applicable due
9 process requirements.

10 (3) NO PREFERENCE FOR CANDIDATES WITH
11 PRIOR SERVICE IN THE FEDERAL GOVERNMENT.—In
12 selecting immigration judges under this subsection,
13 the Attorney General may not assign any preference
14 to a candidate who has prior service in the Federal
15 Government over a candidate who has equivalent
16 subject matter expertise based on experience in a
17 nonprofit organization, private practice, or aca-
18 demia, but does not have previous Federal service.

19 (b) IMMIGRATION COURT STAFF.—During fiscal year
20 2025, the Attorney General shall—

21 (1) increase the total number of judicial law
22 clerks at the Executive Office for Immigration Re-
23 view by 75; and

1 (2) increase the total number of support staff
2 for immigration judges, including legal assistants
3 and interpreters, by 300.

4 (c) SUPPORT STAFF; OTHER RESOURCES.—The At-
5 torney General shall ensure that the Executive Office for
6 Immigration Review has sufficient support staff, adequate
7 technological and security resources, and appropriate fa-
8 cilities to conduct the immigration proceedings required
9 under Federal law.

10 (d) LIMITATION.—Amounts appropriated for the Ex-
11 ecutive Office for Immigration Review or for any other di-
12 vision, activity, or function of the Department of Justice
13 may not be used to implement numeric case load judicial
14 performance standards or other standards that could neg-
15 atively impact the fair administration of justice by the im-
16 migration courts.

17 (e) DOCKET MANAGEMENT FOR RESOURCE CON-
18 SERVATION.—Notwithstanding any opposition from the
19 Secretary of Homeland Security or the Attorney General,
20 immigration judges shall administratively close or termi-
21 nate cases, and the Board of Immigration Appeals shall
22 remand cases for administrative closure, if an individual
23 in removal proceedings—

24 (1) appears to be prima facie eligible for a visa
25 or any other immigration benefit; and

(2) has a pending application for such benefit before U.S. Citizenship and Immigration Services or any other applicable Federal agency.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

7 **PART VI—OVERSIGHT, MONITORING, AND**
8 **ENFORCEMENT**

9 SEC. 471. OFFICE OF THE OMBUDSPERSON FOR UNACCOM-
10 PANIED NONCITIZEN CHILDREN IN IMMIGRA-
11 TION CUSTODY.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of the Ombudsperson for Unaccompanied Noncitizen Children (referred to in this section as the “Office”) to monitor and oversee compliance with this subtitle and the amendments made by this subtitle.

(b) INDEPENDENCE.—The Office shall be an impartial, confidential resource that is fully independent of—

- (1) the Office of Refugee Resettlement; and
- (2) the Department of Homeland Security.

22 (c) OMBUDSPERSON.—

(1) IN GENERAL.—The Office shall be headed by an Ombudsperson, who shall be appointed by, and report directly to, the Secretary.

1 (2) RECOMMENDATIONS FROM STAKE-
2 HOLDERS.—Before making an appointment under
3 paragraph (1), the Secretary shall solicit and con-
4 sider candidate recommendations from organizations
5 that provide legal services to, and advocate on behalf
6 of, immigrant children.

7 (3) LIMITATION ON CERTAIN FORMER EMPLOY-
8 EES.—The Secretary may not appoint as
9 Ombudsperson any individual who, during the 2-year
10 period preceding the date of appointment, was an
11 employee of the Office of Refugee Resettlement or
12 the Department of Homeland Security.

13 (4) TERM.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (C), the term of an Ombudsperson ap-
16 pointed under this subsection shall be not more
17 than 4 years.

18 (B) CONSECUTIVE TERMS.—An
19 Ombudsperson may be appointed for consec-
20 utive terms.

21 (C) EXPIRATION.—The term of an
22 Ombudsperson shall not expire before the date
23 on which the Ombudsperson's successor is ap-
24 pointed.

1 (5) REMOVAL FOR CAUSE.—The Secretary may
2 only remove or suspend an Ombudsperson for ne-
3 glect of duty or gross misconduct.

4 (6) DUTIES AND AUTHORITIES.—

5 (A) REGIONAL OFFICES.—

6 (i) ESTABLISHMENT.—The
7 Ombudsperson shall establish not fewer
8 than 7 regional offices of the Office—

9 (I) to strengthen State oversight;

10 (II) to investigate complaints;

11 (III) to coordinate with State li-
12 censing entities; and

13 (IV) to identify and address dif-
14 ferences among State child protection
15 laws.

16 (ii) LOCATIONS.—

17 (I) IN GENERAL.—The regional
18 offices required under clause (i) shall
19 be established in the following loca-
20 tions:

21 (aa) 1 regional office in
22 Texas.

23 (bb) 1 regional office in Ari-
24 zona.

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1 (cc) 1 regional office in Cali-
2 fornia or a State in the North-
3 west.

4 (dd) 1 regional office in a
5 State in the Midwest.

6 (ee) 1 regional office in a
7 State in the Mid-Atlantic.

8 (ff) 1 regional office in a
9 State in the Northeast.

10 (gg) 1 regional office in a
11 State in the Southeast.

12 (II) ADDITIONAL LOCATIONS.—

13 The Ombudsperson may make a rec-
14 ommendation to the Secretary with
15 respect to the location of any addi-
16 tional regional office.

17 (iii) APPOINTMENT OF DEPUTIES.—

18 The Ombudsperson shall appoint a full-
19 time deputy for each regional office, who
20 shall serve at the Ombudsperson's discre-
21 tion.

22 (iv) APPLICABILITY OF OTHER PROVI-

23 SIONS.—The regional offices established
24 under this subparagraph shall have the
25 same access to facilities and records, main-

1 tain the same rights, roles, and responsibil-
2 ities, and be subject to the same confiden-
3 tiality requirements as the Office.

4 (B) HIRING.—

5 (i) IN GENERAL.—The Ombudsperson
6 shall hire to carry out the functions of the
7 Office necessary personnel, including cler-
8 ical personnel, who shall serve at the dis-
9 cretion of the Ombudsperson.

10 (ii) SUBJECT MATTER EXPERTS.—The
11 personnel hired under clause (i) shall in-
12 clude relevant subject matter experts, in-
13 cluding—

14 (I) legal advocates or specialists
15 in the fields of child and family wel-
16 fare, immigration, and human rights;

17 (II) pediatricians;

18 (III) child and adolescent psychi-
19 atrists and psychologists;

20 (IV) social workers;

21 (V) data analysts with demon-
22 strable expertise in child welfare or
23 immigration; and

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1 (VI) youth or young adults with
2 experience as noncitizen children in
3 immigration custody.

4 (C) MONITORING.—

5 (i) IN GENERAL.—The Ombudsperson
6 shall monitor, including by making site vis-
7 its, for compliance with all applicable law
8 and standards relating to noncitizen chil-
9 dren in immigration custody.

10 (ii) INFLUX FACILITIES.—The
11 Ombudsperson shall conduct site visits of
12 influx facilities, as described in section
13 446.

14 (D) INVESTIGATIONS.—

15 (i) IN GENERAL.—The
16 Ombudsperson—

17 (I) may conduct any investigation
18 relating to noncitizen children in im-
19 migration custody the Ombudsperson
20 considers necessary; and

21 (II) shall investigate—

22 (aa) claims of abuse, ne-
23 glect, or mistreatment of noncit-
24 izen children by the Government

1 or any other entity while in im-
2 migration custody; and

3 (bb) complaints made
4 against foster care providers, in-
5 cluding in the case of such a pro-
6 vider that is subject to State
7 oversight.

8 (ii) TIMELINE.—The Ombudsperson
9 shall commence an investigation under
10 clause (i)(II) not later than 30 days after
11 the date on which a claim or complaint de-
12 scribed in that clause is received.

13 (iii) REPORTING OF STATE LICENSING
14 VIOLATIONS.—If in the course of an inves-
15 tigation under clause (i)(II)(bb) the
16 Ombudsperson discovers a State licensing
17 violation, the Ombudsperson shall report
18 the violation to the child welfare licensing
19 agency of the applicable State.

20 (iv) PROCEDURES.—The
21 Ombudsperson shall establish a procedure
22 for conducting investigations, receiving and
23 processing complaints, and reporting find-
24 ings.

25 (v) NOTIFICATION.—

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1 (I) COMMENCEMENT OF INVES-
2 TIGATION.—If the Ombudsperson de-
3 cides to commence an investigation
4 based on a complaint received, not
5 later than 45 days after the date on
6 which the investigation commences,
7 the Ombudsperson shall so notify the
8 complainant.

9 (II) DECISION NOT TO INVES-
10 TIGATE OR TO DISCONTINUE INVES-
11 TIGATION.—If the Ombudsperson de-
12 cides not to investigate a complaint or
13 to discontinue an investigation com-
14 menced under this subparagraph, not
15 later than 45 days after the date on
16 which such an action is taken, the
17 Ombudsperson shall notify the com-
18 plainant and provide a reason for
19 such action.

20 (III) PROGRESS AND RESULTS.—
21 The Ombudsperson shall provide a
22 complainant with updates on the
23 progress of an investigation and shall
24 notify the complainant of the results
25 of the investigation.

1 (vi) CONFIDENTIALITY.—

2 (I) IN GENERAL.—All informa-
3 tion obtained by the Ombudsperson
4 from a complaint shall be confidential
5 under applicable Federal and State
6 confidentiality law, regardless of
7 whether the Ombudsperson—

8 (aa) investigates the com-
9 plaint;

10 (bb) refers the complaint to
11 any other entity for investigation;
12 or

13 (cc) determines that the
14 complaint is not a proper subject
15 for an investigation.

16 (II) DISCLOSURE.—Disclosure of
17 any such information may only occur
18 as necessary to carry out the mission
19 of the Office and as permitted by law.

20 (E) REPORTING MECHANISMS.—

21 (i) IN GENERAL.—The Ombudsperson
22 shall establish and maintain—

23 (I) a public toll-free telephone
24 number to receive complaints and re-
25 ports of matters for investigation; and

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1 (II) a public email address to re-
2 ceive complaints, such reports, and re-
3 quests for review of placement and
4 sponsorship decisions.

5 (ii) AVAILABILITY.—

6 (I) IN GENERAL.—The
7 Ombudsperson shall ensure that such
8 telephone number and email ad-
9 dress—

10 (aa) are made available, and
11 a telephone is accessible, to all
12 children in immigration custody;
13 and

14 (bb) are made available to
15 prospective sponsors, sponsors,
16 Flores settlement agreement
17 class counsel, and legal services
18 providers and child advocates
19 who serve such noncitizen chil-
20 dren.

21 (II) SPONSORSHIP APPLICATIONS.—The Director shall provide
22 such telephone number and email ad-
23 dress to the prospective sponsor of
24 each unaccompanied noncitizen child.
25

1 (iii) LANGUAGE ACCESS.—

2 (I) IN GENERAL.—Such tele-
3 phone number and email address shall
4 be posted in public areas of each facil-
5 ity or placement in which 1 or more
6 children in immigration custody are
7 held, in multiple languages, including
8 the top 20 preferred languages.

9 (II) ADDITIONAL LANGUAGES.—

10 The Ombudsperson may require that
11 such contact information be made
12 available and posted in any additional
13 language the Ombudsperson considers
14 necessary based on the demographics
15 of arriving noncitizen children.

16 (F) HEARINGS.—The Ombudsperson may
17 hold public hearings as the Ombudsperson con-
18 sider necessary.

19 (G) INDIVIDUAL CASE ASSISTANCE AND
20 REVIEW.—

21 (i) IN GENERAL.—The Ombudsperson
22 may offer individual case assistance for
23 noncitizen children in immigration custody.

24 (ii) COMMUNICATION WITH OTH-
25 ERS.—In providing such individual case as-

1 sistance, the Ombudsperson may speak
2 with a noncitizen child's prospective spon-
3 sor, family members, child advocate, legal
4 counsel, case manager, case coordinator,
5 and Office of Refugee Resettlement Fed-
6 eral field specialist staffing the noncitizen
7 child's case, as applicable.

8 (H) STAKEHOLDER MEETINGS.—

9 (i) COMMUNITY STAKEHOLDERS.—

10 Not less frequently than quarterly, the
11 Ombudsperson shall invite community
12 stakeholders, including attorneys who rep-
13 resent noncitizen children in immigration
14 custody, to participate in a meeting.

15 (ii) DATA TRACKING PERSONNEL.—

16 Not less frequently than quarterly, the
17 Ombudsperson shall invite personnel of the
18 Department of Homeland Security and the
19 Department of Health and Human Serv-
20 ices who manage the data tracking systems
21 described in section 472 to participate in a
22 meeting for the purpose of informing the
23 Ombudsperson with respect to the efficacy
24 and responsiveness of the system with em-
25 pirical data, analysis, and data needs.

1 (iii) ADDITIONAL MEETINGS.—The
2 Ombudsperson may convene additional
3 meetings at any time, as the
4 Ombudsperson considers necessary.

5 (I) REPORTING.—

6 (i) ANNUAL PUBLIC REPORT.—

7 (I) IN GENERAL.—Not less fre-
8 quently than annually, the
9 Ombudsperson shall issue a public re-
10 port on the implementation of and
11 compliance with this subtitle and the
12 amendments made by this subtitle, by
13 the Secretary and the Secretary of
14 Homeland Security.

15 (II) ELEMENTS.—Each report
16 under subclause (I) shall include the
17 following:

18 (aa) For the preceding fiscal
19 year, the accomplishments and
20 challenges relating to such imple-
21 mentation and compliance.

22 (bb) A summary of com-
23 plaints made and investigations
24 carried out during the preceding
25 fiscal year, including—

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1 (AA) the number of
2 complaints and number and
3 nature of other contacts;

4 (BB) the number of
5 complaints made, including
6 the type and source;

7 (CC) the number of in-
8 vestigations carried out;

9 (DD) the trends and
10 issues that arose in the
11 course of investigating com-
12 plaints; and

13 (EE) the number of
14 pending complaints.

15 (cc) For the preceding fiscal
16 year, a summary of—

17 (AA) each site visit
18 conducted;

19 (BB) any interview
20 with a noncitizen child or fa-
21 cility staff;

22 (CC) facility audits and
23 corrective actions taken or
24 recommended;

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1 (DD) appeals made to
2 the Ombudsperson; and

3 (EE) any other infor-
4 mation the Ombudsperson
5 considers relevant.

6 (dd) A detailed analysis of
7 the data collected under section
8 472.

9 (ee) Recommendations—

10 (AA) for improving im-
11 plementation and compliance
12 with this subtitle and the
13 amendments made by this
14 subtitle; and

15 (BB) as to whether the
16 Director should renew or
17 cancel contracts with par-
18 ticular Office of Refugee Re-
19 settlement grantees.

20 (ff) A description of the pri-
21 orities for the subsequent fiscal
22 year.

23 (ii) REPORT ON TRAINING MATE-
24 RIALS.—The Ombudsperson shall issue a
25 public report on the training materials de-

veloped by the Director under section 422(d)(4) that includes a description of any concerns the Ombudsperson has with respect to the materials.

(iii) ADDITIONAL REPORTS.—The Ombudsperson may issue additional reports at any time, including data analyses and findings, as the Ombudsperson considers necessary.

(J) INFORMATION GATHERING.—

(i) IN GENERAL.—The Ombudsperson may submit to the Director, the Director of U.S. Immigration and Customs Enforcement, and the juvenile coordinators of U.S. Customs and Border Protection requests for information with respect to the implementation of this subtitle.

(ii) RESPONSE REQUIRED.—Not later than 30 days after the date on which a juvenile coordinator receives a request for information under clause (i), the juvenile coordinator shall submit a detailed response to the Ombudsperson, the Director, the Director of U.S. Immigration and Customs

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1 Enforcement, and the Commissioner of
2 U.S. Customs and Border Protection.

3 (iii) COOPERATION REQUIRED.—The
4 Secretary and the Secretary of Homeland
5 Security shall—

6 (I) cooperate with any request
7 for information by the Ombudsperson;
8 and

9 (II) report to the Ombudsperson
10 any policy or instruction issued to em-
11 ployees regarding the implementation
12 of this subtitle.

13 (K) SUBPOENA AUTHORITY.—

14 (i) IN GENERAL.—The Ombudsperson
15 may—

16 (I) issue a subpoena to require
17 the production of all information, re-
18 ports, and other documentary evidence
19 necessary to carry out the duties of
20 the Ombudsperson; and

21 (II) compel by subpoena, at a
22 specified time and place—

23 (aa) the appearance and
24 sworn testimony of an individual
25 who the Ombudsperson reason-

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1 ably believes may be able to pro-
2 vide information relating to a
3 matter under investigation; and

4 (bb) the production by an
5 individual of a record of an ob-
6 ject that the Ombudsperson rea-
7 sonably believes may relate to a
8 matter under investigation.

9 (ii) EFFECT OF FAILURE TO COM-
10 PLY.—In the case of an individual who
11 fails to comply with a subpoena issued
12 under this subparagraph, the
13 Ombudsperson may commence a civil ac-
14 tion in an appropriate court.

15 (L) ADDITIONAL DUTIES.—The
16 Ombudsperson shall—

17 (i) develop notices of rights, as de-
18 scribed in sections 415(d)(5) and 421;

19 (ii) review training materials, as de-
20 scribed in section 422(d)(4);

21 (iii) conduct reviews of decisions in
22 placement review hearings, as described in
23 section 432(b)(6);

1 (iv) conduct reviews of decisions in
2 sponsorship hearings, as described in sec-
3 tion 435(b)(3)(H);

4 (v) regularly review data collected
5 under section 472; and

6 (vi) track and monitor processing
7 times and length of custody for noncitizen
8 children in immigration custody.

9 (d) ACCESS.—

10 (1) FACILITIES.—

11 (A) IN GENERAL.—The Secretary and the
12 Secretary of Homeland Security shall ensure
13 unobstructed access by the Ombudsperson to
14 any facility at which a noncitizen child is de-
15 tained.

16 (B) INFORMATION COLLECTION FOR SITE
17 VISITS.—For each site visit conducted by the
18 Ombudsperson, facility staff shall provide a list
19 of the unaccompanied noncitizen children
20 housed in the facility, including their names,
21 alien registration numbers, dates of birth, dates
22 of apprehension, and the dates of facility place-
23 ment—

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1 (i) in the case of an announced site
2 visit, not less than 48 hours before the ar-
3 rival of the Ombudsperson; and

4 (ii) in the case of an unannounced site
5 visit, on the arrival of the Ombudsperson.

6 (C) PRIVATE AND CONFIDENTIAL
7 SPACE.—A facility shall provide a private and
8 confidential space in which the Ombudsperson
9 may interview unaccompanied noncitizen chil-
10 dren and staff.

11 (D) DELEGATION.—The Ombudsperson
12 may designate 1 or more individuals from out-
13 side the Ombudsperson's office to conduct site
14 visits and interview detained children.

15 (2) INFORMATION.—On request by the
16 Ombudsperson, the Secretary shall ensure, not later
17 than 48 hours after receipt of the request, unob-
18 structed access by the Ombudsperson to—

19 (A) the case files, records, reports, audits,
20 documents, papers, recommendations, or any
21 other pertinent information relating to the care
22 and custody of a noncitizen child; and

23 (B) the written policies and procedures of
24 all childcare facilities.

1 (3) DEFINITION OF UNOBSTRUCTED ACCESS.—

2 In this subsection, the term “unobstructed access”
3 means—

4 (A) with respect to a facility, the ability—

(i) to enter the facility at any time,
including unannounced, to observe and in-
spect all areas of the facility;

(ii) to communicate privately and without restriction with any child, caregiver, facility staff, or volunteer; and

11 (iii) to obtain, review, and reproduce
12 any—

13 (I) record of a child, staff mem-
14 ber, or caregiver;

15 (II) administrative record, policy,
16 or document of any facility;

(III) licensing record maintained
by the applicable Federal or State
agency; or

(IV) record, including a confidential record, of a Federal or State agency or any contractor of a Federal or State agency, except sealed court records, production of which may only be compelled by subpoena; and

1 (B) with respect to information, the ability
2 to obtain requested information in a timely
3 manner and with the full cooperation of the
4 Secretary or the Secretary of Homeland Security,
5 as applicable.

6 (e) CONFIDENTIALITY.—

7 (1) IDENTITY OF COMPLAINANTS AND WIT-
8 NESSES.—The Ombudsperson shall maintain con-
9 fidentiality with respect to the identities of complain-
10 ants or witnesses coming before the Office, except if
11 such a disclosure is necessary—

12 (A) to carry out the duties of the
13 Ombudsperson; and

14 (B) to support recommendations made in
15 individual cases, annual reports, or other re-
16 ports.

17 (2) RECORDS.—In accordance with relevant
18 Federal and State law, the Ombudsperson may not
19 disclose a confidential record.

20 (3) TESTIMONY AND DEPOSITION.—The
21 Ombudsperson and employees of the Office may not
22 testify or be deposed in a judicial or administrative
23 proceeding regarding matters that have come to
24 their attention in the exercise of their official duties,
25 except as the Ombudsperson considers necessary to

1 enforce this subtitle or the amendments made by
2 this subtitle.

3 (4) SUBPOENA AND DISCOVERY.—The records
4 of the Office, including notes, drafts, and records ob-
5 tained from an individual, a provider, or an agency
6 during intake, review, or investigation of a com-
7 plaint, and any reports not released to the public are
8 not subject to disclosure or production in response
9 to a subpoena or discovery in a judicial or adminis-
10 trative proceeding, except as the Ombudsperson con-
11 siders necessary to enforce this subtitle or the
12 amendments made by this subtitle.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated such sums as are nec-
15 essary to carry out this section.

16 **SEC. 472. DATA COLLECTION AND REPORTING.**

17 (a) DEPARTMENT OF HOMELAND SECURITY.—

18 (1) IN GENERAL.—The Secretary of Homeland
19 Security shall collect and maintain a record of each
20 noncitizen child held in the custody of the Secretary
21 of Homeland Security.

22 (2) FREQUENCY AND SUBMISSION OF DATA
23 COLLECTED.—

1 (A) IN GENERAL.—Not less frequently
2 than weekly, the Secretary of Homeland Secu-
3 rity shall—

4 (i) collect the information described in
5 paragraph (3) from each district office and
6 Border Patrol station; and

7 (ii) submit such data to—

8 (I) the Ombudsperson; and

9 (II) the Committee on the Judici-
10 ary and the Committee on Appropria-
11 tions of the Senate and the Com-
12 mittee on the Judiciary and the Com-
13 mittee on Appropriations of the House
14 of Representatives.

15 (3) INFORMATION DESCRIBED.—The informa-
16 tion described in this paragraph is the following:

17 (A) INDIVIDUAL DATA.—For each noncit-
18 izen child in the custody of the Secretary of
19 Homeland Security, the following:

20 (i) Biographical information, including
21 full name, date of birth, country of citizen-
22 ship, preferred language, and alien num-
23 ber.

24 (ii) The date the child was appre-
25 hended and placed in such custody.

1 (iii) The date and the time the child
2 was released or transferred from such cus-
3 tody and to whom the child was so released
4 or transferred.

5 (iv) For each accompanying family
6 member of the child or other adult the
7 child identifies as a previous caregiver, bio-
8 graphical and contact information.

9 (v) An indication as to whether the
10 child arrived in the company of a family
11 member other than a parent or legal
12 guardian, and in the case of a separation
13 from that family member, a justification
14 for the separation.

15 (B) AGGREGATED DATA.—

16 (i) The number of children in the cus-
17 tody of the Secretary of Homeland Secu-
18 rity as of the last day of each calendar
19 month, calculated to include all such chil-
20 dren, disaggregated by—

21 (I) facility; and

22 (II) Border Patrol sector.

23 (ii) The largest number of children
24 concurrently held in such custody, cal-
25 culated to include all such children, and

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1 the 1 or more dates on which such largest
2 number occurred, disaggregated by—

3 (I) facility; and

4 (II) Border Patrol sector.

5 (iii) The median and average number
6 of hours in such custody for each such
7 child, calculated to include all such chil-
8 dren, disaggregated by—

9 (I) facility; and

10 (II) Border Patrol sector.

11 (4) PUBLICATION.—Not less frequently than
12 monthly, the Secretary of Homeland Security shall
13 publish on a publicly accessible internet website of
14 the Department of Homeland Security the following:

15 (A) The figures for the data collected
16 under paragraph (3)(B)(i).

17 (B) For the preceding calendar month, the
18 figures for the data collected under clauses (ii)
19 and (iii) of paragraph (3)(B).

20 (b) OFFICE OF REFUGEE RESETTLEMENT.—

21 (1) IN GENERAL.—To support the data collec-
22 tion and monitoring duties of the Ombudsperson and
23 to facilitate public monitoring, the Director shall—

24 (A) develop a systemic data collection sys-
25 tem to collect and maintain relevant demo-

1 graphic information that is pertinent to serv-
2 ing—

3 (i) the population of unaccompanied
4 noncitizen children in the custody of the
5 Secretary of Health and Human Services;
6 and

7 (ii) children who have been released
8 from such custody with services pending;

9 (B) not less than every 3 years, review the
10 data collected, the categorization of such data,
11 the information architecture for organizing and
12 analyzing such data, any safety concern relating
13 to the collection of such data, and the method
14 for obtaining or collecting such data under such
15 system;

16 (C)(i) as appropriate, revise such system to
17 make improvements in service delivery to unac-
18 companied noncitizen children; and

19 (ii) if such system is so revised, ensure the
20 continuity of comparative data from periods be-
21 fore and after the revision; and

22 (D) ensure the ongoing functioning and
23 use of such system by the Office of Refugee Re-
24 settlement.

1 (2) FREQUENCY OF DATA COLLECTED.—Not
2 less frequently than weekly, the Director shall—

3 (A) collect from each childcare facility the
4 information described in paragraph (3); and

5 (B) maintain such information in the sys-
6 tem described in paragraph (1)(A).

7 (3) INFORMATION DESCRIBED.—The informa-
8 tion described in this paragraph is the following:

9 (A) INDIVIDUAL DATA.—For each unac-
10 panied noncitizen child in the custody of the
11 Secretary of Homeland Security—

12 (i) biographical information, including
13 full name, date of birth, country of citizen-
14 ship, preferred language, and alien num-
15 ber;

16 (ii) the date the child was appre-
17 hended and placed in such custody of the
18 Secretary of Homeland Security;

19 (iii) the date the child was placed in
20 the custody of the Secretary of Health and
21 Human Services;

22 (iv) the date on which the child was
23 placed in a childcare facility, or transferred
24 between childcare facilities, as applicable,

1 and the name and location of each
2 childcare facility;

3 (v) in the case of a child placed in a
4 residential treatment center, therapeutic
5 childcare facility, staff-secure facility, or
6 out-of-network facility, a justification for
7 such placement;

8 (vi) the status of the child's family re-
9 unification process, including—

10 (I) a record of the 1 or more case
11 managers who have worked on the
12 child's case, including a description of
13 the work performed;

14 (II) in the case of a child who is
15 released or discharged from the cus-
16 tody of the Secretary of Health and
17 Human Services—

18 (aa) the date of release or
19 discharge;

20 (bb) the name of the indi-
21 vidual to whom the child was re-
22 leased, as applicable; and

23 (cc) the reason for release or
24 discharge; and

1 (III) in the case of a child re-
2 moved from the United States, the
3 date of removal and the country to
4 which he or she was removed, regard-
5 less of whether a child was removed
6 directly from the custody of the Sec-
7 retary of Health and Human Services;
8 and

9 (vii) the number of occasions on which
10 the operator of a childcare facility or an
11 influx facility contacted law enforcement
12 with respect to the child, as applicable, and
13 the justification for each such contact.

14 (B) FACILITY DATA.—For each childcare
15 facility or influx facility funded by the Depart-
16 ment of Health and Human Services—

17 (i) the median length of stay for unac-
18 companied noncitizen children placed at
19 the facility;

20 (ii) for children who have been re-
21 leased to sponsors, the median amount of
22 time spent by such children in the custody
23 of the Secretary of Health and Human
24 Services before release;

1 (iii) the utilization rate of the facility
2 (excluding funded but unplaceable beds
3 and calculated as the number of filled beds
4 divided by the number of beds available for
5 placement, expressed as a percentage);

6 (iv) the percentage of unaccompanied
7 noncitizen children transferred from the
8 facility to any other facility, calculated on
9 a rolling basis; and

10 (v) the number and type of child
11 abuse or neglect allegations against facility
12 staff or against other children in the facil-
13 ity, and the number of such allegations
14 substantiated.

15 (C) NATIONAL CAPACITY DATA.—

16 (i) IN GENERAL.—For all childcare
17 facilities and influx facilities, in the aggre-
18 gate—

19 (I) the number of pending beds;
20 and

21 (II) the number of delivered
22 beds, disaggregated by—

23 (aa) beds occupied by unac-
24 companied noncitizen children;

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1 (bb) unoccupied beds avail-
2 able for potential use by unac-
3 companied noncitizen children;
4 and

5 (cc) unavailable beds that
6 are funded but cannot receive
7 children.

8 (ii) DEFINITIONS.—In this subpara-
9 graph:

10 (I) DELIVERED BED.—The term
11 “delivered bed” means a bed delivered
12 to the Department of Health and
13 Human Services for use by an unac-
14 companied noncitizen child.

15 (II) PENDING BED.—The term
16 “pending bed” means a bed—

17 (aa) to be provided to the
18 Department of Health and
19 Human Services for use by an
20 unaccompanied noncitizen child
21 that is funded by a grant, cooper-
22 ative agreement, contract, or any
23 other means; but

24 (bb) that is not yet a deliv-
25 ered bed.

1 (D) FAMILY REUNIFICATION DATA.—For
2 all unaccompanied noncitizen children in the
3 custody of the Secretary of Health and Human
4 Services—

5 (i) the median time-to-release,
6 disaggregated by—

7 (I) children released to parents
8 or legal guardians;

9 (II) children released to other
10 sponsors;

11 (III) children who have home
12 studies mandated by section 235 of
13 the Trafficking Victims Protection
14 Reauthorization Act of 2008 (8
15 U.S.C. 1232);

16 (IV) children granted home stud-
17 ies through the discretion of the Di-
18 rector; and

19 (V) all other children; and

20 (ii) the number of children who have
21 been in such custody for more than 90
22 days, disaggregated by—

23 (I) children placed in therapeutic
24 foster care;

1 (II) children placed in long-term
2 foster care; and

3 (III) children in placements that
4 are not therapeutic foster care or
5 long-term foster care.

6 (E) COMPREHENSIVE NATIONAL DATA.—

7 (i) The number and characteristics of
8 children placed in and exiting the custody
9 of the Secretary of Health and Human
10 Services.

11 (ii) The status of the unaccompanied
12 noncitizen child population, including the
13 number of such children in such custody,
14 age cohorts of such children, length of
15 placements, types of placements, location
16 in-network or out-of-network, and goals for
17 reunification by sponsor or placement type.

18 (iii) The number and percentage of
19 unaccompanied noncitizen children des-
20 ignated for and receiving any of the fol-
21 lowing:

22 (I) Mandatory home studies.

23 (II) Discretionary home studies.

24 (III) Post-release services.

1 (iv) The number and percentage of
2 unaccompanied noncitizen children held in
3 a facility funded by the Office of Refugee
4 Resettlement with more than 25 other un-
5 accompanied noncitizen children.

6 (v) The number and percentage of un-
7 accompanied noncitizen children with spe-
8 cial needs or disabilities (as defined in sec-
9 tion 3 of the Americans with Disabilities
10 Act of 1990 (42 U.S.C. 12102)).

11 (vi) For each type of childcare facility
12 and each influx facility—

13 (I) the average national case
14 manager-to-child ratio; and

15 (II) the national utilization rate
16 (excluding funded but unplaceable
17 beds and calculated as the number of
18 filled beds divided by the number of
19 beds available for placement, ex-
20 pressed as a percentage).

21 (vii) The number of such facilities al-
22 leged and found to be out of compliance
23 with the facility standards under the Pris-
24 on Rape Elimination Act of 2003 (34
25 U.S.C. 30301 et seq.).

1 (viii) The number and types of viola-
2 tions for sexual abuse and exploitation al-
3 leged and resolved with respect to unac-
4 companied noncitizen children while in the
5 custody of the Secretary of Health and
6 Human Services, counted and categorized
7 in accordance with the Prison Rape Elimini-
8 nation Act of 2003 (34 U.S.C. 30301 et
9 seq.).

10 (ix) The rate of compliance with sub-
11 paragraphs (A) and (B) of section
12 434(a)(2).

13 (F) FURTHER POPULATION AND GENERAL
14 CHARACTERISTICS DATA.—

15 (i) IN GENERAL.—

16 (I) The general status and char-
17 acteristics of the population of unac-
18 companied noncitizen children and
19 their family members.

20 (II) The general quality and
21 speed of the placement process, and
22 information on post-placement out-
23 comes.

1 (III) Barriers to release for such
2 children, including relevant cross-tab-
3 ulations with other collected data.

4 (IV) An identification of children
5 who are vulnerable to or victims of
6 human trafficking.

7 (V) The general status and char-
8 acteristics of facilities funded by the
9 Office of Refugee Resettlement for the
10 purpose of the care of unaccompanied
11 noncitizen children.

12 (VI) The rate of increase or de-
13 crease in childcare facility usage, such
14 that cross-facility comparisons are
15 useful or systemwide seasonal vari-
16 ations may be anticipated.

17 (VII) Aggregate measures that
18 allow comparison between facilities by
19 size, placement type, and any other
20 appropriate factor of number and type
21 of child abuse or neglect allegations
22 against staff or against other children.

23 (ii) COLLECTION STANDARDS.—The
24 Director shall develop and implement

1 standards for the collection of the informa-
2 tion described in clause (i).

3 (4) SUBMISSION OF DATA AND INFORMATION.—

4 Not less frequently than weekly, the Director shall
5 submit, in a manner that corresponds with publica-
6 tion under paragraph (6), the information described
7 in paragraph (3) for the preceding week to—

8 (A) the Ombudsperson; and

9 (B) the Committee on the Judiciary and
10 the Committee on Appropriations of the Senate
11 and the Committee on the Judiciary and the
12 Committee on Appropriations of the House of
13 Representatives.

14 (5) ADDITIONAL REQUIREMENTS.—

15 (A) RELIABILITY AND CONSISTENCY OF
16 DATA COLLECTION SYSTEM.—The data collec-
17 tion system developed and implemented under
18 paragraph (1) shall—

19 (i) ensure that—

20 (I) data collected is reliable and
21 consistent over time and among juris-
22 dictions through the use of uniform
23 definitions and methodologies; and

225

1 (II) publicly available data re-
2 mains reliable and consistent over
3 time, unless—

4 (aa) the removal of data
5 from the public domain protects
6 individuals or groups of individ-
7 uals from harm or potential
8 harm; or

9 (bb) a modification to a defi-
10 nition or methodology is nec-
11 essary to allow the Office of Ref-
12 ugee Resettlement to serve unac-
13 companied noncitizen children
14 better, individually or as a group;
15 and

16 (ii) for the information described in
17 paragraph (3)(F), include metadata with
18 respect to whether, and in what form, such
19 information may be made available to the
20 public, with the presumption that informa-
21 tion shall be made available to the public—

22 (I) in the least restricted form
23 that protects individual privacy; and

1 (II) on the same internet website
2 used for publication under paragraph
3 (6).

4 (B) INCENTIVES.—The Director shall use
5 appropriate requirements and incentives to en-
6 sure that the data collection system developed
7 and implemented under paragraph (1) functions
8 reliably throughout the United States.

9 (6) PUBLICATION.—

10 (A) MONTHLY REPORT.—

11 (i) IN GENERAL.—Not less frequently
12 than monthly, the Director shall publish on
13 a publicly accessible internet website of the
14 Office of Refugee Resettlement the fol-
15 lowing:

16 (I) As of the last day of the pre-
17 ceding calendar month, the figures for
18 the data collected under subpara-
19 graphs (C), (D)(ii), and (E)(ii) of
20 paragraph (3).

21 (II) For each calendar month,
22 the figures for the data collected
23 under subparagraphs (D)(i), (E)(i),
24 (E)(v), and (E)(vi) of paragraph (3).

1 (III) If an influx facility, an
2 emergency facility, or any other unli-
3 censed facility is in operation to house
4 noncitizen children, the figures for the
5 data collected under paragraph
6 (3)(E)(ix) and any other data re-
7 quired to ensure oversight and trans-
8 parency under section 446.

9 (IV) The data and measures de-
10 scribed in paragraph (3)(F) for which
11 new or continuing publication is—

12 (aa) in the public interest;

13 or

14 (bb) required under para-
15 graph (5)(A).

16 (V) A description of any change
17 between the information reported
18 under subclauses (I) through (IV) for
19 the reporting period and such infor-
20 mation reported for the preceding re-
21 porting period.

22 (ii) AGGREGATION OF DATA.—The in-
23 formation published under clause (i) shall
24 be aggregated so as to facilitate uniform
25 monthly reporting.

1 (B) ANNUAL REPORT.—

2 (i) IN GENERAL.—Not less frequently
3 than annually, the Director shall publish
4 on a publicly accessible internet website of
5 the Office of Refugee Resettlement the fol-
6 lowing:

7 (I) As of the last day of each fis-
8 cal year, the figures for the data col-
9 lected under subparagraphs (E)(iii),
10 (E)(v), (E)(vii), and (E)(viii) of para-
11 graph (3).

12 (II) The data and measures de-
13 scribed in paragraph (3)(F) for which
14 new or continuing publication is—

15 (aa) in the public interest;

16 or

17 (bb) required under para-
18 graph (5)(A).

19 (III) A description of any change
20 between the information reported
21 under subclauses (I) and (II) for the
22 reporting period and such information
23 reported for the preceding reporting
24 period.

1 (ii) AGGREGATION OF DATA.—The in-
2 formation published under clause (i) shall
3 be aggregated so as to facilitate uniform
4 annual reporting.

5 (c) OMBUDSPERSON REVIEW OF DATA.—The Sec-
6 retary of Health and Human Services and the Secretary
7 of Homeland Security shall—

8 (1) ensure that the Ombudsperson—

9 (A) has access to all real-time data regard-
10 ing noncitizen children in immigration custody;
11 and

12 (B) is able to independently and regularly
13 review data collected by the Department of
14 Health and Human Services and Department of
15 Homeland Security with respect to such chil-
16 dren;

17 (2) respond in a timely manner to inquiries
18 from the Ombudsperson with respect to such data;
19 and

20 (3) promptly take any necessary corrective ac-
21 tion with respect to the accuracy and integrity of
22 such data.

23 **SEC. 473. ENFORCEMENT.**

24 (a) AUDITS.—

1 (1) IN GENERAL.—Not less frequently than an-
2 nually, the Director shall conduct an audit of each
3 childcare facility, which shall include a site visit—

4 (A) to assess compliance of the childcare
5 facility with the requirements of this subtitle;
6 and

7 (B) to determine whether the operator of
8 the childcare facility continues to be a State-li-
9 censed program.

10 (2) REPORT TO OMBUDSPERSON.—Not later
11 than 7 days after the date on which the Director
12 completes an audit under subsection (a), the Direc-
13 tor shall submit to the Ombudsperson a report on
14 the audit, including a description of any corrective
15 action required to bring the childcare facility into
16 compliance.

17 (b) VIOLATIONS.—

18 (1) NOTIFICATION.—With respect to a childcare
19 facility found to be in violation of this subtitle, the
20 Director shall provide the State-licensed program
21 concerned with a written notification of each defi-
22 ciency.

23 (2) APPEAL.—

24 (A) IN GENERAL.—A State-licensed pro-
25 gram shall have the opportunity to administra-

1 tively appeal a finding of deficiency in a
2 childcare facility operated by the State-licensed
3 program.

4 (B) NO NEW REFERRALS.—During the
5 pendency of an appeal under subparagraph (A),
6 the childcare facility may not receive new place-
7 ments of unaccompanied noncitizen children.

8 (3) DEBARMENT.—Consistent with the Federal
9 Acquisition Regulation, any operator of a childcare
10 facility that fails to maintain an appropriate State
11 license or meet the standards set forth in this sub-
12 title shall be debarred or suspended from contracting
13 with the Secretary for not less than 3 years.

14 (c) CIVIL ACTION.—

15 (1) IN GENERAL.—An unaccompanied noncit-
16 izen child or the parent, legal guardian, or prospec-
17 tive sponsor of such a child alleging noncompliance
18 by a State-licensed program with the standards and
19 procedures set forth in this subtitle for childcare fa-
20 cilities may commence a cause of action in a district
21 court of the United States that has venue over the
22 matter.

23 (2) VENUE.—Venue for an action under para-
24 graph (1) may be found in—

1 (A) the district in which the original
2 childcare facility in which the unaccompanied
3 noncitizen child concerned was placed is lo-
4 cated; or

5 (B) the district in which the childcare fa-
6 cility to which the unaccompanied noncitizen
7 child was transferred is located.

8 (d) LIMITED REVIEW.—Review under this section
9 shall be limited to entering an order solely affecting the
10 individual claims of the unaccompanied noncitizen child or
11 the parent, legal guardian, or prospective sponsor seeking
12 such review.

13 (e) INTERFERENCE WITH OMBUDSPERSON.—An em-
14 ployee of a Federal or State agency, a contractor of a Fed-
15 eral or State agency, or a care provider who intentionally
16 prevents, interferes with, or attempts to impede the work
17 of the Ombudsperson shall be subject to a civil penalty,
18 which shall be not more than \$2,500 for each violation.

19 (f) BREACH OF DUTY OF CARE.—If the
20 Ombudsperson has reason to believe that an employee of
21 a Federal or State agency or a contractor of a Federal
22 or State agency has, in the conduct of official duties,
23 breached the duty of care or engaged in misconduct, the
24 Ombudsperson shall refer the matter to the head of such

1 Federal or State agency, a grand jury, or other appro-
2 priate official or agency.

3 (g) CRIMINAL PENALTY FOR DISCRIMINATION OR
4 RETALIATION.—A violation of section 474 or any provi-
5 sion of part VII shall be a misdemeanor.

6 **SEC. 474. PROTECTION FROM RETALIATION.**

7 (a) IN GENERAL.—The Director may not—

8 (1) take an adverse action against an Office of
9 Refugee Resettlement-funded legal services provider,
10 child advocate program, or any other entity based on
11 the legal services provider, child advocate program,
12 or other entity having pursued judicial review or a
13 civil action under this subtitle, or any civil action in
14 a State court, on behalf of an unaccompanied non-
15 citizen child or the parent, legal guardian, or pro-
16 spective sponsor of such a child; or

17 (2) discourage, interfere in, or withdraw funds
18 from any Office of Refugee Resettlement-funded
19 legal services provider, child advocate program, or
20 any other entity that—

21 (A) pursues judicial review or a civil action
22 under this subtitle, or any civil action in State
23 court, to challenge the conditions of such a
24 child's custody or the denial of release from
25 custody; or

1 (B) assists such a child or the parent, legal
2 guardian, or prospective sponsor of such a child
3 to so challenge.

4 (b) PROTECTION FOR INDIVIDUALS FILING COM-
5 PLAINTS WITH OMBUDSPERSON.—An employee of a Fed-
6 eral or State agency, a contractor for a Federal or State
7 agency, or a care provider shall not retaliate against any
8 individual for having filed a complaint with, or provided
9 information to, the Ombudsperson.

10 (c) PROTECTIONS FOR NONCITIZEN CHILDREN RE-
11 PORTING DISCRIMINATION.—Noncitizen children in immi-
12 gration custody may not be retaliated against for report-
13 ing discrimination, filing a charge of discrimination, or
14 participating in a discrimination investigation or lawsuit.

15 **SEC. 475. MANDATORY ACCESS TO DETENTION FACILITIES**
16 **FOR MEMBERS OF CONGRESS.**

17 (a) IN GENERAL.—Subject to subsection (c), the Sec-
18 retary concerned shall allow a Member of Congress to tour
19 any facility in which 1 or more detained individuals are
20 housed, including unaccompanied noncitizen children, at
21 a time between 8:00 a.m. and 7:00 p.m. on a date re-
22 quested by the Member of Congress if, not later than 24
23 hours before the date requested in the case of a Depart-
24 ment of Homeland Security facility, or not later than 2
25 business days before the date requested in the case of a

1 Department of Health and Human Services facility, the
2 Secretary concerned receives written notice from the Mem-
3 ber of Congress that includes—

4 (1) the name of the facility; and

5 (2) the date on which the Member of Congress
6 intends to tour the facility.

7 (b) ACCOMPANYING MEMBERS OF THE PRESS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary concerned shall allow 1 or more mem-
10 bers of the press to accompany a Member of Con-
11 gress on a tour of a facility under this section.

12 (2) LIMITATIONS.—

13 (A) STILL OR VIDEO CAMERAS.—The Sec-
14 retary concerned shall not be required to allow
15 a member of the press to enter a facility under
16 paragraph (1) with a still or video camera.

17 (B) PERSONALLY IDENTIFYING INFORMA-
18 TION.—As a condition of entering a facility
19 under paragraph (1), a member of the press
20 shall agree not to release any personally identi-
21 fying information of a staff member of the facil-
22 ity or a child housed at the facility without the
23 express authorization of such staff member or
24 child.

1 (c) LIMITATION.—The Secretary concerned may limit
2 a tour under subsection (a) to—

3 (1) in the case of a facility that houses not
4 more than 50 unaccompanied noncitizen children—

5 (A) not more than 5 Members of Congress;
6 and

7 (B) accompanying members of the press
8 under subsection (b); and

9 (2) in the case of a facility that houses more
10 than 50 detained individuals, including unaccom-
11 panied noncitizen children—

12 (A) not more than 10 Members of Con-
13 gress; and

14 (B) accompanying members of the press
15 under subsection (b).

16 (d) DEFINITION OF SECRETARY CONCERNED.—In
17 this section, the term “Secretary concerned” means, as
18 applicable—

19 (1) the Secretary of Homeland Security; or

20 (2) the Secretary of Health and Human Serv-
21 ices.

1 **PART VII—NONDISCRIMINATION**

2 **SEC. 476. FAIR AND EQUAL TREATMENT.**

3 (a) IN GENERAL.—All noncitizen children in immi-
4 gration custody shall be treated fairly and equally and pro-
5 vided with inclusive, safe, and nondiscriminatory services.

6 (b) FREEDOM FROM DISCRIMINATION.—

7 (1) IN GENERAL.—Noncitizen children in immi-
8 gration custody shall have the right to be free from
9 discrimination and harassment on the basis of actual
10 or perceived characteristics relating to race, ethnic
11 group identification, ancestry, national origin, color,
12 religion, sex (including sexual orientation, gender
13 identity, and expression), language, mental or phys-
14 ical disability, or HIV status.

15 (2) PROVISION OF SERVICES.—Services pro-
16 vided to noncitizen children under this subtitle shall
17 be delivered in a manner that is sensitive to the age,
18 culture, native language, and complex needs of each
19 noncitizen child.

20 (c) RULE OF CONSTRUCTION.—Nothing in this part
21 shall be construed to diminish any protection under any
22 other Federal or State anti-discrimination law.

23 **SEC. 477. RESPONSIBILITIES OF CARE PROVIDERS.**

24 (a) IN GENERAL.—During the entire period in which
25 a noncitizen child is held in immigration custody, the
26 child’s care providers shall ensure that the child—

- 1 (1) is treated and served fairly and equally;
- 2 (2) is treated with dignity and respect;
- 3 (3) is cared for in an inclusive and respectful
- 4 environment; and
- 5 (4) is not subject to discrimination or harassed
- 6 based on actual or perceived characteristics.

7 (b) SPECIAL CONSIDERATIONS.—During the entire
8 period in which a noncitizen child is held in immigration
9 custody, the child’s care providers—

- 10 (1) in the case of an noncitizen indigenous
- 11 child, in partnership with the noncitizen indigenous
- 12 child and, to the extent practicable, the parents, ex-
- 13 tended family, and members of the cultural commu-
- 14 nity of the child, shall make active efforts to main-
- 15 tain the child’s connections to culture, tradition, and
- 16 prevailing indigenous lifeways, including through
- 17 culturally appropriate programs and services;

- 18 (2) shall maintain privacy and confidentiality of
- 19 information relating to the child’s sexual orientation
- 20 and gender identity;

- 21 (3) shall use the child’s correct names and pro-
- 22 nouns corresponding to the child’s gender identity;

- 23 (4) in the case of an LGBTQI child—

- 24 (A) shall—

1 (i) ensure that the child is housed ac-
2 cording to an assessment of the child's
3 gender identity and housing preference,
4 health and safety needs, and State and
5 local licensing standards;

6 (ii) offer an individualized assessment
7 to determine whether additional or alter-
8 nate restroom accommodations should be
9 provided;

10 (iii) allow the child to dress and ex-
11 press themselves according to their gender
12 identity;

13 (iv) allow the child to choose the gen-
14 der of staff that will conduct a pat-down
15 search if such a search is necessary; and

16 (v) consider the child's gender self-
17 identification and the effects of a housing
18 assignment on the child's health and safe-
19 ty; and

20 (B) shall not—

21 (i) label the child as a likely abuser or
22 punish the child for the child's sexual ori-
23 entation, gender identity, or gender expres-
24 sion; or

- 1 (ii) isolate or involuntarily segregate
2 the noncitizen child solely because of the
3 child's sexual orientation, gender identity,
4 or gender expression.

5 **PART VIII—INFORMATION SHARING AND DATA**
6 **PROTECTION**

7 **SEC. 481. SEPARATION OF RECORDS.**

8 The Director shall ensure that—

9 (1) all unaccompanied noncitizen children's per-
10 sonal information and Office of Refugee Resettle-
11 ment case files and records are maintained sepa-
12 rately and apart from such children's immigration
13 files (commonly known as "A-Files"); and

14 (2) such case files and records are not acces-
15 sible by the Department of Homeland Security.

16 **SEC. 482. PROHIBITION ON USE FOR DENIAL OF RELIEF OR**
17 **IN REMOVAL PROCEEDINGS.**

18 An unaccompanied noncitizen child's Office of Ref-
19 ugee Resettlement case file or record shall not be used
20 by the Secretary of Homeland Security or the Attorney
21 General—

22 (1) to deny any application for relief; or

23 (2) to facilitate involuntary removal in any pro-
24 ceeding, including expedited removal, reinstatement
25 of removal, and proceedings under section 362 or

1 365 of the Public Health Service Act (42 U.S.C.
2 265, 268).

3 **SEC. 483. DISCLOSURE.**

4 (a) INFORMED CONSENT REQUIRED.—

5 (1) IN GENERAL.—The personal information
6 and Office of Refugee Resettlement case file and
7 records of an unaccompanied noncitizen child—

8 (A) shall be confidential; and

9 (B) subject to paragraph (2), may only be
10 disclosed if the child has—

11 (i) consulted with the child's legal
12 counsel; and

13 (ii) provided informed consent for dis-
14 closure.

15 (2) CHILDREN UNDER 12 YEARS OF AGE.—In
16 the case of an unaccompanied noncitizen child under
17 the age of 12 years, only the parent, legal guardian,
18 or sponsor may provide consent for disclosure of the
19 personal information or Office of Refugee Resettle-
20 ment case file of the child.

21 (3) SUBSEQUENT DISCLOSURE PROHIBITED.—

22 Once disclosed, the personal information or Office of
23 Refugee Resettlement case file of an unaccompanied
24 noncitizen child may not be subsequently disclosed
25 to a third party unless the child has—

1 (A) consulted with his or her legal counsel;
2 and
3 (B) provided informed consent for disclo-
4 sure.

5 **SEC. 484. PROHIBITION ON INFORMATION SHARING.**

6 (a) CHILD IN CUSTODY AND PROSPECTIVE SPON-
7 SORS.—The Director may not provide any information
8 about an unaccompanied noncitizen child in the custody
9 of the Secretary, or prospective sponsors, to the Attorney
10 General or the Secretary of Homeland Security without
11 consent of the unaccompanied noncitizen child concerned
12 or the prospective sponsor, as applicable, and the legal
13 counsel of the child or sponsor, respectively.

14 (b) IMMIGRATION ENFORCEMENT.—

15 (1) IN GENERAL.—The sharing of any informa-
16 tion between the Office of Refugee Resettlement and
17 the Department of Homeland Security for purposes
18 of immigration enforcement is prohibited.

19 (2) EXPLANATION FOR PROSPECTIVE SPON-
20 SORS.—The Director shall ensure that Office of Ref-
21 ugee Resettlement communications with sponsors
22 and prospective sponsors, including the family reuni-
23 fication application packet, includes an explanation
24 that information provided to the Office of Refugee
25 Resettlement may only be shared with the Depart-

1 ment of Homeland Security if the child and sponsor
2 or prospective sponsor concerned have provided in-
3 formed consent.

4 (c) RELIEF FROM REMOVAL.—The sharing of any in-
5 formation between the Office of Refugee Resettlement and
6 the Department of Homeland Security or the Department
7 of Justice for purposes of relief from removal is prohib-
8 ited.

9 (d) EXCEPTIONS.—

10 (1) IN GENERAL.—The Secretary may provide
11 for the disclosure of information in the same manner
12 and circumstances as census information may be
13 disclosed by the Secretary of Commerce under sec-
14 tion 8 of title 13, United States Code.

15 (2) NATIONAL SECURITY PURPOSES.—The Sec-
16 retary may provide for the disclosure of information
17 to national security officials to be used solely for a
18 national security purpose in a manner that protects
19 the confidentiality of such information.

20 (3) LAW ENFORCEMENT PURPOSES.—The Sec-
21 retary may provide for the disclosure of information
22 to law enforcement officials to be used solely for a
23 legitimate law enforcement purpose in a manner that
24 protects the confidentiality of such information.

1 (4) ELIGIBILITY FOR BENEFITS.—The Sec-
2 retary may disclose information to Federal, State,
3 and local public and private agencies providing bene-
4 fits, to be used solely in making determinations of
5 eligibility for benefits pursuant to section 431 of the
6 Personal Responsibility and Work Opportunity Rec-
7 onciliation Act of 1996 (8 U.S.C. 1641).

8 (5) ADJUDICATION OF APPLICATIONS FOR RE-
9 LIEF.—Government entities adjudicating applica-
10 tions for relief under the immigration laws and gov-
11 ernment personnel carrying out mandated duties
12 under section 101(i)(1) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1101(i)(1)), may, with the
14 prior written consent of the noncitizen involved,
15 communicate with nonprofit, nongovernmental vic-
16 tims' service providers for the sole purpose of assist-
17 ing victims in obtaining victim services from pro-
18 grams with expertise in working with immigrant vic-
19 tims. Agencies receiving referrals are bound by the
20 provisions of this section. Nothing in this paragraph
21 shall be construed as affecting the ability of an ap-
22 plicant to designate a safe organization through
23 which Governmental agencies may communicate with
24 the applicant.

1 (e) RULE OF CONSTRUCTION.—Subsections (a), (b),
2 and (c) shall not be construed as preventing—

3 (1) disclosure of information in connection with
4 judicial review of a determination in a manner that
5 protects the confidentiality of such information; or

6 (2) the Secretary from disclosing to the chair
7 and ranking members of the Committee on the Judi-
8 ciary of the Senate or the Committee on the Judici-
9 ary of the House of Representatives, for the exercise
10 of congressional oversight authority, information on
11 closed cases under this section in a manner that pro-
12 tects the confidentiality of such information and that
13 omits personally identifying information (including
14 locational information about individuals).

15 **SEC. 485. COUNSELING RECORDS.**

16 (a) IN GENERAL.—Subject to subsection (b), infor-
17 mation shared by an unaccompanied noncitizen child in
18 counseling sessions, and written records and notes of
19 counseling sessions, may not be shared with the child's
20 case management specialist or any other employee of the
21 Office of Refugee Resettlement, the Department of Health
22 and Human Services, the Department of Justice, or the
23 Department of Homeland Security.

24 (b) DISCLOSURE.—The information, records, and
25 notes described in subsection (a) may be shared—

1 (1) with an employee described in that sub-
2 section only if the child presents a documented im-
3 minent threat to himself or herself or to any other
4 individual; or

5 (2) with the Department of Justice or the De-
6 partment of Homeland Security if the child has—

7 (A) consulted with his or her legal counsel;

8 and

9 (B) provides informed consent for the dis-
10 closure.

11 (c) JUVENILE INFORMATION.—

12 (1) IN GENERAL.—Juvenile information, includ-
13 ing records of children separated from family, shall
14 remain confidential regardless of the child's immi-
15 gration status.

16 (2) RULE OF CONSTRUCTION.—Nothing in this
17 subtitle may be construed as authorizing—

18 (A) the disclosure of juvenile information
19 to Federal officials absent a court order of the
20 judge of the juvenile court on filing a petition;

21 (B) the dissemination of juvenile informa-
22 tion to, or by, Federal officials absent a court
23 order of the judge of the juvenile court on filing
24 a petition;

1 (C) the attachment of juvenile information
2 to any other document given to, or provided by,
3 Federal officials absent prior approval of the
4 presiding judge of the juvenile court; or

5 (D) any disclosure that would otherwise
6 violate this subtitle.

7 (3) DEFINITION OF JUVENILE INFORMATION.—

8 In this section, the term “juvenile information” in-
9 cludes the juvenile case file and information related
10 to a noncitizen child (including the name, date, and
11 place of birth of the child, the child’s health and
12 education records, and the immigration status of the
13 child) that is—

14 (A) obtained or created independent of, or
15 in connection with, immigration, asylum, or ju-
16 venile court proceedings of which the child is a
17 subject; and

18 (B) maintained by any Federal or State
19 agency, including a court, probation office, child
20 welfare agency, or law enforcement agency.

21 **SEC. 486. DATA PROTECTION FOR SPONSORS.**

22 (a) IN GENERAL.—With respect to any information
23 required of sponsors or prospective sponsors or any data
24 collected in pursuit of sponsorship, the following protec-
25 tions shall apply:

1 (1) Such information and data—

2 (A) may not be disclosed for any purpose
3 or effect other than reunification of the family
4 unit, placement of a child with a sponsor, or
5 oversight by Congress;

6 (B) shall be immune from legal process;
7 and

8 (C) shall not, without the consent of the
9 sponsor or prospective sponsor concerned, be
10 admitted as evidence or used for any purpose in
11 any action, suit, or other judicial or administra-
12 tive proceeding.

13 (2) The Secretary or any other officer or em-
14 ployee of the Department of Health and Human
15 Services may not—

16 (A) use such information or data for any
17 purpose other than for purposes of reunification
18 under section 235 of the William Wilberforce
19 Trafficking Victims Protection Reauthorization
20 Act of 2008 (8 U.S.C. 1232);

21 (B) make any publication in which such in-
22 formation or data can be identified; or

23 (C) permit any individual other than the
24 sworn officers and employees of the Depart-

1 ment of Health and Human Services to exam-
2 ine such information or data.

3 **Subtitle B—Real Courts, Rule of**
4 **Law Act of 2026**

5 **SEC. 491. SHORT TITLE.**

6 This subtitle may be cited as the “Real Courts, Rule
7 of Law Act of 2026”.

8 **SEC. 492. ESTABLISHMENT AND STRUCTURE OF THE**
9 **UNITED STATES IMMIGRATION COURTS.**

10 (a) UNITED STATES IMMIGRATION COURTS.—The
11 Immigration and Nationality Act (8 U.S.C. 1101 et seq.)
12 is amended by adding at the end the following:

13 **“TITLE VI—UNITED STATES**
14 **IMMIGRATION COURTS**
15 **“Subtitle A—Organization and**
16 **Jurisdiction**

17 **“SEC. 601. ESTABLISHMENT AND STRUCTURE.**

18 “(a) ESTABLISHMENT.—

19 “(1) IN GENERAL.—There is established, under
20 Article I of the Constitution of the United States, a
21 system of courts of record, which shall be known as
22 the ‘United States Immigration Courts’ (referred to
23 in this title as the ‘Immigration Courts’). Each such
24 court of record may be referred to as an ‘immigra-
25 tion court’. The Immigration Courts is not an agen-

1 cy of, and shall be independent of, the executive
2 branch of the United States Government.

3 “(2) DIVISIONS.—The Immigration Courts shall
4 consist of an appellate division, a trial division, and
5 an administrative division.

6 “(3) COURT OFFICES.—The principal office of
7 the Immigration Courts shall be in the Washington,
8 District of Columbia metropolitan area, but each im-
9 migration court may sit at any place within the
10 United States.

11 “(4) COURT SEAL.—The Immigration Courts
12 shall have a seal, which shall be judicially noticed.

13 “(b) APPELLATE DIVISION.—

14 “(1) IN GENERAL.—The appellate division of
15 the Immigration Courts shall be composed of 21 im-
16 migration appeals judges, 1 of whom shall serve as
17 chief judge, in accordance with paragraph (3).

18 “(2) APPOINTMENT OF IMMIGRATION APPEALS
19 JUDGES.—

20 “(A) IN GENERAL.—Each immigration ap-
21 peals judge shall be appointed by the President,
22 by and with the advice and consent of the Sen-
23 ate, in accordance with the requirements under
24 section 602.

“(B) TERM OF OFFICE.—Each immigration appeals judge shall be appointed for a term of 15 years and may be reappointed for additional 15-year terms. An immigration appeals judge who is not reappointed for an additional term may continue to serve after the expiration of the prior term until the earlier of—

8 “(i) the date on which his or her suc-
9 cessor is appointed; or

10 “(ii) the date that is 1 year after the
11 expiration of the prior term.

“(C) SPECIAL RULE.—If an immigration appeals judge does not serve the entirety of an appointed term, the resulting vacancy shall be filled by a successor appointed for the remainder of the term in accordance with this paragraph. At the conclusion of such term, such successor may be reappointed in accordance with subparagraph (B).

20 “(3) CHIEF JUDGE.—

21 “(A) DESIGNATION.—

22 “(i) IN GENERAL.—The chief judge
23 shall be the immigration appeals judge who
24 is most senior in appointment among the
25 immigration appeals judges who, at that

1 time of appointment to the appellate divi-
2 sion—

3 “(I) have served for 1 or more
4 years;

5 “(II) have at least 5 years re-
6 maining in their term of office as an
7 immigration appeals judge; and

8 “(III) have not previously served
9 as chief judge.

10 “(ii) ACTING CHIEF JUDGE.—If no
11 immigration appeals judge in regular ac-
12 tive service satisfies all of the requirements
13 under clause (i), the immigration appeals
14 judge who is most senior in commission
15 and who has not previously served as chief
16 judge shall serve as acting chief judge until
17 an immigration appeals judge becomes eli-
18 gible under such clause.

19 “(iii) PRECEDENCE.—Immigration
20 appeals judges who have the same seniority
21 in commission shall be eligible for service
22 as chief judge according to seniority in
23 age.

24 “(B) TERM OF OFFICE.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), the chief judge shall
3 serve a term that shall end on the earliest
4 of—

5 “(I) the date that is 5 years after
6 the date such term begins;

7 “(II) the date on which the chief
8 judge is removed from service for
9 cause in accordance with section
10 602(f);

11 “(III) the date on which the chief
12 judge leaves regular active service as
13 an immigration appeals judge; and

14 “(IV) the date on which the chief
15 judge provides written notice to the
16 other immigration appeals judges that
17 such judge is resigning from service
18 as chief judge.

19 “(ii) CONTINUATION OF SERVICE.—If,
20 upon conclusion of the chief judge’s term
21 of office, as described in clause (i)(I), no
22 other immigration appeals judge is eligible
23 to assume the role of chief judge, as pro-
24 vided under subparagraph (A), the incum-
25 bent shall continue to serve as chief judge

1 until another immigration appeals judge
2 becomes eligible.

3 “(4) EN BANC EXERCISE OF APPELLATE DIVI-
4 SION AUTHORITY IN NON-ADJUDICATIVE MAT-
5 TERS.—

6 “(A) IN GENERAL.—The appellate division
7 shall exercise its en banc authority—

8 “(i) to appoint immigration trial
9 judges to the trial division;

10 “(ii) to remove immigration trial
11 judges in accordance with section 602(f);

12 “(iii) to appoint a chief administrative
13 officer to the administrative division;

14 “(iv) to promulgate rules and set poli-
15 cies and procedures of the Immigration
16 Courts; and

17 “(v) to address other non-adjudicative
18 matters that require en banc consideration,
19 as determined by the chief judge.

20 “(B) MAJORITY VOTE.—The appellate divi-
21 sion shall exercise its en banc authority as pro-
22 vided under subparagraph (A) by a majority
23 vote, a quorum being present.

24 “(C) QUORUM.—For purposes of this
25 paragraph, not fewer than 3 immigration ap-

1 peals judges in regular active service or $\frac{2}{3}$ of
2 all immigration appeals judges in regular active
3 service, whichever is greater, shall constitute a
4 quorum.

5 “(c) TRIAL DIVISION.—

6 “(1) IN GENERAL.—The trial division of the
7 Immigration Courts shall be composed of immigra-
8 tion trial courts, the number and geographical loca-
9 tion of which shall be determined by the administra-
10 tive council, in accordance with the procedures de-
11 scribed in subsection (d)(3)(B). Each immigration
12 trial court shall be overseen by a chief trial judge.

13 “(2) APPOINTMENT OF IMMIGRATION TRIAL
14 JUDGES.—

15 “(A) IN GENERAL.—Except as provided in
16 section 603, each immigration trial judge shall
17 be appointed by the appellate division in accord-
18 ance with the requirements described in section
19 602.

20 “(B) TERM OF OFFICE.—Each immigra-
21 tion trial judge shall be appointed for a term of
22 15 years and may be reappointed for additional
23 15-year terms. An immigration trial judge who
24 is not reappointed for an additional term may

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1 continue to serve after the expiration of the
2 prior term until the earlier of—

3 “(i) the date on which a successor is
4 appointed; or

5 “(ii) the date that is 1 year after such
6 expiration date.

7 “(3) CHIEF TRIAL JUDGES.—

8 “(A) DESIGNATION.—The chief judge shall
9 designate 1 immigration trial judge to serve as
10 chief trial judge for each geographical area. If
11 only 1 immigration trial judge presides over a
12 geographical area, that judge shall be des-
13 ignated as the chief trial judge for such area.

14 “(B) TERM OF OFFICE.—Chief trial judges
15 shall serve in such capacity for an initial term
16 of 5 years and may be reappointed for addi-
17 tional 5-year terms, or a period shorter than 5
18 years, as determined by the appellate division.

19 “(C) RESPONSIBILITIES.—In addition to
20 fulfilling regular judicial duties, chief trial
21 judges shall—

22 “(i) oversee the administrative oper-
23 ations of the trial division in the geo-
24 graphical area in which they are located;
25 and

1 “(ii) fulfill all other duties and re-
2 sponsibilities assigned to trial judges under
3 this title or delegated to the chief trial
4 judges by the chief judge.

5 “(d) ADMINISTRATIVE DIVISION.—

6 “(1) IN GENERAL.—The administrative division
7 of the Immigration Courts shall consist of an admin-
8 istrative office and an administrative council.

9 “(2) ADMINISTRATIVE OFFICE.—The adminis-
10 trative office shall be managed by a chief adminis-
11 trative officer, who shall—

12 “(A) implement and administer operational
13 rules, policies, and procedures of the Immigra-
14 tion Courts established by the appellate division
15 or the administrative council;

16 “(B) assist the administrative council in
17 executing the responsibilities described in para-
18 graph (3); and

19 “(C) fulfill all other administrative duties
20 and responsibilities described in this title or del-
21 egated to the administrative office by the chief
22 judge.

23 “(3) ADMINISTRATIVE COUNCIL.—

24 “(A) MEETINGS.—

1 “(i) ANNUAL MEETING.—The chief
2 judge of the appellate division shall annu-
3 ally summon the chief trial judge of each
4 court of the trial division to a meeting at
5 such time and place in the United States
6 as the chief judge may designate. The chief
7 judge shall preside at each such meeting,
8 which shall be known as the administrative
9 council of the Immigration Courts.

10 “(ii) SPECIAL SESSIONS.—Special ses-
11 sions of the administrative council may be
12 called by the chief judge at such times and
13 places as the chief judge may designate.

14 “(iii) ATTENDANCE.—If the chief trial
15 judge of any court of the trial division is
16 unable to attend an administrative council
17 meeting, the chief judge may summon any
18 other judge from such court. Every judge
19 so summoned shall attend such meeting
20 and, unless excused by the chief judge,
21 shall remain in attendance throughout all
22 of the sessions.

23 “(iv) ADVISORY ROLE.—Every judge
24 in attendance at an administrative council
25 shall advise the council regarding the needs

1 of such judge's court and any matters in
2 which the administration of justice in the
3 Immigration Courts may be improved.

4 “(B) DETERMINATION OF NUMBER OF RE-
5 QUIRED JUDGES AND GEOGRAPHICAL AREAS OF
6 SERVICE.—

7 “(i) QUADRENNIAL SURVEY.—Not
8 later than 1 year after the application date
9 (as defined in section 496(a) of the Real
10 Courts, Rule of Law Act of 2026), and
11 every 4 years thereafter, the administrative
12 council shall conduct a survey, which shall
13 include the solicitation of information and
14 recommendations from the public, to deter-
15 mine—

16 “(I) the number of immigration
17 trial courts required to provide for the
18 expeditious and effective administra-
19 tion of justice; and

20 “(II) the geographical areas to be
21 served by such courts.

22 “(ii) SURVEY ELEMENTS.—In con-
23 ducting each survey under clause (i), the
24 administrative council shall—

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1 “(I) assess the continuing need
2 for existing immigration trial court
3 positions and the need for additional
4 positions in each geographical loca-
5 tion;

6 “(II) evaluate local conditions in
7 each geographical location, including
8 the proximity to populations to be
9 served, the quality and availability of
10 infrastructure to support transpor-
11 tation and communication, and the
12 availability of legal services for indi-
13 gent and non-English speaking indi-
14 viduals;

15 “(III) consider proximity and ac-
16 cess to judicial and Department of
17 Homeland Security facilities; and

18 “(IV) consider the allocation of
19 immigration trial courts and judges
20 among existing geographical areas
21 and whether the administration of
22 justice would be better served by the
23 presence of immigration trial courts
24 and judges in new or different areas.

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1 “(iii) PUBLICATION OF SURVEY RE-
2 SULTS.—The administrative council shall
3 publish the results of the survey conducted
4 pursuant to clause (i).

5 “(iv) NOTICE OF VACANCIES.—The
6 administrative council shall publish notice
7 of any immigration judge vacancies or new
8 staff positions.

9 “(C) MERIT SELECTION PANEL.—

10 “(i) APPOINTMENT OF IMMIGRATION
11 JUDGES.—The administrative council shall
12 establish a merit selection panel to assist
13 in identifying and recommending individ-
14 uals who are best qualified to serve as im-
15 migration judges, in accordance with sub-
16 sections (a), (b), and (c) of section 602.

17 “(ii) COMPOSITION.—The panel estab-
18 lished pursuant to clause (i) shall consist
19 of qualified individuals with experience in a
20 diverse range of settings, including aca-
21 demia, nongovernmental organizations, pri-
22 vate immigration practice, and government
23 service.

1 **“SEC. 602. IMMIGRATION APPEALS JUDGES; TRIAL JUDGES.**

2 **“(a) QUALIFICATIONS OF IMMIGRATION JUDGES.—**

3 Each immigration judge shall—

4 “(1) be a member in good standing of the bar
5 of a Federal court or the highest court of a State,
6 or any combination of such courts, for not less than
7 10 years;

8 “(2) possess, and have a reputation for, integ-
9 rity and good character;

10 “(3) possess, and have demonstrated, a commit-
11 ment to equal justice under the law;

12 “(4) possess, and have demonstrated, out-
13 standing legal ability and competence, as evidenced
14 by substantial legal experience, ability to deal with
15 complex legal problems, aptitude for legal scholar-
16 ship and writing, and familiarity with courts and
17 court processes;

18 “(5) exhibit demeanor, character, and person-
19 ality that indicate a judicial temperament; and

20 “(6) be qualified to conduct fair and impartial
21 hearings that are consistent with due process.

22 **“(b) ADDITIONAL FACTORS FOR THE APPOINTMENT**
23 **OF IMMIGRATION JUDGES.—**In appointing immigration
24 judges, the President and the appellate division shall en-
25 sure that—

1 “(1) qualified candidates are identified without
2 regard to race, color, sex, religion, national origin,
3 disability, age, or any other factor protected under
4 Federal law;

5 “(2) to the extent practicable, the corps of im-
6 migration judges—

7 “(A) is comprised primarily of individuals
8 with prior legal experience in immigration law;
9 and

10 “(B) reflects a balance of individuals with
11 prior legal experience in the public sector and
12 private sector; and

13 “(3) candidates are selected without regard to
14 political party affiliation or perceived political ide-
15 ology.

16 “(c) PROHIBITED RELATIONSHIPS.—No individual
17 may be appointed as an immigration trial judge if such
18 individual is related by blood in the first-, second-, or
19 third-degree, or by marriage to an immigration appeals
20 judge in regular active service.

21 “(d) CONTINUING EDUCATION.—In addition to the
22 training required under section 603(c) of the International
23 Religious Freedom Act of 1998 (22 U.S.C. 6473(c)), all
24 immigration judges shall be required to satisfy continuing

1 education requirements, as determined by the administra-
2 tive council.

3 “(e) SALARIES.—

4 “(1) IMMIGRATION APPEALS JUDGES.—Each
5 immigration appeals judge shall serve on a full-time
6 basis and shall receive, as compensation for such
7 services, an annual salary that is equal to the salary
8 of a judge of the district court of the United States
9 as determined pursuant to section 135 of title 28,
10 United States Code.

11 “(2) IMMIGRATION TRIAL JUDGES.—Each im-
12 migration trial judge shall serve on a full-time basis
13 and shall receive as compensation for such services,
14 an annual salary that is equal to 92 percent of the
15 salary of a judge of the district court of the United
16 States, as determined pursuant to section 135 of
17 title 28, United States Code.

18 “(3) PROHIBITION ON THE PRACTICE OF
19 LAW.—No immigration judge may engage in the
20 practice of law or any other practice, business, occu-
21 pation, or employment that is inconsistent with the
22 expeditious, proper, and impartial performance of
23 such judge’s duties.

24 “(f) REMOVAL.—

25 “(1) IN GENERAL.—

1 “(A) GROUNDS.—An immigration judge
2 may be removed from office only on grounds of
3 incapacity, misconduct, neglect of duty, or hav-
4 ing engaged in the practice of law.

5 “(B) IMMIGRATION APPEALS JUDGE.—An
6 immigration appeals judge may be removed
7 from office by the President.

8 “(C) IMMIGRATION TRIAL JUDGE.—An im-
9 migration trial judge may be removed from of-
10 fice by the appellate division.

11 “(D) NOTICE; REBUTTAL.—No immigra-
12 tion judge may be removed from office unless
13 such judge is provided with—

14 “(i) notice of the allegations forming
15 the basis for such removal; and

16 “(ii) an opportunity to appear in per-
17 son at a hearing to rebut such allegations.

18 “(2) COMPLAINTS.—

19 “(A) IN GENERAL.—The appellate division
20 shall promulgate rules, consistent with chapter
21 16 of title 28, United States Code, for receiv-
22 ing, investigating, and resolving complaints re-
23 garding the conduct of immigration judges. In
24 investigating and acting upon any such com-
25 plaint, the appellate division shall have the pow-

1 ers granted to a judicial council under such
2 chapter.

3 “(B) JUDICIAL CONFERENCE.—The provi-
4 sions under sections 354(b) through 360 of title
5 28, United States Code, regarding referral or
6 certification to, and petition for review in the
7 Judicial Conference of the United States, and
8 action thereon, shall apply to the exercise of the
9 powers of a judicial council by the appellate di-
10 vision. The grounds for removal specified in
11 paragraph (1)(A) shall provide the basis for a
12 determination to refer a complaint to the Judi-
13 cial Conference, for further action by the Con-
14 ference, and for certification and transmittal by
15 the Conference of any complaint to the Presi-
16 dent.

17 “(g) RETIREMENT.—

18 “(1) MANDATORY.—All immigration judges
19 shall retire upon attaining 80 years of age.

20 “(2) PERMISSIVE.—Any immigration judge who
21 meets the age and service requirements set forth in
22 any line of the following table may retire.

“The immigration judge has at- tained the following years of age:	The years of service as an im- migration judge are at least the following:
65	15
66	14
67	13

“The immigration judge has attained the following years of age:	The years of service as an immigration judge are at least the following:
68	12
69	11
70	10.

1 “(3) NOT REAPPOINTED.—Any immigration
2 judge who is not reappointed following the expiration
3 of the term of his or her office may retire upon the
4 completion of such term if—

5 “(A) such individual has served as an im-
6 migration judge for 15 years or more; and

7 “(B) not earlier than 9 months preceding
8 the expiration of such term of office and not
9 later than 6 months preceding such expiration
10 date, such individual submitted written notice
11 to the President or the appellate division, as ap-
12 propriate, that such individual was willing to
13 accept reappointment as an immigration judge.

14 “(4) PERMANENT DISABILITY.—Any immigra-
15 tion judge who becomes permanently disabled to the
16 extent the judge is no longer capable of performing
17 his or her judicial duties shall retire.

18 “(h) RETIRED PAY.—

19 “(1) IN GENERAL.—Any individual who—

20 “(A) retires pursuant to paragraph (1),
21 (2), or (3) of subsection (g) and elects under

1 subsection (i) to receive retired pay under this
2 subsection shall receive retired pay during any
3 period at a rate which bears the same ratio to
4 the rate of the salary payable to an immigration
5 judge during such period as the number of
6 years he has served as immigration judge bears
7 to 10, except that the rate of such retired pay
8 shall not be more than the rate of such salary
9 for such period; or

10 “(B) retires pursuant to subsection (g)(4)
11 and elects under subsection (i) to receive retired
12 pay under this subsection shall receive retired
13 pay during any period at a rate equal to—

14 “(i) the rate of the salary payable to
15 an immigration judge during such period if
16 such individual served as an immigration
17 judge for not less than 10 years; or

18 “(ii) $\frac{1}{2}$ of the rate of the salary pay-
19 able to an immigration judge during such
20 period if such individual served as an im-
21 migration judge for less than 10 years.

22 “(2) ACCRUAL; PAYMENT.—Retired pay for an
23 individual described in paragraph (1)—

24 “(A) shall begin to accrue on the day fol-
25 lowing the day on which the salary of such indi-

1 vidual as an immigration judge ceases to ac-
2 crue;

3 “(B) shall continue to accrue during the
4 remainder of the life of such individual; and

5 “(C) shall be paid in the same manner as
6 the salary of an immigration judge.

7 “(3) RATE COMPUTATION.—In computing the
8 rate of retired pay for an individual described in
9 paragraph (1)(A)—

10 “(A) that portion of the aggregate number
11 of years such individual has served as an immi-
12 gration judge which is a fractional part of 1
13 year shall be eliminated if it is less than 6
14 months and shall be counted as a full year if
15 it is 6 months or more; and

16 “(B) any period during which such indi-
17 vidual performs services described in section
18 603 on a substantially full-time basis shall be
19 treated as a period during which such indi-
20 vidual has served as an immigration judge.

21 “(i) ELECTION TO RECEIVE RETIRED PAY.—

22 “(1) IN GENERAL.—An immigration judge may
23 elect to receive retired pay in accordance with sub-
24 section (h).

1 “(2) REQUIREMENTS.—An election under para-
2 graph (1)—

3 “(A) may be made only while an individual
4 is an immigration judge, except for the election
5 of an individual who is not reappointed as an
6 immigration judge at the expiration of the indi-
7 vidual’s term of office, which may be made on
8 or before the day on which the individual’s suc-
9 cessor takes office;

10 “(B) once made, shall be irrevocable, ex-
11 cept as provided in subsection (m);

12 “(C) by any immigration judge other than
13 the chief judge shall be made by filing a written
14 notice with the chief judge; and

15 “(D) by the chief judge shall be made by
16 filing a written notice with the Office of Per-
17 sonnel Management.

18 “(3) TRANSMITTAL.—The chief judge shall
19 transmit a copy of each notice filed pursuant to
20 paragraph (2)(C) to the Office of Personnel Man-
21 agement.

22 “(j) RETIRED PAY AFFECTED IN CERTAIN CASES.—

23 “(1) 1-YEAR FORFEITURE FOR FAILURE TO
24 PERFORM JUDICIAL DUTIES.—Except as provided in
25 paragraph (3), if an individual for whom an election

1 to receive retired pay under subsection (h) is in ef-
2 fect fails to perform judicial duties required of such
3 individual under section 603 during any calendar
4 year, such individual shall forfeit all rights to retired
5 pay under subsection (h) for the 1-year period which
6 begins on the first day on which such individual ini-
7 tially failed to perform such duties.

8 “(2) SUSPENSION OF RETIRED PAY DURING PE-
9 RIOD OF COMPENSATED GOVERNMENT SERVICE.—
10 Any individual for whom an election to receive re-
11 tired pay under subsection (h) is in effect who ac-
12 cepts compensation for civil office or employment
13 with the Government of the United States (other
14 than the performance of judicial duties described in
15 section 603) shall forfeit all rights to retired pay
16 under subsection (h) for the period for which such
17 compensation is received.

18 “(3) FORFEITURES OF RETIRED PAY NOT AP-
19 PLICABLE IF INDIVIDUAL ELECTS TO FREEZE
20 AMOUNT OF RETIRED PAY.—

21 “(A) IN GENERAL.—If an individual makes
22 an election under this paragraph—

23 “(i) paragraph (1) and section 603
24 shall not apply to such individual begin-

1 ning on the date on which such election
2 takes effect; and

3 “(ii) the retired pay payable to such
4 individual under subsection (h) for periods
5 beginning on or after such effective date
6 shall be equal to the retired pay to which
7 such individual would be entitled without
8 regard to this clause at the time of such
9 election.

10 “(B) ELECTION.—An election under this
11 paragraph—

12 “(i) may only be made by an indi-
13 vidual who meets the age and service re-
14 quirements for retirement set forth in the
15 table under subsection (g)(2);

16 “(ii) may only be made during the pe-
17 riod when such individual—

18 “(I) may make an election to re-
19 ceive retired pay; or

20 “(II) is receiving retired pay; and

21 “(iii) shall be made in the same man-
22 ner as the election to receive retired pay.

23 “(C) EFFECTIVE DATE.—An election made
24 pursuant to this paragraph shall take effect on

1 the first day of the first month following the
2 month in which such election is made.

3 “(k) COORDINATION WITH CIVIL SERVICE RETIRE-
4 MENT.—

5 “(1) GENERAL RULE.—Except as otherwise
6 provided in this subsection, the provisions of the civil
7 service retirement laws (including the provisions re-
8 lating to the deduction and withholding of amounts
9 from basic pay, salary, and compensation) shall
10 apply in respect of service as an immigration judge
11 (together with other service as an officer or em-
12 ployee to whom such civil service retirement laws
13 apply) as if this section had not been enacted.

14 “(2) EFFECT OF ELECTING RETIRED PAY.—If
15 an individual has filed an election to receive retired
16 pay under subsection (h)—

17 “(A) no annuity or other payment shall be
18 payable to any person under the civil service re-
19 tirement laws with respect to any service per-
20 formed by such individual (whether performed
21 before or after such election is filed and wheth-
22 er performed as an immigration judge or other-
23 wise);

24 “(B) no deduction for purposes of the Civil
25 Service Retirement and Disability Fund shall be

1 made from retired pay payable to such indi-
2 vidual under subsection (h) or from any other
3 salary, pay, or compensation payable to such in-
4 dividual, for any period beginning after the day
5 on which such election is filed; and

6 “(C) such individual shall be paid the
7 lump-sum credit computed under section
8 8331(8) of title 5, United States Code, upon
9 making an application for such payment with
10 the Office of Personnel Management.

11 “(1) RETIREMENT FOR DISABILITY.—

12 “(1) CERTIFICATION.—An immigration judge
13 who becomes permanently disabled to the extent the
14 judge is no longer capable of performing his or her
15 judicial duties shall submit a written certification of
16 such disability to the President, or to the appellate
17 division, as applicable. If the chief judge retires as
18 a result of such disability, such retirement shall not
19 take effect until the President concurs with such re-
20 tirement.

21 “(2) DECLARATION.—If an immigration judge
22 who becomes permanently disabled, as described in
23 paragraph (1), does not retire and the President or
24 the appellate division, as applicable, determines that
25 such immigration judge is unable to efficiently per-

1 form all his or her judicial duties by reason of per-
2 manent mental or physical disability and the ap-
3 pointment of an additional immigration judge is nec-
4 essary for the efficient dispatch of business, the
5 President or the appellate division, as applicable,
6 shall declare such immigration judge to be retired.

7 “(m) REVOCATION OF ELECTION TO RECEIVE RE-
8 TIRED PAY.—

9 “(1) IN GENERAL.—Notwithstanding subsection
10 (i)(2), an individual who has filed an election to re-
11 ceive retired pay under subsection (h) may revoke
12 such election at any time before the first day on
13 which retired pay (or compensation under section
14 603 in lieu of retired pay) would (but for such rev-
15 ocation) begin to accrue with respect to such indi-
16 vidual.

17 “(2) MANNER OF REVOKING.—Any revocation
18 under this subsection shall be made by filing a writ-
19 ten notice with the Director of the Office of Per-
20 sonnel Management, which shall transmit a copy of
21 each notice filed under this subsection to the chief
22 judge.

23 “(3) EFFECT OF REVOCATION.—If an indi-
24 vidual revokes an election pursuant to paragraph
25 (1)—

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1 “(A) the individual shall be treated, for
2 purposes of this section, as not having filed an
3 election to receive retired pay under subsection
4 (h);

5 “(B) no credit shall be allowed for any
6 service as an immigration judge unless, with re-
7 spect to such service—

8 “(i) there has been deducted and
9 withheld the amount required by the civil
10 service retirement laws; or

11 “(ii) there has been deposited in the
12 Civil Service Retirement and Disability
13 Fund an amount equal to the amount so
14 required, with interest;

15 “(C) the Immigration Courts shall deposit
16 into the Civil Service Retirement and Disability
17 Fund an amount equal to the additional
18 amount that would have been contributed to
19 such Fund absent the election under subsection
20 (i); and

21 “(D) service on the Immigration Courts
22 shall be treated as service with respect to which
23 deductions and contributions had been made
24 during the period of service.

25 “(n) THRIFT SAVINGS PLAN.—

1 “(1) ELECTION TO CONTRIBUTE.—

2 “(A) IN GENERAL.—An immigration judge
3 may elect to contribute to the Thrift Savings
4 Plan established under section 8437 of title 5,
5 United States Code.

6 “(B) PERIOD OF ELECTION.—An election
7 may be made pursuant to subparagraph (A)
8 only during a period provided under section
9 8432(b) of such title for individuals subject to
10 chapter 84 of such title.

11 “(2) APPLICABILITY OF TITLE 5 PROVISIONS.—
12 Except as otherwise provided under this subsection,
13 the provisions of subchapters III and VII of chapter
14 84 of title 5, United States Code, shall apply with
15 respect to an immigration judge who makes an elec-
16 tion pursuant to paragraph (1).

17 “(3) SPECIAL RULES.—

18 “(A) AMOUNT CONTRIBUTED.—The
19 amount contributed by an immigration judge to
20 the Thrift Savings Plan in any pay period may
21 not exceed the maximum percentage of such im-
22 migration judge’s basic pay for such period as
23 allowable under section 8440f of title 5, United
24 States Code. Basic pay does not include any re-
25 tired pay paid pursuant to this section.

1 “(B) CONTRIBUTIONS FOR BENEFIT OF
2 IMMIGRATION JUDGE.—No contributions may
3 be made for the benefit of an immigration judge
4 under section 8432(c) of title 5, United States
5 Code.

6 “(C) APPLICABILITY OF SECTION 8433(b)
7 OF TITLE 5 WHETHER OR NOT IMMIGRATION
8 JUDGE RETIRES.—Section 8433(b) of title 5,
9 United States Code, shall apply with respect to
10 an immigration judge who—

11 “(i) makes an election described in
12 paragraph (1); and

13 “(ii)(I) retires pursuant to subsection
14 (g); or

15 “(II) ceases to serve as an immigra-
16 tion judge without retiring pursuant to
17 subsection (g).

18 “(D) EFFECT OF RETIREMENT ON FED-
19 ERAL EMPLOYEES’ RETIREMENT SYSTEM.—Re-
20 tirement under subsection (g) shall be deemed
21 as a separation from service for purposes of
22 subchapters III and VII of chapter 84 of title
23 5, United States Code.

24 “(E) APPLICABILITY OF SECTION
25 8351(b)(5) OF TITLE 5.—The provisions of sec-

1 tion 8351(b)(5) of title 5, United States Code,
2 shall apply with respect to an immigration
3 judge who makes an election under paragraph
4 (1).

5 “(F) EXCEPTION.—Notwithstanding sub-
6 paragraphs (C) and (D), if any immigration
7 judge retires under this section, or resigns with-
8 out having met the age and service require-
9 ments set forth in subsection (g)(2), and such
10 immigration judge’s nonforfeitable account bal-
11 ance is less than the amount that the Executive
12 Director of the Federal Retirement Thrift In-
13 vestment Board prescribes by regulation, the
14 Executive Director shall pay the nonforfeitable
15 account balance to the participant in a single
16 payment.

17 **“SEC. 603. TEMPORARY IMMIGRATION JUDGES AND COURT**
18 **FACILITIES.**

19 “(a) IN GENERAL.—Subject to subsection (c), if the
20 administrative council determines, based on specific and
21 credible facts, that the current resources of the Immigra-
22 tion Courts are insufficient for the expeditious and effec-
23 tive administration of justice, the appellate division may
24 exercise its authority, en banc—

1 “(1) to appoint temporary immigration trial
2 judges, which appointments shall be undertaken in
3 accordance with section 602, to the extent prac-
4 ticable;

5 “(2) to recall retired immigration trial judges
6 or immigration appeals judges described in sub-
7 section (b); and

8 “(3) to establish temporary court facilities in
9 designated geographic areas.

10 “(b) RECALL OF RETIRED JUDGES.—

11 “(1) ELIGIBILITY.—A retired immigration
12 judge may be recalled for service if the judge pro-
13 vides to the clerk of the Immigration Courts written
14 notice that the judge is willing to be recalled for
15 service in accordance with this subsection.

16 “(2) AUTHORITY OF RECALLED JUDGES.—An
17 immigration judge who is recalled to serve as an im-
18 migration appeals judge or an immigration trial
19 judge—

20 “(A) may exercise all of the judicial powers
21 and duties of such judges in regular active serv-
22 ice, except as specifically provided in this sub-
23 title; and

24 “(B) shall not be counted for purposes of
25 subsection (b)(1) or (c)(2) of section 601.

1 “(3) COMPENSATION.—An immigration judge
2 who is recalled for service under this subsection shall
3 be paid at the rate of pay in effect under section
4 602(e) for the position at the time of such recall,
5 less the amount of the judge’s retirement annuity, if
6 any.

7 “(4) EFFECT ON CIVIL SERVICE RETIRE-
8 MENT.—

9 “(A) IN GENERAL.—Except as provided in
10 subsection (d), an immigration judge who re-
11 tired under chapter 83 or 84 of title 5, United
12 States Code, and is recalled for service shall be
13 considered to be a reemployed annuitant under
14 such chapters.

15 “(B) SAVINGS PROVISION.—Nothing in
16 this subsection may be construed to affect the
17 right of an immigration judge who retired
18 under chapter 83 or 84 of title 5, United States
19 Code, to serve as a reemployed annuitant in ac-
20 cordance with the applicable provisions of title
21 5, United States Code.

22 “(c) REPORTING REQUIREMENTS.—

23 “(1) INITIAL REPORT.—Before exercising the
24 authority described in subsection (a), the appellate
25 division shall submit a report to the Committee on

1 the Judiciary of the Senate and the Committee on
2 the Judiciary of the House of Representatives that
3 includes—

4 “(A) the specific and credible facts that led
5 to the determination that additional court re-
6 sources are required;

7 “(B) an assessment regarding the number
8 of temporary immigration judges or court facili-
9 ties that are required; and

10 “(C) an estimate regarding the length of
11 the period during which the appellate division
12 expects the immigration judges or court facili-
13 ties described in subsection (a) to remain in
14 place.

15 “(2) ADDITIONAL REPORTING.—Not later than
16 30 days after exercising the authority under sub-
17 section (a) and every 30 days thereafter while such
18 additional judges or facilities are in place, the appel-
19 late division shall submit a report to the congres-
20 sional committees referred to in paragraph (1) re-
21 garding the current status of the Immigration
22 Courts and the continuing need for such temporary
23 immigration judges or court facilities.

24 “(3) REDUCTION IN RESOURCES AND TERMI-
25 NATION.—

1 “(A) GRADUAL REDUCTION IN RE-
2 SOURCES.—Notwithstanding section 602(g), the
3 appellate division, exercising its authority en
4 banc in accordance with section 601(b)(4), shall
5 terminate the appointment of any temporary
6 immigration judges and close any temporary
7 court facilities that the appellate division, in
8 consultation with the administrative council, de-
9 termines are no longer required.

10 “(B) TERMINATION.—All temporary immi-
11 gration judge appointments shall be rescinded
12 and all temporary court facilities shall be closed
13 upon the earliest of—

14 “(i) the date on which the appellate
15 division determines, in consultation with
16 the administrative council, that regular
17 court resources are sufficient to resume
18 normal court operations;

19 “(ii) the date on which Congress
20 passes a concurrent resolution directing
21 that such actions be taken; or

22 “(iii) 210 days after the date on
23 which the appellate division submits its ini-
24 tial report pursuant to paragraph (1), un-

1 less Congress enacts a law that extends
2 such 210-day period.

3 **“SEC. 604. JURISDICTION.**

4 “(a) APPELLATE DIVISION JURISDICTION.—

5 “(1) IN GENERAL.—The appellate division of
6 the Immigration Courts shall have jurisdiction
7 over—

8 “(A) appeals of immigration trial judge de-
9 cisions described in section 625(c);

10 “(B) appeals of decisions by the Secretary
11 of Homeland Security regarding petitions filed
12 pursuant to section 204 to classify an alien de-
13 scribed in section 201(b)(2)(A)(i) or 203(a);
14 and

15 “(C) original proceedings and appeals in
16 disciplinary matters concerning attorneys and
17 practitioners before the Immigration Courts.

18 “(2) SAVINGS PROVISION.—In addition to the
19 matters described in paragraph (1), the appellate di-
20 vision shall have jurisdiction to hear and decide all
21 other matters over which the Board of Immigration
22 Appeals had authority on the day before the applica-
23 tion date (as defined in section 496(a) of the Real
24 Courts, Rule of Law Act of 2026).

25 “(b) TRIAL DIVISION JURISDICTION.—

1 “(1) IN GENERAL.—The trial division of the
2 Immigration Courts shall have original jurisdiction
3 over—

4 “(A) removal proceedings described in sec-
5 tions 238 and 240;

6 “(B) review of rescissions of lawful perma-
7 nent residence under section 246;

8 “(C) review of credible fear determinations
9 under section 235 and reasonable fear deter-
10 minations for aliens subject to reinstated orders
11 of removal under section 241;

12 “(D) review of—

13 “(i) applications for asylum referred
14 by the Secretary of Homeland Security if
15 the applicant is barred from being placed
16 in removal proceedings under section 240;
17 and

18 “(ii) referrals for protection under
19 section 241(b)(3) or the Convention
20 against Torture and Other Cruel, Inhu-
21 man, or Degrading Treatment of Punish-
22 ment, done at New York December 10,
23 1984, if the individual is not in removal
24 proceedings and is barred from asylum
25 under title II;

1 “(E) determinations relating to bond, cus-
2 tody, or the detention of any alien in the cus-
3 tody of the Department of Homeland Security;

4 “(F) determinations regarding whether ad-
5 ministrative actions arising from applications or
6 petitions filed by or on behalf of the alien and
7 that are pending during the course of the
8 alien’s removal proceedings under section 240
9 have been unlawfully withheld or unreasonably
10 delayed; and

11 “(G) disciplinary matters concerning attor-
12 neys and practitioners before the Immigration
13 Courts.

14 “(2) SAVINGS PROVISION.—In addition to the
15 matters described in paragraph (1), the trial division
16 shall have jurisdiction to hear and decide all other
17 matters over which immigration judges had author-
18 ity on the day before the application date (as defined
19 in section 496(a) of the Real Courts, Rule of Law
20 Act of 2026).

21 **“Subtitle B—Procedure and**
22 **Appellate Review**

23 **“SEC. 621. PROCEEDINGS.**

24 “(a) TRIAL DIVISION PROCEEDINGS.—

1 “(1) IN GENERAL.—Except as provided in sec-
2 tion 604(a), all proceedings before the Immigration
3 Courts shall originate in the trial division. Pro-
4 ceedings before the trial division shall be heard and
5 decided by a single immigration trial judge, with
6 matters assigned to such judges in a manner deter-
7 mined by the appellate division.

8 “(2) AUTHORITY OF TRIAL DIVISION.—In pre-
9 siding over matters before the trial division, immi-
10 gration trial judges may—

11 “(A) record and receive evidence, admin-
12 ister oaths, examine and cross-examine wit-
13 nesses, set deadlines, and render findings of
14 fact and conclusions of law;

15 “(B) render decisions on respondents’
16 prima facie and discretionary eligibility for re-
17 lief from removal; and

18 “(C) order and take depositions, issue sub-
19 poenas requiring the attendance and testimony
20 of witnesses and the production of documents
21 or other evidence, and order responses to writ-
22 ten interrogatories.

23 “(b) APPELLATE DIVISION PROCEEDINGS.—

24 “(1) IN GENERAL.—Except as provided by rules
25 established by the appellate division, proceedings be-

1 fore the appellate division shall be heard and decided
2 by immigration appeals judges sitting in panels of 3
3 such judges or en banc, and decisions shall be made
4 by majority vote. Any decision of a panel may be re-
5 considered by the court sitting en banc.

6 “(2) PRECEDENCE IN APPELLATE DIVISION.—
7 The chief judge of the Immigration Courts shall
8 have precedence and preside at any session of the
9 appellate division that such judge attends. Other im-
10 migration appeals judges shall have precedence and
11 preside in the appellate division according to the se-
12 niority of their original commissions and, for judges
13 whose commissions bear the same date, according to
14 seniority in age.

15 “(c) CONTEMPT AUTHORITY.—

16 “(1) IN GENERAL.—Immigration judges shall
17 have the authority to sanction, by civil money pen-
18 alty, any individual whose action or inaction ob-
19 structs the administration of justice or is otherwise
20 in contempt of the lawful authority of such judge or
21 the Immigration Courts.

22 “(2) NOTICE.—No individual may be sanc-
23 tioned for contempt under paragraph (1) without
24 first receiving notice of the charges and an oppor-
25 tunity to rebut such charges.

1 “(d) ASSISTANCE TO THE COURT.—

2 “(1) IN GENERAL.—The Immigration Courts
3 shall have such assistance in carrying out its lawful
4 writ, process, order, rule, decree, or command, in-
5 cluding nationwide service of a subpoena, as is avail-
6 able to a court of the United States (as defined in
7 section 451 of title 28, United States Code).

8 “(2) ATTENDANCE BY MARSHAL.—The United
9 States marshal for a district in which the immigra-
10 tion trial judge is sitting, if requested by the pre-
11 siding judge, shall attend any court proceeding in
12 that district, and may otherwise provide, when re-
13 quested by the chief trial judge of that immigration
14 trial court, for the security of the immigration trial
15 court, including the personal protection of judges,
16 court officers, witnesses, and other threatened per-
17 sons in the interests of justice, where criminal in-
18 timidation impedes on the functioning of the judicial
19 process or any other official proceeding. The United
20 States Marshals Service retains final authority re-
21 garding security requirements for the Immigration
22 Courts.

23 “(e) OPINIONS AND ORDERS.—

24 “(1) IN GENERAL.—Opinions and orders of the
25 Immigration Courts shall be issued in accordance

1 with rules promulgated by the appellate division, ex-
2 cept that decisions on the merits of an application
3 or request for relief from removal rendered by the
4 trial division or the appellate division, to the greatest
5 extent practicable—

6 “(A) shall be issued in the form of a writ-
7 ten opinion; and

8 “(B) shall include an analysis of the facts
9 of the case and the legal reasoning for such de-
10 cision.

11 “(2) PRECEDENTS.—Unless subsequently modi-
12 fied or reversed by the appellate division, the court
13 of appeals for the respective judicial circuit, or the
14 Supreme Court, precedent decisions of the appellate
15 division shall be binding on all immigration judges
16 and all officers and employees of an Executive agen-
17 cy (as defined in section 105 of title 5, United
18 States Code) with powers, functions, and duties
19 under this Act and other laws relating to the immi-
20 gration and naturalization of aliens.

21 “(f) RECUSAL OF JUDGES.—Section 455 of title 28,
22 United States Code, shall apply to all immigration judges
23 and to all proceedings of the Immigration Courts.

1 **“SEC. 622. IMMIGRATION COURTS RULES OF PRACTICE AND**
2 **PROCEDURE.**

3 “(a) IN GENERAL.—The appellate division shall exer-
4 cise its en banc authority to promulgate rules of practice
5 and procedure before the trial division and the appellate
6 division, including—

7 “(1) rules governing the representation of par-
8 ties, which shall—

9 “(A) provide for the admission of qualified
10 attorneys to practice before the Immigration
11 Courts and, as appropriate, for the admission of
12 qualified non-attorney representatives;

13 “(B) prescribe standards of practice and
14 professional conduct, which shall apply to all at-
15 torneys and practitioners that appear before the
16 Immigration Courts; and

17 “(C) provide for disciplinary proceedings
18 before the Immigration Courts for attorneys
19 and practitioners who do not comply with the
20 standards prescribed pursuant to subparagraph
21 (B);

22 “(2) rules governing the exercise of the appel-
23 late division’s en banc authority over adjudicative
24 matters, including decisions of an appellate division
25 panel;

1 “(3) rules setting forth the types of matters
2 that are appropriate for review by a single appellate
3 judge;

4 “(4) subject to section 621(e), rules governing
5 the issuance of opinions and written orders, and
6 precedent decisions;

7 “(5) rules governing the use of video teleconfer-
8 encing technology or other similar technologies, with
9 a presumption against the use of video teleconfer-
10 encing in proceedings where the alien’s eligibility for
11 relief from removal is being evaluated, unless re-
12 quested by the alien;

13 “(6) procedures, consistent with section
14 602(f)(2), for receiving, investigating, and resolving
15 complaints regarding the conduct of immigration
16 judges; and

17 “(7) all other policies, and procedures assigned
18 to the appellate division under this title.

19 “(b) LOCAL RULES.—Each chief trial judge may es-
20 tablish local rules of practice and procedure, provided
21 that—

22 “(1) such rules are consistent with the provi-
23 sions of this title;

1 shall have the privilege of being represented (at no expense
2 to the Federal Government) by such counsel, authorized
3 to practice before the Immigration Courts, of his or her
4 choosing.

5 “(b) INTERPRETERS.—The Immigration Courts shall
6 establish a program to ensure the use of qualified inter-
7 preters in proceedings before the Immigration Courts.

8 “(c) LEGAL ORIENTATION PROGRAM.—The Immi-
9 gration Courts shall maintain, through agreements with
10 legal services and other nonprofit organizations, a legal
11 orientation program that explains the Court’s procedures
12 and provides basic legal information to individuals who are
13 or may become parties to proceedings before the Immigra-
14 tion Courts.

15 **“SEC. 624. AVAILABILITY OF INFORMATION.**

16 “(a) PUBLICATION OF PRECEDENT DECISIONS.—
17 Precedent decisions of the appellate division shall be pub-
18 lished in such form and manner as may be best adapted
19 for public information and use.

20 “(b) PUBLICATION OF NON-PRECEDENT DECISIONS
21 AND RECORDS.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 all non-precedent decisions of the Immigration
24 Courts and all briefs, motions, documents, and ex-

1 hibits received by such court (including hearing
2 transcripts) shall be made available to the public.

3 “(2) CONFIDENTIAL INFORMATION.—The Im-
4 migration Courts shall preserve the confidentiality of
5 information relating to matters involving national se-
6 curity, asylum and other forms of protection, and
7 claims under the Violence Against Women Act of
8 1994 (title IV of Public Law 103–322; 108 Stat.
9 1902, et seq.) or under any other applicable law.
10 The Immigration Courts may take such action as
11 may be necessary to prevent the disclosure of con-
12 fidential information in its proceedings and records,
13 including requiring that such information be placed
14 under seal and opened only as directed by the Immi-
15 gration Courts.

16 **“SEC. 625. SCOPE OF REVIEW AND APPEALS.**

17 “(a) IN GENERAL.—In any proceeding before the Im-
18 migration Courts, the immigration judge shall—

19 “(1) consider de novo all constitutional claims
20 and questions of law; and

21 “(2) compel administrative action on an appli-
22 cation or petition filed by or on behalf of the alien
23 that is unlawfully withheld or unreasonably delayed.

24 “(b) TRIAL DIVISION PROCEEDINGS.—The decision
25 of an immigration trial judge shall be based only on the

1 evidence produced at the hearing and shall set forth the
2 judge's findings of fact, reasoning to support discretionary
3 determinations, and conclusions of law. Immigration trial
4 judges may take judicial notice of commonly known facts.

5 “(c) REVIEW BY APPELLATE DIVISION.—

6 “(1) IN GENERAL.—In considering an appeal
7 from an immigration trial judge decision, the appel-
8 late division shall limit its review to the scope of
9 issues raised on appeal and shall conduct its review
10 of the decision based on the record of proceedings of
11 the trial division.

12 “(2) FACT FINDING.—Aside from taking judi-
13 cial notice of commonly known facts, the appellate
14 division shall not engage in fact finding in consid-
15 ering an appeal of an immigration trial judge deci-
16 sion, and shall defer to the factual findings of the
17 immigration trial judge unless such findings are
18 challenged and determined to be clearly erroneous.

19 “(d) REVIEW BY THE UNITED STATES COURTS OF
20 APPEALS.—A decision of the appellate division may be ap-
21 pealed by a party to such proceeding and reviewed by the
22 United States court of appeals for the judicial circuit
23 wherein venue lies, in accordance with section 242, as ap-
24 plicable. If the Federal Government appeals a decision
25 pursuant to this subsection, and the court finds that the

1 alien party to such appeal is financially unable to obtain
2 adequate representation, representation for such alien
3 shall be provided through the plan for representation on
4 appeal that is in effect under section 3006A of title 18,
5 United States Code.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 at the beginning of the Immigration and Nationality Act
8 (8 U.S.C. 1101 et seq.) is amended by adding at the end
9 the following:

“TITLE VI—UNITED STATES IMMIGRATION COURTS

“Subtitle A—Organization and Jurisdiction

“Sec. 601. Establishment and structure.

“Sec. 602. Immigration appeals judges and trial judges.

“Sec. 603. Temporary immigration judges and court facilities.

“Sec. 604. Jurisdiction.

“Subtitle B—Procedure and Appellate Review

“Sec. 621. Proceedings.

“Sec. 622. Immigration courts rules of practice and procedure.

“Sec. 623. Representation of parties and other assistance.

“Sec. 624. Availability of information.

“Sec. 625. Scope of review and appeals.”.

10 **SEC. 493. EMPLOYEES.**

11 (a) CLERK OF THE COURT.—The chief judge of the
12 United States Immigration Courts may appoint, and pre-
13 scribe the duties for, a clerk of the court without regard
14 to the provisions of title 5, United States Code, governing
15 appointments in the competitive service.

16 (b) CHAMBERS STAFF.—Immigration judges ap-
17 pointed pursuant to title VI of the Immigration and Na-
18 tionality Act, as added by section 492(a), may appoint law

1 clerks and secretaries, in such numbers as the appellate
2 division approves, without regard to the provisions of title
3 5, United States Code, governing appointments in the
4 competitive service.

5 (c) OTHER COURT STAFF.—The clerk of the court
6 appointed pursuant to subsection (a) and the chief admin-
7 istrative officer of the administrative division of the
8 United States Immigration Courts may appoint deputies
9 and employees, in such numbers as the appellate division
10 approves, without regard to the provisions of title 5,
11 United States Code, governing appointments in the com-
12 petitive service.

13 (d) STAFF SALARIES.—The appellate division of the
14 United States Immigration Courts may fix and adjust the
15 rates of basic pay for the clerk, the chief administrative
16 officer, and other employees of the Immigration Courts
17 without regard to the provisions of chapter 51, subchapter
18 III of chapter 53, or section 5373 of title 5, United States
19 Code. To the maximum extent feasible, such employees
20 shall be compensated at rates consistent with those for
21 employees holding comparable positions in the judicial
22 branch.

23 (e) PREFERENCE ELIGIBLES.—In making appoint-
24 ments pursuant to subsections (a) through (c), preference
25 shall be given, among equally qualified persons, to persons

1 who are preference eligible (as defined in section 2108(3)
2 of title 5, United States Code).

3 (f) EXPERTS AND CONSULTANTS.—The United
4 States Immigration Courts may procure the services of ex-
5 perts and consultants as provided under section 3109 of
6 title 5, United States Code.

7 **SEC. 494. BUDGET AND EXPENDITURES.**

8 (a) COURT BUDGET.—The budget of the United
9 States Immigration Courts for each fiscal year shall be—

10 (1) established by the Immigration Courts,
11 without review or modification by the executive
12 branch; and

13 (2) included in the budget submitted to Con-
14 gress by the President pursuant to section 1105 of
15 title 31, United States Code.

16 (b) PERMISSIBLE COURT EXPENDITURES.—

17 (1) IN GENERAL.—The Immigration Courts
18 may make such expenditures as may be necessary to
19 execute efficiently the judicial and administrative
20 functions vested in the Courts, including expendi-
21 tures for personal services, rent at the seat of Gov-
22 ernment and elsewhere, law books, books of ref-
23 erence, and periodicals.

300

1 (2) MANNER OF EXPENDITURE.—The Immigra-
2 tion Courts may receive and expend funds appro-
3 priated to the Immigration Courts—

4 (A) directly; or

5 (B) by transferring such funds to—

6 (i) the Director of the Administrative
7 Office of the United States Courts;

8 (ii) another court established under
9 article I of the Constitution; or

10 (iii) an Executive agency (as defined
11 in section 105 of title 5, United States
12 Code).

13 (3) APPROVED EXPENSES.—Funds expended
14 pursuant to this subsection may be used for admin-
15 istrative support and guidance (including budgetary
16 and financial, payroll and personnel, protective and
17 security, recordkeeping and statistical, and informa-
18 tion technology services) requested by the Immigra-
19 tion Courts and approved by the Director, court, or
20 agency, respectively.

21 (c) METHOD AND SOURCE OF EXPENDITURES.—All
22 expenditures of the United States Immigration Courts
23 shall be allowed and paid upon presentation of itemized
24 vouchers signed by the certifying officer designated by the
25 chief judge.

1 **SEC. 495. ANNUAL REPORT.**

2 (a) IN GENERAL.—Not later than April 1 of each
3 year, the chief judge of the United States Immigration
4 Courts shall submit a report to the Committee on the Ju-
5 diciary of the Senate and the Committee on the Judiciary
6 of the House of Representatives that summarizes the
7 workload of the Immigration Courts during the preceding
8 fiscal year.

9 (b) CONTENTS.—The report described in subsection
10 (a) shall contain—

11 (1) demographic information, including the age,
12 gender, and nationality of respondents appearing be-
13 fore the United States Immigration Courts, and
14 rates at which such respondents are represented by
15 counsel;

16 (2) outcomes of removal proceedings, including
17 grant rates for immigration relief, disaggregated by
18 geographical area and immigration trial judge;

19 (3) outcomes of bond hearings, disaggregated
20 by geographical area and immigration trial court;

21 (4) the number of cases currently pending be-
22 fore the trial and appellate divisions of the Immigra-
23 tion Courts, and the change in such number from
24 the prior fiscal year;

1 (5) the average number of days for which a re-
2 spondent waits to have their case heard,
3 disaggregated by geographical area; and

4 (6) any information requested by the congres-
5 sional committees referred to in subsection (a), pro-
6 vided that such request is timely and reasonable.

7 **SEC. 496. APPLICATION DATE; TRANSITIONAL PROVISIONS.**

8 (a) APPLICATION DATE.—The United States Immi-
9 gration Courts may not begin to exercise the functions of
10 the courts under this subtitle and the amendments made
11 by section 492 until on or after the date (referred to in
12 this section and in section 497 as the “application
13 date”)—

14 (1) that is—

15 (A) the first day of the first full fiscal year
16 after the date of the enactment of this Act, if
17 such date is 180 days or more after such date
18 of enactment; or

19 (B) the first day of the second full fiscal
20 year after the date of the enactment of this Act,
21 if the first day of the first full fiscal year after
22 such date of enactment is less than 180 days
23 after such date of enactment; and

24 (2) on which 3 or more immigration appeals
25 judges have been duly appointed by the President, in

1 accordance with procedures set forth in subsection
2 (c) and in section 601(b)(2) of the Immigration and
3 Nationality Act, as added by section 492(a).

4 (b) TRANSITION PERIOD AND APPOINTMENT OF IN-
5 TERIM IMMIGRATION TRIAL JUDGES.—

6 (1) DEFINED TERM.—In this section, the term
7 “transition period” means the 4-year period begin-
8 ning on the application date.

9 (2) INTERIM IMMIGRATION TRIAL JUDGES.—

10 (A) IN GENERAL.—Each individual serving
11 as an immigration judge in the Executive Office
12 for Immigration Review on the day before the
13 application date shall be redesignated as an in-
14 terim immigration trial judge on such date.

15 (B) AUTHORITY OF INTERIM IMMIGRATION
16 TRIAL JUDGES.—Interim immigration trial
17 judges are authorized to exercise all of the pow-
18 ers of an immigration trial judge provided
19 under title VI of the Immigration and Nation-
20 ality Act, as added by section 492(a).

21 (C) TERM OF SERVICE.—An interim immi-
22 gration trial judge may serve until the earlier
23 of—

24 (i) the first date on which—

1 (I) the transition period has
2 ended; and

3 (II) a successor has been ap-
4 pointed; or

5 (ii) the date that is 5 years after the
6 application date.

7 (D) APPOINTMENT.—An otherwise quali-
8 fied interim immigration trial judge may be ap-
9 pointed as an immigration trial judge.

10 (E) CREDIT AND ELIGIBILITY FOR BENE-
11 FITS.—Service as an interim immigration trial
12 judge shall be included in the same manner as
13 service as an immigration trial judge for pur-
14 poses of calculating service credit, retirement
15 eligibility, and disability.

16 (F) SEPARATION.—Nothing in this subtitle
17 or in the amendments made by this subtitle
18 may be construed—

19 (i) to preclude an interim immigration
20 trial judge who is not appointed for a term
21 appointment by the appellate division pur-
22 suant to section 601(c)(2) of the Immigra-
23 tion and Nationality Act, as added by sec-
24 tion 492(a), from eligibility for appoint-
25 ment as an administrative judge, an ad-

1 ministrative law judge, or an attorney posi-
2 tion in a Federal agency; or

3 (ii) to make a judge described in
4 clause (i) ineligible for early retirement
5 under section 8336(d)(2)(D) or
6 8414(b)(1)(B) of title 5, United States
7 Code.

8 (c) FIRST APPOINTMENTS TO THE UNITED STATES
9 IMMIGRATION COURTS.—

10 (1) APPELLATE DIVISION.—

11 (A) IN GENERAL.—Notwithstanding sec-
12 tion 601(b)(2)(B) of the Immigration and Na-
13 tionality Act, as added by section 492(a), of the
14 first 21 immigration appeals judges appointed
15 pursuant to section 601(b)(2)(A) of such Act—

16 (i) the terms of the first 7 such
17 judges so appointed shall terminate on the
18 date that is 5 years after the application
19 date;

20 (ii) the terms of the next 7 such
21 judges so appointed shall terminate on the
22 date that is 10 years after the application
23 date; and

24 (iii) the terms of the last 7 such
25 judges so appointed shall terminate on the

1 date that is 15 years after the application
2 date.

3 (B) SUCCESSION.—Each immigration ap-
4 peals judge described in subparagraph (A) may
5 continue to serve after the expiration of his or
6 her initial designated term if such judge is re-
7 appointed in accordance with section
8 601(b)(2)(B) of the Immigration and Nation-
9 ality Act, as added by section 492(a).

10 (2) TRIAL DIVISION.—Not later than 180 days
11 before the last day of the transition period, the ap-
12 pellate division shall establish procedures and re-
13 quirements related to the appointment of immigra-
14 tion trial judges.

15 (3) CLARIFICATION.—Notwithstanding para-
16 graphs (1) and (2) and section 601 of the Immigra-
17 tion and Nationality Act, as added by section
18 492(a), any individual appointed to fill an immigra-
19 tion trial judge vacancy during the transition period
20 shall serve until the earlier of—

21 (A) the first date on which—

22 (i) the transition period has ended;
23 and

24 (ii) a successor has been appointed in
25 accordance with section 602 of the Immi-

1 gration and Nationality Act, as added by
2 section 492(a); or

3 (B) the date that is 1 year after the last
4 day of the transition period.

5 (d) PRIOR SERVICE CREDIT.—

6 (1) DEFINED TERM.—In this subsection, the
7 term “covered immigration judge” means—

8 (A) an immigration appeals judge ap-
9 pointed pursuant to section 601(b) of the Immi-
10 gration and Nationality Act, as added by sec-
11 tion 492(a);

12 (B) an immigration trial judge appointed
13 pursuant to section 601(c) of the Immigration
14 and Nationality Act, as added by section
15 492(a); or

16 (C) an interim immigration trial judge re-
17 designated as such pursuant to subsection
18 (b)(2)(A).

19 (2) COMPUTATION OF YEARS OF SERVICE.—

20 The period during which a covered immigration
21 judge who elects to receive retired pay under section
22 602(i)(1) of the Immigration and Nationality Act, as
23 added by section 492(a), serves as a member of the
24 Board of Immigration Appeals, an immigration
25 judge, or an administrative law judge in the Execu-

1 tive Office for Immigration Review of the Depart-
2 ment of Justice, shall be included (up to a maximum
3 of 5 years) in the service of such individual on the
4 Immigration Courts for purposes of computing the
5 years of service as an immigration judge.

6 **SEC. 497. INSTITUTIONAL TRANSFER; CONTINUITY OF PRO-**
7 **CEEDINGS.**

8 (a) EXISTING PRECEDENT.—

9 (1) IN GENERAL.—Precedential decisions by the
10 Attorney General or the Board of Immigration Ap-
11 peals under title II of the Immigration and Nation-
12 ality Act (8 U.S.C. 1151 et seq.) that were issued
13 before the application date shall continue to serve as
14 precedent in proceedings before the Immigration
15 Courts unless explicitly overruled by the appellate di-
16 vision.

17 (2) RULES.—To the extent that such rules are
18 consistent with this subtitle and the amendments
19 made by this subtitle, the rules of the Attorney Gen-
20 eral that were in effect before the application date
21 shall remain in effect until amended or revoked by
22 the appellate division.

23 (b) INSTITUTIONAL TRANSFER.—

24 (1) EXECUTIVE OFFICE FOR IMMIGRATION RE-
25 VIEW.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), all functions under the Ex-
3 ecutive Office for Immigration Review on the
4 day before the application date shall be trans-
5 ferred to the Immigration Courts on the appli-
6 cation date.

7 (B) EXCEPTIONS.—

8 (i) OCAHO.—The Office of the Chief
9 Administrative Hearing Officer and the
10 functions of the Executive Office for Immi-
11 gration Review that support such office
12 shall remain under the jurisdiction of the
13 Department of Justice.

14 (ii) OTHER FUNCTIONS.—The func-
15 tions of the Executive Office for Immigra-
16 tion Review that are not necessary or ap-
17 propriate to be transferred to the Immigra-
18 tion Courts shall be reassigned to other
19 agencies within the Department of Justice
20 or dissolved, at the discretion of the Attor-
21 ney General.

22 (2) TRANSFER AND ALLOCATION OF APPRO-
23 PRIATIONS AND PERSONNEL.—Except as otherwise
24 provided under this section, the personnel of the Ex-
25 ecutive Office for Immigration Review who are em-

1 employed in connection with any functions transferred
2 pursuant to paragraph (1)(A), and the assets, liabil-
3 ities, contracts, property, records, and unexpended
4 balance of appropriations, authorizations, alloca-
5 tions, and other funds employed, held, used, arising
6 from, available to, or to be made available to, the
7 Executive Office for Immigration Review, in connec-
8 tion with such functions transferred pursuant to
9 paragraph (1)(A), subject to section 1531 of title
10 31, United States Code, shall be transferred to the
11 Immigration Courts on the application date. Unex-
12 pended funds transferred pursuant to this paragraph
13 shall be used only for the purposes for which the
14 funds were originally authorized and appropriated.

15 (3) PENDING CASES.—

16 (A) RULE OF CONSTRUCTION.—Nothing in
17 this subtitle may be construed to result in any
18 loss of rights or powers, interruption of jurisdic-
19 tion, or prejudice to matters under title II of
20 the Immigration and Nationality Act (8 U.S.C.
21 1151 et seq.) that are pending before the Board
22 of Immigration Appeals or an immigration
23 judge on the application date.

24 (B) TRANSFER.—All proceedings under
25 title II of the Immigration and Nationality Act

1 (8 U.S.C. 1151 et seq.) that are pending before
2 the Board of Immigration Appeals or an immi-
3 gration judge on the application date shall be
4 transferred to the Immigration Courts to pro-
5 ceed before the trial division or the appellate di-
6 vision, as appropriate.

7 **SEC. 498. REVIEW BY THE JUDICIAL CONFERENCE; CON-**
8 **SULTATION REQUIREMENTS.**

9 (a) QUADRENNIAL REVIEW.—The Judicial Con-
10 ference of the United States shall conduct a review of ad-
11 judications in the United States Immigration Courts not
12 less frequently than quadrennially as part of its com-
13 prehensive survey of business in the courts of the United
14 States conducted pursuant to section 331 of title 28,
15 United States Code.

16 (b) REPORT.—At the conclusion of each review con-
17 ducted pursuant to subsection (a)—

18 (1) the Judicial Conference shall submit a re-
19 port containing its findings from such review to—

20 (A) the appellate division;

21 (B) the Committee on the Judiciary of the
22 Senate; and

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

1 (2) the report submitted pursuant to paragraph
2 (1) shall be printed in the Congressional Record.

3 **SEC. 499. TECHNICAL AND CONFORMING PROVISIONS.**

4 (a) IN GENERAL.—The Immigration and Nationality
5 Act (8 U.S.C. 1101 et seq.) is amended—

6 (1) in section 101(b), by amending paragraph
7 (4) to read as follows:

8 “(4) The term ‘immigration judge’ means an immi-
9 gration trial judge or an immigration appeals judge ap-
10 pointed to serve in the United States Immigration Courts
11 established under title VI.”;

12 (2) in section 238—

13 (A) in subsection (a)—

14 (i) in paragraph (1)—

15 (I) by striking “Attorney Gen-
16 eral” and inserting “Immigration
17 Courts”; and

18 (II) by striking “Service” and in-
19 serting “Department of Homeland Se-
20 curity”;

21 (ii) in paragraph (2), by striking “At-
22 torney General” each place such term ap-
23 pears and inserting “Secretary of Home-
24 land Security”;

25 (iii) in paragraph (3)—

1 (I) by amending subparagraph

2 (A) to read as follows:

3 “(A) Notwithstanding any other provision of law, in
4 the case of any alien convicted of an aggravated felony,
5 removal proceedings, and any administrative appeals relat-
6 ing to such removal, shall be completed, to the extent pos-
7 sible, before the alien’s release from incarceration for the
8 underlying aggravated felony.”; and

9 (II) in subparagraph (B), by
10 striking “Attorney General” and in-
11 serting “Secretary of Homeland Secu-
12 rity”; and

13 (iv) in paragraph (4)(A), by striking
14 “Attorney General” each place such term
15 appears and inserting “administrative
16 council of the Immigration Courts”;

17 (B) in subsection (b)—

18 (i) in paragraph (1), by striking “At-
19 torney General” and inserting “immigra-
20 tion judge”;

21 (ii) in paragraph (3)—

22 (I) by striking “Attorney Gen-
23 eral” and inserting “Secretary of
24 Homeland Security”; and

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1 (II) by striking “apply for” and
2 inserting “seek”;

3 (iii) by amending paragraph (4) to
4 read as follows:

5 “(4) In any proceeding under this subsection—

6 “(A) the alien shall—

7 “(i) be given reasonable notice of the
8 charges and of the opportunity described
9 in subparagraph (C);

10 “(ii) have the privilege of being rep-
11 resented (at no expense to the Govern-
12 ment) by such counsel, authorized to prac-
13 tice in such proceedings, as the alien shall
14 choose; and

15 “(iii) have a reasonable opportunity to
16 inspect the evidence and rebut the charges;
17 and

18 “(B) the immigration judge shall ensure
19 that—

20 “(i) a determination is made for the
21 record that the individual upon whom the
22 notice for the proceeding under this section
23 is served (either in person or by mail) is,
24 in fact, the alien named in such notice; and

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1 “(ii) a record is maintained for judi-
2 cial review.”;

3 (iv) in paragraph (5)—

4 (I) by striking “Attorney General
5 may” and inserting “immigration
6 judge may”; and

7 (II) by striking “Attorney Gen-
8 eral’s” and inserting “immigration
9 judge’s”;

10 (C) by redesignating the second subsection
11 (c) (as previously redesignated by section
12 671(b)(13) of the Illegal Immigration Reform
13 and Immigrant Responsibility Act of 1996 (di-
14 vision C of Public Law 104–208))) as sub-
15 section (d); and

16 (D) in subsection (d), as redesignated—

17 (i) by striking “Commissioner” each
18 place such term appears and inserting
19 “Secretary of Homeland Security”;

20 (ii) in paragraph (2)(A), by striking
21 “Service” and inserting “Secretary of
22 Homeland Security”; and

23 (iii) in paragraphs (2)(D)(iv) and (4),
24 by striking “Attorney General” and insert-
25 ing “Secretary of Homeland Security”;

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1 (3) in section 239—

2 (A) in subsection (a), by striking “Attor-
3 ney General” each place such term appears and
4 inserting “Immigration Courts”;

5 (B) in subsection (b)—

6 (i) in paragraph (2), by striking “At-
7 torney General” and inserting “Immigra-
8 tion Courts”;

9 (ii) in paragraph (3), by striking “At-
10 torney General” and inserting “immigra-
11 tion judge”; and

12 (C) in subsection (d)(1), by striking “At-
13 torney General” and inserting “immigration
14 judge”;

15 (4) in section 240—

16 (A) in subsection (b)—

17 (i) by striking paragraphs (1) and (6);

18 (ii) by redesignating paragraphs (2)
19 through (5) as paragraphs (1) through (4),
20 respectively;

21 (iii) by redesignating paragraph (7) as
22 paragraph (5);

23 (iv) by amending paragraph (1), as
24 redesignated, to read as follows:

1 “(1) FORM OF PROCEEDING.—The proceeding
2 may take place—

3 “(A) in person; or

4 “(B) through video conference, subject to
5 rules promulgated pursuant to section
6 622(a)(5).”;

7 (v) in paragraph (2), as redesignated,
8 by striking “Attorney General” and insert-
9 ing “immigration judge”;

10 (vi) in paragraph (3), as redesign-
11 nated—

12 (I) in the matter preceding sub-
13 paragraph (A), by striking “, under
14 regulations of the Attorney General”;
15 and

16 (II) in subparagraph (A), by
17 striking “, at no expense to the Gov-
18 ernment, by counsel of the alien’s
19 choosing who is authorized to practice
20 in such proceedings” and inserting
21 “in accordance with section 623(a)”;
22 and

23 (vii) in paragraph (4)(A), as redesign-
24 nated—

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1 (I) by striking “Service” and in-
2 serting “Government”; and

3 (II) by amending the last sen-
4 tence to read as follows: “Written no-
5 tice shall be considered sufficient for
6 purposes of this subparagraph if pro-
7 vided at the most recent address pro-
8 vided under section 239(a)(1)(F).”;

9 (B) in subsection (c)—

10 (i) in paragraph (2), in the matter fol-
11 lowing subparagraph (B), by striking “At-
12 torney General” and inserting “Secretary
13 of Homeland Security”;

14 (ii) in paragraph (3)—

15 (I) by striking “SERVICE” in the
16 paragraph heading and inserting
17 “GOVERNMENT”; and

18 (II) by striking “Service” each
19 place such term appears and inserting
20 “Government”;

21 (iii) in paragraph (7)(C)(iv)—

22 (I) in subclause (II)—

23 (aa) by striking “Attorney
24 General” and inserting “immi-
25 gration judge”; and

1 (bb) by striking “Immigra-
 2 tion and Naturalization Service”
 3 and inserting “Secretary of
 4 Homeland Security”; and
 5 (II) in subclause (III)—

6 (aa) by striking “Attorney
 7 General may” and inserting “im-
 8 migration judge may”; and

9 (bb) by striking “Attorney
 10 General’s” and inserting “immi-
 11 gration judge’s”; and

12 (C) in subsection (d), by amending the
 13 first sentence to read as follows: “An immigra-
 14 tion judge may enter an order of removal stipu-
 15 lated to by the alien (or the alien’s representa-
 16 tive) and the Government.”;

17 (5) in section 242—

18 (A) in subsection (a)—

19 (i) in paragraph (2)—

20 (I) in subparagraph (A), by strik-
 21 ing “Attorney General” each place
 22 such term appears and inserting “Sec-
 23 retary of Homeland Security”; and

24 (II) in subparagraph (B)(ii), by
 25 striking “Attorney General” each

1 place such term appears and inserting
2 “the appellate division of the Immi-
3 gration Courts”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(6) VENUE.—For purposes of judicial review
7 under this section and section 625(d), the venue of
8 a proceeding before the court of appeals is in the ju-
9 dicial circuit in which—

10 “(A) an immigration trial judge of the Im-
11 migration Court issued the original underlying
12 decision in the matter; or

13 “(B) the underlying administrative action
14 reviewed by the appellate division of the Court
15 occurred.”;

16 (B) in subsection (b)—

17 (i) in paragraph (2), by inserting
18 “trial” after “immigration”;

19 (ii) in paragraph (3)(A)—

20 (I) by striking “Attorney Gen-
21 eral” in the first sentence and insert-
22 ing “United States”; and

23 (II) by amending the second sen-
24 tence to read as follows: “The petition
25 shall be served on the Attorney Gen-

1 eral and on the officer or employee of
2 the Department of Homeland Security
3 in charge of the district in which the
4 final order of removal under section
5 240 was entered.”;

6 (iii) in paragraph (4)(D), by striking
7 “Attorney General’s” and inserting “immi-
8 gration judge’s”; and

9 (iv) in paragraph (8), by striking “At-
10 torney General” each place such term ap-
11 pears and inserting “Secretary of Home-
12 land Security”;

13 (C) in subsection (e)—

14 (i) in paragraph (2)(C), by striking
15 “as prescribed by the Attorney General”;
16 and

17 (ii) in paragraph (3)(A)(ii), by strik-
18 ing “Attorney General” and inserting
19 “Secretary of Homeland Security”; and

20 (D) in subsection (g), by striking “Attor-
21 ney General” and inserting “Secretary of
22 Homeland Security”; and

23 (6) in section 246(a)—

1 (A) by striking “Attorney General” each
2 place such term appears and inserting “Sec-
3 retary of Homeland Security”; and

4 (B) by striking the second sentence and in-
5 serting the following: “Upon request of the indi-
6 vidual whose status has been rescinded, the
7 Secretary of Homeland Security shall refer such
8 rescission to the United States Immigration
9 Courts for review in accordance with section
10 604(b)(1)(B).”.

11 (b) CONSTRUCTION OF EXISTING REFERENCES.—To
12 the extent consistent with this subtitle, each reference in
13 the Immigration and Nationality Act (8 U.S.C. 1101 et
14 seq.), or in any rule prescribed under such Act—

15 (1) to the Board of Immigration Appeals or an
16 immigration judge, or any administrative appeal,
17 hearing, review, or other proceeding before such
18 Board or judge, shall be deemed to refer, as appro-
19 priate, to the United States Immigration Courts es-
20 tablished under title VI of the Immigration and Na-
21 tionality Act, as added by section 492, to the appro-
22 priate division of the Immigration Courts, or to the
23 corresponding proceedings under this subtitle before
24 the Immigration Courts; and

1 (2) to the authority of the Attorney General to
2 prescribe rules with respect to the Executive Office
3 for Immigration Review, the Board of Immigration
4 Appeals, immigration judges, or administrative ap-
5 peals, hearings, reviews, or other proceedings con-
6 ducted under the Immigration and Nationality Act,
7 by such Office, Board, or judges, shall be deemed to
8 confer rulemaking authority on the appellate division
9 of the United States Immigration Courts.

10 (c) FINANCIAL DISCLOSURE REPORTING.—Section
11 13101 of title 5, United States Code, is amended—

12 (1) in paragraph (9), by inserting “of the
13 United States Immigration Courts,” after “Court of
14 Appeals for Veterans Claims,”; and

15 (2) in paragraph (10), by inserting “United
16 States Immigration Courts,” after “Court of Ap-
17 peals for Veterans Claims,”.

18 **TITLE V—STRENGTHEN FREE**
19 **SPEECH**

20 **SEC. 501. BROADCAST FREEDOM AND INDEPENDENCE ACT**
21 **OF 2025.**

22 (a) FINDINGS.—Congress finds the following:

23 (1) The Federal Communications Commission
24 (in this section referred to as the “FCC”) was estab-
25 lished as an independent agency by the Communica-

1 tions Act of 1934 (47 U.S.C. 151 et seq.) for the
2 purpose of “regulating interstate and foreign com-
3 merce in communication by wire and radio so as to
4 make available, so far as possible, to all the people
5 of the United States, without discrimination on the
6 basis of race, color, religion, national origin, or sex,
7 a rapid, efficient, Nation-wide, and world-wide wire
8 and radio communication service with adequate fa-
9 cilities at reasonable charges. . .”.

10 (2) Commissioners at the FCC, an independent
11 agency, are confirmed by Congress for specified
12 terms and the President does not have the power to
13 remove them at will.

14 (3) The independence of the FCC is paramount
15 to the FCC carrying out its mission without political
16 pressure or intimidation.

17 (4) The FCC’s priorities and agenda must be
18 set by the FCC without undue influence from the
19 President or any advisors to the President who do
20 not work for the FCC.

21 (5) As established in section 326 of the Com-
22 munications Act of 1934 (47 U.S.C. 326), nothing
23 in the FCC’s authority “shall be understood or con-
24 strued to give the Commission the power of censor-
25 ship over the radio communications or signals trans-

1 mitted by any radio station, and no regulation or
2 condition shall be promulgated or fixed by the Com-
3 mission which shall interfere with the right of free
4 speech by means of radio communication”.

5 (6) Investigations and threats of Commission
6 action or inaction must not be used to suppress cer-
7 tain viewpoints or intimidate broadcast licensees into
8 aligning with any political agenda.

9 (b) VIEWPOINT PROTECTION.—Title I of the Com-
10 munications Act of 1934 (47 U.S.C. 151 et seq.) is
11 amended by adding at the end the following:

12 **“SEC. 14. VIEWPOINT PROTECTION.**

13 “(a) PROHIBITION AGAINST RETALIATION ON BASIS
14 OF VIEWPOINT.—The Commission may not revoke any li-
15 cense or other authorization of, or otherwise take action
16 against, any person on the basis, in whole or in part, of
17 viewpoints broadcast or otherwise disseminated by that
18 person or any person affiliated with that person.

19 “(b) PROHIBITION AGAINST CONDITIONS ON VIEW-
20 POINT IN TRANSACTION REVIEW.—The Commission may
21 not place on any approval under subsections (a), (b), and
22 (c) of section 214 or section 310(d) any condition with
23 respect to viewpoints broadcast or otherwise disseminated
24 by the person seeking that approval, any successor of that

1 person, or any person affiliated with that person or suc-
2 cessor.

3 “(c) NO EFFECT ON CERTAIN OTHER AUTHORITY
4 OF COMMISSION.—Nothing in this section shall be con-
5 strued to affect the authority of the Commission to take
6 action on the basis of, or to place a condition on an ap-
7 proval described in subsection (b) with respect to—

8 “(1) a violation of—

9 “(A) section 1304 of title 18, United
10 States Code, or conduct that would constitute a
11 violation of that section if content disseminated
12 by means other than radio or television broad-
13 cast were disseminated by means of radio or
14 television broadcast;

15 “(B) section 1343 of title 18, United
16 States Code; or

17 “(C) section 1464 of title 18, United
18 States Code, or conduct that would constitute a
19 violation of that section if content disseminated
20 by means other than radio communication were
21 disseminated by means of radio communication;
22 or

23 “(2) the broadcast or other dissemination of
24 content that constitutes incitement under the First

1 Amendment to the Constitution of the United
2 States.”.

3 **TITLE VI—REASSERT**
4 **CONGRESS’S POWER OF THE**
5 **PURSE**

6 **SEC. 601. PROHIBITION ON RESCISSIONS.**

7 No amounts may be rescinded from amounts pro-
8 vided under any appropriation Act (as defined in section
9 3 of the Congressional Budget and Impoundment Control
10 Act of 1974 (2 U.S.C. 622)), unless the rescission is made
11 through an appropriation Act.

12 **SEC. 602. EAST WING MODERNIZATION PROJECT.**

13 (a) DEFINITION OF EAST WING MODERNIZATION
14 PROJECT.—In this section, the term “East Wing Mod-
15 ernization Project” means the project with the file number
16 8733 entitled “East Wing Modernization Project” for
17 which the preliminary and final site and building plans
18 were approved by the National Capital Planning Commis-
19 sion on April 2, 2026.

20 (b) PROHIBITIONS.—Nothing in this Act provides the
21 authorization of Congress to construct the East Wing
22 Modernization Project and no Federal funds or private do-
23 nations may be used for the East Wing Modernization
24 Project absent express authorization of Congress after the
25 date of enactment of this Act.

1 **TITLE VII—FIGHT GOVERNMENT**
2 **CORRUPTION**

3 **SEC. 701. BRIBERY, GRAFT, AND CONFLICTS OF INTEREST.**

4 (a) TITLE 18.—Chapter 11 of title 18, United States
5 Code, is amended—

6 (1) in section 203(a)—

7 (A) in paragraph (1)(A), by inserting
8 “President, President-elect, Vice President, Vice
9 President-elect”; and

10 (B) in paragraph (2), by striking “such a
11 Member” and all that follows through “em-
12 ployee” and inserting “an individual described
13 in subparagraph (A) or (B) of paragraph (1)”;
14 (2) in section 207—

15 (A) in subsection (d)(1)(A), by inserting
16 “President or” before “Vice President”;

17 (B) in subsection (f), in the matter pre-
18 ceding subparagraph (A), by inserting “, or in
19 the case of the President or Vice President
20 within 10 years,” after “1 year”;

21 (C) in subsection (i)—

22 (i) by inserting “by whom or” before
23 “to whom”; and

24 (ii) in subparagraph (A), by inserting
25 “(b),” before “(c)”; and

1 (D) in subsection (k), by adding at the end
2 the following:

3 “(6) The President and Vice President are not eligi-
4 ble for a waiver.”; and

5 (E) by adding at the end the following:

6 “(m) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to inhibit the authority of the
8 President or the Vice President to communicate or appear
9 before the United States on their own behalf or in connec-
10 tion with the exercise of a statutory right or responsibility
11 under the Presidential Transition Act of 1963 (3 U.S.C.
12 102 note), chapter 22 of title 44, United States Code
13 (commonly known as the ‘Presidential Records Act of
14 1978’), or the Act entitled ‘An Act to provide retirement,
15 clerical assistants, and free mailing privileges to former
16 Presidents of the United States, and for other purposes’,
17 approved August 25, 1958 (commonly known as the
18 ‘Former Presidents Act of 1958’) (3 U.S.C. 102 note).”;
19 and

20 (3) in section 209(a), by inserting “, including
21 the President and the Vice President,” after
22 “United States Government”.

23 (b) TITLE 5.—Section 13122(a) of title 5, United
24 States Code, is amended by adding “, including the Execu-

1 tive Office of the President” after “section 105 of this
2 title”.

3 (c) CODE OF FEDERAL REGULATIONS.—The Direc-
4 tor of the Office of Government Ethics shall amend section
5 2635.102(h) of title 5, Code of Federal Regulations, or
6 any successor regulation—

7 (1) by inserting “, the President, and the Vice
8 President,” after “special Government employee”;
9 and

10 (2) by striking “For purposes other than sub-
11 parts B and C of this part, it does not include the
12 President or Vice President.”.

13 **SEC. 702. ETHICS AND CONDUCT FOR THE PRESIDENT AND**
14 **VICE PRESIDENT.**

15 (a) IN GENERAL.—Title 3 of the United States Code
16 is amended by adding at the end the following:

17 **“CHAPTER 6—ETHICS AND CONDUCT FOR**
18 **THE PRESIDENT AND VICE PRESIDENT**

“Sec. 501. No remuneration or emoluments for the President and Vice Presi-
dent.

“Sec. 502. Use of image, likeness, or name.

19 **“§ 501. No remuneration or emoluments for the Presi-**
20 **dent and Vice President**

21 “(a) DEFINITIONS.—For purposes of this section:

22 “(1) EMOLUMENT.—The term ‘emolument’ in-
23 cludes any profit, gain, or advantage, whether re-
24 ceived directly or indirectly or through profit or rev-

1 enue from any person or entity, including an oper-
2 ating business.

3 “(2) FOREIGN STATE.—The term ‘foreign state’
4 has the meaning given the term ‘foreign government’
5 under section 7342 of title 5.

6 “(b) PROHIBITION.—Neither the President nor the
7 Vice President shall, without the consent of the Congress,
8 accept of any direct or indirect remuneration nor emolu-
9 ment of any value from an entity, foreign or domestic,
10 where the official has substantial influence or control, to
11 include any holdings in trust.

12 “(c) VIOLATION.—

13 “(1) IN GENERAL.—A violation of subsection
14 (b) shall constitute a high crime or misdemeanor for
15 purposes of section 4 of Article II of the Constitu-
16 tion of the United States.

17 “(2) INSPECTOR GENERAL.—The Office of In-
18 spector General of the White House shall investigate
19 any alleged violation of subsection (b) and, upon a
20 determination that a preponderance of the evidence
21 demonstrates that a violation occurred, may seek an
22 order of disgorgement from the United States Dis-
23 trict Court for the District of Columbia.

24 **“§ 502. Use of image, likeness, or name**

25 “Unless approved by Congress—

1 “(1) the image, likeness, or name of any sitting
2 President or Vice President may not be used on
3 United States passports; and

4 “(2) no Federal building or property may be
5 named after such sitting President or Vice Presi-
6 dent.”.

7 (b) TABLE OF CHAPTERS.—The table of chapters for
8 title 3 of the United States Code is amended by adding
9 at the end the following:

“6. Ethics and conduct for the President and Vice President 501”.

10 **SEC. 703. BRINGING EXECUTIVE ACCOUNTABILITY, CLAR-**
11 **ITY, AND OVERSIGHT NOW (BEACON) ACT.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Section 401 of title 5,
14 United States Code, (commonly referred to as the
15 “Inspector General Act of 1978”) is amended—

16 (A) in paragraph (1), by striking “or the
17 National Reconnaissance Office” and inserting
18 “the National Reconnaissance Office, or the
19 Executive Office of the President”; and

20 (B) in paragraph (3), by striking “or the
21 Director of the National Reconnaissance Of-
22 fice” and inserting “the Director of the Na-
23 tional Reconnaissance Office; or the President
24 (with respect to the Executive Office of the
25 President)”.

1 (2) APPOINTMENT OF INSPECTOR GENERAL.—

2 Not later than 120 days after the date of enactment
3 of this Act, the President shall appoint an individual
4 as the Inspector General of the Executive Office of
5 the President in accordance with the requirements of
6 section 403(a) of title 5, United States Code.

7 (b) SPECIAL PROVISIONS.—Chapter 4 of title 5,
8 United States Code, is amended by inserting after section
9 424 the following:

10 **“§ 425. Special provisions concerning the Executive**
11 **Office of the President**

12 “(a) AUDITS, INVESTIGATIONS, AND ISSUANCE OF
13 SUBPOENAS.—

14 “(1) AUTHORITY, DIRECTION, AND CONTROL.—

15 Notwithstanding the last 2 sentences of section
16 403(a), the Inspector General of the Executive Of-
17 fice of the President shall be under the authority, di-
18 rection, and control of the President with respect to
19 audits or investigations, or the issuance of sub-
20 poenas, that require access to information con-
21 cerning any of the following:

22 “(A) The identity of a confidential source,
23 including a protected witness.

24 “(B) An intelligence or counterintelligence
25 matter.

1 “(C) An undercover operation.

2 “(2) PROHIBITION IN CERTAIN SITUATIONS.—

3 With respect to the information described in para-
4 graph (1), the President may prohibit the Inspector
5 General of the Executive Office of the President
6 from initiating, carrying out, or completing any
7 audit or investigation, or from issuing any subpoena,
8 after the Inspector General has decided to initiate,
9 carry out, or complete such audit or investigation, or
10 to issue such subpoena, if the President determines
11 that such prohibition is necessary to prevent the dis-
12 closure of any information described in paragraph
13 (1).

14 “(3) NOTICE AFTER PROHIBITION.—

15 “(A) TO INSPECTOR GENERAL.—If the
16 President exercises any power under paragraph
17 (2), not later than 30 days after exercising any
18 such power, the President shall notify the In-
19 specter General of the Executive Office of the
20 President in writing, stating the reasons for ex-
21 ercising that power.

22 “(B) TO CONGRESS.—Not later than 30
23 days after receiving a notice under subpara-
24 graph (A), the Inspector General of the Execu-
25 tive Office of the President shall transmit a

1 copy of the notice to the chair and ranking
2 member of each of the following:

3 “(i) The Committee on Homeland Se-
4 curity and Governmental Affairs of the
5 Senate.

6 “(ii) The Committee on the Judiciary
7 of the Senate.

8 “(iii) The Committee on Oversight
9 and Government Reform of the House of
10 Representatives.

11 “(iv) The Committee on the Judiciary
12 of the House of Representatives.

13 “(v) Any other appropriate committee
14 or subcommittee of Congress.

15 “(b) SEMIANNUAL REPORTS.—

16 “(1) ADDITIONAL INFORMATION TO BE IN-
17 CLUDED.—Any semiannual report prepared by the
18 Inspector General of the Executive Office of the
19 President under section 405(b) shall also include the
20 following:

21 “(A) With respect to each significant rec-
22 ommendation on which corrective action has
23 been completed, a description of the corrective
24 action.

1 “(B) A certification of whether the Inspec-
2 tor General of the Executive Office of the Presi-
3 dent has had full and direct access to all infor-
4 mation relevant to the performance of the func-
5 tions of the Inspector General.

6 “(C) A description of any audit, inspection,
7 or evaluation occurring during the reporting pe-
8 riod in which the Inspector General of the Ex-
9 ecutive Office of the President could not obtain
10 relevant information due to an exercise of power
11 by the President under subsection (a)(2).

12 “(D) Such recommendations as the Inspec-
13 tor General of the Executive Office of the Presi-
14 dent considers appropriate with respect to effi-
15 ciency in the administration of programs and
16 operations undertaken by the President, and
17 the detection and elimination of fraud, waste,
18 and abuse in such programs and operations.

19 “(2) SUBMISSION TO PRESIDENT.—Notwith-
20 standing section 405(c), the Inspector General of the
21 Executive Office of the President shall submit to the
22 President the semiannual reports prepared under
23 section 405(b), including the additional information
24 required under paragraph (1), not later than April
25 30 and October 31 of each year.

1 “(3) TRANSMISSION TO CONGRESS.—Not later
2 than 30 days after submitting the semiannual report
3 to the President under paragraph (2), the Inspector
4 General of the Executive Office of the President
5 shall transmit the semiannual report to the chair
6 and ranking member of each of the following:

7 “(A) The Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate.

9 “(B) The Committee on the Judiciary of
10 the Senate.

11 “(C) The Committee on Oversight and
12 Government Reform of the House of Represent-
13 atives.

14 “(D) The Committee on the Judiciary of
15 the House of Representatives.

16 “(c) AUDIT OF THE OFFICE OF THE INSPECTOR
17 GENERAL OF THE EXECUTIVE OFFICE OF THE PRESI-
18 DENT .—

19 “(1) IN GENERAL.—Not later than 120 days
20 after the President appoints an individual as the In-
21 specter General of the Executive Office of the Presi-
22 dent, and annually thereafter, the Council of Inspec-
23 tors General on Integrity and Efficiency shall con-
24 duct an audit of the Office of the Inspector General
25 of the Executive Office of the President to ensure

1 that the office is able to effectively provide oversight
2 of the Executive Office of the President.

3 “(2) REPORT.—Not later than October 31 after
4 the first audit is completed under paragraph (1),
5 and annually thereafter, the Council of Inspectors
6 General on Integrity and Efficiency shall submit to
7 Congress a report on the findings of the audit.”.

8 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

9 (1) IN GENERAL.—Chapter 4 of title 5, United
10 States Code, is amended—

11 (A) in section 415(a)(2)—

12 (i) by striking subparagraph (C); and

13 (ii) by redesignating subparagraphs

14 (D) through (F) as subparagraphs (C)

15 through (E), respectively; and

16 (B) in section 418, by striking “or 421”

17 and inserting “, 421, or 425”.

18 (2) TABLE OF SECTIONS.—The table of sections
19 for chapter 4 of title 5, United States Code, is
20 amended by adding at the end the following:

“425. Special provisions concerning the Executive Office of the President.”.

21 (d) OVER-CLASSIFICATION AUDIT.—

22 (1) EVALUATIONS REQUIRED.—The Inspector
23 General of the Executive Office of the President, in
24 consultation with the Information Security Oversight
25 Office of the National Archives and Records Admin-

1 istration, shall carry out 2 evaluations of the Execu-
2 tive Office of the President—

3 (A) to assess whether applicable classifica-
4 tion policies, procedures, rules, and regulations
5 have been adopted, followed, and effectively ad-
6 ministered within the Executive Office of the
7 President; and

8 (B) to identify policies, procedures, rules,
9 regulations, or management practices that may
10 be contributing to persistent misclassification of
11 material within the Executive Office of the
12 President.

13 (2) DEADLINES FOR EVALUATIONS.—

14 (A) INITIAL EVALUATION.—The first eval-
15 uation required under paragraph (1) shall be
16 completed not later than 1 year after the date
17 of enactment of this Act.

18 (B) SECOND EVALUATION.—The second
19 evaluation required under paragraph (1) shall
20 review progress made pursuant to the results of
21 the first evaluation and shall be completed not
22 later than 1 year after the date on which the
23 first evaluation is completed.

24 (3) COORDINATION.—The Inspector General of
25 the Executive Office of the President shall coordi-

1 nate with other Inspectors General and the Informa-
2 tion Security Oversight Office to ensure that evalua-
3 tions follow a consistent methodology, as appro-
4 priate, that allows for cross-agency comparisons.

5 (4) REPORTS REQUIRED.—

6 (A) IN GENERAL.—Not later than 45 days
7 after the completion of an evaluation, the In-
8 specter General of the Executive Office of the
9 President shall submit to the appropriate enti-
10 ties a report on that evaluation.

11 (B) CONTENT.—Each report submitted
12 under subparagraph (A) shall include a descrip-
13 tion of—

14 (i) the policies, procedures, rules, reg-
15 ulations, or management practices, if any,
16 identified by the Inspector General under
17 paragraph (1)(B); and

18 (ii) the recommendations, if any, of
19 the Inspector General to address any such
20 identified policies, procedures, rules, regu-
21 lations, or management practices.

22 (5) APPROPRIATE ENTITIES DEFINED.—In this
23 subsection, the term “appropriate entities” means
24 each of the following:

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

3 (B) The Committee on the Judiciary of the
4 Senate.

5 (C) The Committee on Oversight and Gov-
6 ernment Reform of the House of Representa-
7 tives.

8 (D) The Committee on the Judiciary of the
9 House of Representatives.

10 (E) Any other appropriate committee or
11 subcommittee of Congress.

12 (F) The President.

13 (G) The Director of the Information Secu-
14 rity Oversight Office.

15 **SEC. 704. TRANSPARENCY IN THE ADMINISTRATION'S BUSI-**
16 **NESS OPPORTUNITIES ACT (TABOO ACT).**

17 (a) SHORT TITLE.—This section may be cited as the
18 “Transparency in the Administration’s Business Opportu-
19 nities Overseas Act” or the “TABOO Act”.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that:

22 (1) Individuals serving as Special Envoys, Spe-
23 cial Representatives, Special Coordinators, Special
24 Negotiators, or working in similar positions, whether
25 in the Department of State, the Executive Office of

1 the President, or any Federal department or agency,
2 frequently exercise significant authority and rep-
3 resent the United States Government to foreign gov-
4 ernments and international organizations.

5 (2) Existing ethics, financial disclosure, and
6 conflict-of-interest requirements do not uniformly
7 apply to those individuals, particularly those working
8 in volunteer, unpaid, or advisory capacities while
9 performing duties that involve significant authority.

10 (3) The absence of uniform requirements—

11 (A) creates gaps in transparency, account-
12 ability, and oversight; and

13 (B) may allow individuals to perform sen-
14 sitive diplomatic or national security functions
15 without appropriate conflict-of-interest safe-
16 guards.

17 (4) Congress has a compelling interest in ensur-
18 ing that all individuals performing those functions
19 are subject to consistent ethics, financial disclosure,
20 and conflict-of-interest requirements, regardless of
21 title, compensation, or organizational placement.

22 (5) It is in the interest of the United States
23 to—

24 (A) establish uniform standards for ethics
25 compliance, financial interest reporting, and

1 congressional notification for individuals per-
2 forming those functions; and

3 (B) close loopholes that allow individuals
4 to avoid those requirements by working in vol-
5 unteer or advisory status.

6 (c) DEFINITIONS.—In this section:

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

10 (A) the Committee on Foreign Relations of
11 the Senate; and

12 (B) the Committee on Foreign Affairs of
13 the House of Representatives.

14 (2) COVERED FUNCTION.—The term “covered
15 function” includes the following:

16 (A) Directing or leading negotiations on
17 behalf of the United States Government with a
18 foreign country.

19 (B) Directing or leading negotiations on
20 behalf of the United States Government with
21 international multilateral organizations.

22 (C) Any activity involving the exercise of
23 significant authority pursuant to the laws of the
24 United States in a foreign policy or national se-
25 curity context.

1 (3) COVERED POSITION.—The term “covered
2 position”—

3 (A) means a Special Envoy, Special Rep-
4 resentative, Special Coordinator, Special Nego-
5 tiator, Envoy, Representative, Coordinator, Spe-
6 cial Advisor, Senior Advisor, or other position
7 performing a covered function, regardless of
8 title, in the Executive Office of the President or
9 any Federal department or agency;

10 (B) includes a position the pay status of
11 which is uncompensated or volunteer if the indi-
12 vidual working in that position performs a cov-
13 ered function in that position; and

14 (C) does not include a position that—

15 (i) does not represent the United
16 States Government to a foreign govern-
17 ment or multinational organization; and

18 (ii) is engaged only to provide advice
19 to the President, the Executive Office of
20 the President, or any Federal agency or
21 department.

22 (4) FINANCIAL INTEREST.—

23 (A) IN GENERAL.—The term “financial in-
24 terest”, with respect to a foreign country, in-

1 cludes a financial interest in any entity, includ-
2 ing—

3 (i) an entity that maintains a contract
4 with the government of the country;

5 (ii) a state-affiliated enterprise;

6 (iii) an enterprise affiliated with a
7 government official of the country; and

8 (iv) a financial institution affiliated
9 with the government of the country or a
10 government official of the country.

11 (B) INDIVIDUAL HOLDING FINANCIAL IN-
12 TEREST.—For purposes of this section, the
13 term “financial interest”, with respect an indi-
14 vidual, includes—

15 (i) a financial interest held by the in-
16 dividual;

17 (ii) a financial interest held by the
18 spouse of the individual; and

19 (iii) a financial interest held by any
20 member of the immediate family of the in-
21 dividual.

22 (C) RULE OF CONSTRUCTION.—The term
23 “financial interest”, with respect to a foreign
24 country—

- 1 (i) shall be construed as broadly as
2 possible; and
3 (ii) shall not be limited to the exam-
4 ples listed in subparagraph (A).

5 (d) REQUIREMENTS.—

6 (1) ETHICS AND FINANCIAL DISCLOSURES.—

7 (A) BRIBERY, GRAFT, AND CONFLICTS OF
8 INTEREST.—Any individual working in a cov-
9 ered position shall be deemed an officer or em-
10 ployee for purposes of chapter 11 of title 18, re-
11 gardless of employment status, compensation,
12 or volunteer status.

13 (B) FINANCIAL DISCLOSURE REQUIRE-
14 MENTS.—

15 (i) PERSONS REQUIRED TO FILE.—

16 Section 13103(f) of title 5, United States
17 Code, is amended—

18 (I) in paragraph (11), by striking

19 “; and” and inserting a semicolon;

20 (II) in paragraph (12), by strik-
21 ing the period at the end; and

22 (III) by adding at the end the
23 following:

24 “(13) an officer or employee working in a cov-
25 ered position, as defined in subsection (c)(3) of the

1 Transparency in the Administration’s Business Op-
2 portunities Overseas Act.”.

3 (ii) EXTENSION ON TIME FOR FIL-
4 ING.—Section 13103(g) of title 5, United
5 States Code, is amended—

6 (I) in paragraph (1), by striking
7 “Reasonable” and inserting “Except
8 as provided in paragraph (3), reason-
9 able”; and

10 (II) by adding at the end the fol-
11 lowing:

12 “(3) COVERED POSITIONS.—Extensions of time
13 for filing any report with respect to an officer or em-
14 ployee working in a covered position, as defined in
15 subsection (c)(3) of the Transparency in the Admin-
16 istration’s Business Opportunities Overseas Act,
17 shall not exceed 30 days.”.

18 (iii) TECHNICAL AND CONFORMING
19 AMENDMENT.—Section 13102(a)(1) of title
20 5, United States Code, is amended by in-
21 serting “and paragraph (13)” after “para-
22 graphs (1) through (8)”.

23 (2) FINANCIAL INTERESTS.—

1 (A) WRITTEN CONFIRMATION.—Not later
2 than 30 days after the date on which any indi-
3 vidual begins working in a covered position—

4 (i) the individual shall confirm in
5 writing that the individual—

6 (I) has no financial interest in
7 any foreign country with which the in-
8 dividual will be working;

9 (II) if a pre-existing financial in-
10 terest exists, will divest or place the
11 financial interest in a qualified blind
12 trust, as defined in section
13 13104(f)(3) of title 5, United States
14 Code, within 60 days of the date of
15 the written confirmation; and

16 (III) commits to undertaking no
17 new financial interest in any foreign
18 country with which the individual will
19 be working during the 1-year period
20 beginning on the date on which the
21 individual vacates the covered posi-
22 tion; and

23 (ii) the head of the relevant office, de-
24 partment, or agency that employs the indi-
25 vidual shall—

1 (I) review and certify the written
2 confirmation required under clause
3 (i); and

4 (II) submit the written confirma-
5 tion required under clause (i) and cer-
6 tification required under subclause (I)
7 of this clause to the appropriate con-
8 gressional committees.

9 (B) RELATION TO OTHER REQUIRE-
10 MENTS.—A written confirmation required under
11 subparagraph (A)(1) shall be in addition to any
12 other financial disclosure or ethics report other-
13 wise required by law.

14 (e) QUARTERLY SUBMISSIONS.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the effective date under subsection (h)(1), and every
17 90 days thereafter, the head of each Federal agency
18 and department shall submit to the President and
19 the appropriate congressional committees a list of
20 each individual working in a covered position at that
21 Federal agency or department.

22 (2) ELEMENTS.—Each list required under
23 paragraph (1) shall include, with respect to each in-
24 dividual working in a covered position—

1 (A) the name and title of the individual;
2 and

3 (B) a brief description of the duties of the
4 individual, including the countries and organi-
5 zations the individual is expected to engage
6 with on behalf of the United States Government
7 in the covered position.

8 (f) ENFORCEMENT.—

9 (1) STATUTORY PENALTIES.—

10 (A) PENALTIES RELATING TO WRITTEN
11 CONFIRMATION.—An individual working in a
12 covered position who knowingly fails to comply
13 with the requirements under subsection
14 (d)(2)(A)(i) shall be fined under title 18, im-
15 prisoned for not more than 1 year, or both.

16 (B) OTHER STATUTORY PENALTIES.—An
17 individual working in a covered position who
18 knowingly fails to comply with any requirement
19 under this section, or any amendment made by
20 this section—

21 (i) shall lose access to United States
22 Government funds for staff support, facili-
23 ties, travel support, and consular services;

24 (ii) shall be subject to referral to the
25 Department of Justice; and

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1 (iii) shall be subject to suspension
2 from performing any covered function until
3 compliance with this section and the
4 amendments made by this section is
5 achieved.

6 (2) AGENCY ENFORCEMENT.—

7 (A) DESIGNATION OF ETHICS OFFICERS.—

8 The head of each Federal agency or department
9 employing an individual working in a covered
10 position shall designate an ethics office respon-
11 sible for compliance with this section.

12 (B) FAILURE TO SUBMIT CERTIFI-
13 CATIONS.—If the head of a Federal agency or
14 department fails to submit any certification
15 under subsection (d)(2)(A)(ii) or any quarterly
16 list under subsection (e)(1), the head of that
17 Federal agency or department shall report the
18 failure to each appropriate congressional com-
19 mittee within 15 days of the discovery of such
20 failure.

21 (3) ADDITIONAL CONSEQUENCES FOR NON-
22 COMPLIANCE.—If an individual nominated for a cov-
23 ered position is found to be in violation of any provi-
24 sion of this section, or an amendment made by this
25 section, a committee of Congress may—

1 (A) delay nomination hearings and con-
2 firmation processes for the individual;

3 (B) recommend suspension of the duties of
4 the individual; and

5 (C) determine if referral to the Depart-
6 ment of Justice is warranted.

7 (g) GUIDANCE.—Not later than 120 days after the
8 date of enactment of this Act, the Director of the Office
9 of Personnel Management and the Director of the Office
10 of Government Ethics shall issue joint guidance to imple-
11 ment this section.

12 (h) APPLICABILITY.—

13 (1) EFFECTIVE DATE.—All requirements, obli-
14 gations, and prohibitions established under this sec-
15 tion, and the amendments made by this section,
16 shall take effect 180 days after the date of enact-
17 ment of this Act.

18 (2) CURRENT INDIVIDUALS WORKING IN COV-
19 ERED POSITIONS.—Any individual working in a cov-
20 ered position on the effective date under paragraph
21 (1) shall comply with all the requirements of this
22 section, and the amendments made by this section,
23 not later than 60 days after that effective date.

24 (3) NO WAIVER OR DELAY.—No provision of
25 this section, nor any amendment made by this sec-

1 tion, nor any requirement imposed thereunder, may
2 be waived, delayed, suspended, or otherwise modified
3 by the Executive Office of the President or any Fed-
4 eral agency or department.

5 (4) CONTINUING APPLICABILITY.—Compliance
6 with this section, and the amendments made by this
7 section, shall be a continuing condition of service in
8 any covered position.

9 **SEC. 705. END PREDICTION MARKET CORRUPTION ACT.**

10 (a) BAN ON TRADING EVENT CONTRACTS BY CER-
11 TAIN GOVERNMENT OFFICIALS.—Section 5c of the Com-
12 modity Exchange Act (7 U.S.C. 7a–2) is amended by in-
13 serting after subsection (c) the following:

14 “(d) BAN ON TRADING EVENT CONTRACTS BY CER-
15 TAIN GOVERNMENT OFFICIALS.—

16 “(1) DEFINITIONS.—In this subsection:

17 “(A) COVERED INDIVIDUAL.—The term
18 ‘covered individual’ means—

19 “(i) the President;

20 “(ii) the Vice President; and

21 “(iii) a Member of Congress.

22 “(B) EVENT CONTRACT.—The term ‘event
23 contract’ means an agreement, contract, trans-
24 action, or swap in an excluded commodity that

1 is based on an occurrence, extent of an occur-
2 rence of, or contingency.

3 “(C) MATERIAL NONPUBLIC INFORMA-
4 TION.—The term ‘material nonpublic informa-
5 tion’ means information—

6 “(i) that a reasonable investor would
7 consider important in making a decision
8 regarding purchasing, selling, or otherwise
9 exchanging an agreement or contract in a
10 commodity or a commodity for future de-
11 livery; and

12 “(ii) that is not publicly available.

13 “(D) MEMBER OF CONGRESS.—The term
14 ‘Member of Congress’ has the meaning given
15 the term in section 13101 of title 5, United
16 States Code.

17 “(E) SENIOR EXECUTIVE BRANCH OFFI-
18 CIAL.—The term ‘senior executive branch offi-
19 cial’ means any officer or employee described in
20 any of paragraphs (3) through (8) of section
21 13103(f) of title 5, United States Code.

22 “(2) BAN ON TRADING EVENT CONTRACTS.—

23 “(A) COVERED INDIVIDUALS.—No covered
24 individual may purchase, sell, or otherwise ex-
25 change an event contract.

1 “(B) SENIOR EXECUTIVE BRANCH OFFI-
2 CIALS.—No senior executive branch official may
3 purchase, sell, or otherwise exchange an event
4 contract the subject of which is a matter in
5 which the senior executive branch official par-
6 ticipates personally and substantially as a Gov-
7 ernment officer or employee, through decision,
8 approval, disapproval, recommendation, the ren-
9 dering of advice, investigation, or otherwise, in
10 a judicial or other proceeding, application, re-
11 quest for a ruling or other determination, con-
12 tract, claim, controversy, charge, accusation, ar-
13 rest, or other particular matter.

14 “(3) CIVIL ACTIONS.—

15 “(A) IN GENERAL.—The Attorney General
16 may bring a civil action in the appropriate
17 United States district court against any indi-
18 vidual who engages in conduct in violation of
19 paragraph (2).

20 “(B) CIVIL PENALTY.—In a civil action
21 under subparagraph (A), if it is demonstrated
22 by a preponderance of the evidence that the in-
23 dividual has violated paragraph (2), the indi-
24 vidual shall be subject to a civil penalty of not
25 more than the greater of—

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1 “(i) \$10,000 for each violation; and

2 “(ii) the amount of profit made
3 through the purchase, sale, or exchange of
4 the event contract in violation of para-
5 graph (2).

6 “(C) NO PRECLUSION OF ALTERNATIVE
7 REMEDIES.—The imposition of a civil penalty
8 under this paragraph does not preclude any
9 other criminal or civil statutory, common law,
10 or administrative remedy that is available by
11 law to the United States or any other person.

12 “(4) FOREIGN BOARDS OF TRADE.—

13 “(A) DEFINITION OF FOREIGN BOARD OF
14 TRADE.—In this paragraph, the term ‘foreign
15 board of trade’ means a board of trade that—

16 “(i) is organized under the laws of a
17 non-United States jurisdiction or has its
18 principal place of business outside the
19 United States; and

20 “(ii) avails itself of any means or in-
21 strumentality of interstate commerce in the
22 conduct of its business as a board of trade.

23 “(B) QUARTERLY REPORTS.—Each foreign
24 board of trade shall submit to the Commission
25 quarterly reports describing each purchase, sale,

1 or other exchange on the foreign board of trade
2 in violation of paragraph (2).

3 “(C) ENFORCEMENT.—A foreign board of
4 trade that fails to submit a report required by
5 subparagraph (B) shall be subject to revocation
6 of the registration of the foreign board of trade
7 by the Commission.

8 “(5) INSIDER TRADING.—The Commission shall
9 issue a rule to restrict the inappropriate use of ma-
10 terial nonpublic information, in breach of an express
11 or implied duty not to use or disclose such material
12 nonpublic information, as a means of making a prof-
13 it through the purchase, sale, or other exchange of
14 an event contract, including by requiring designated
15 contract markets to prohibit the purchase, sale, or
16 other exchange of an event contract by such individ-
17 uals as the Commission determines to be appropriate
18 in the public interest.”.

19 (b) FINANCIAL DISCLOSURE REPORTS.—

20 (1) ANNUAL AND TERMINATION REPORTS.—
21 Section 13104(a) of title 5, United States Code, is
22 amended by adding at the end the following:

23 “(9) DISCLOSURE RELATING TO EVENT CON-
24 TRACTS.—

25 “(A) DEFINITIONS.—In this paragraph:

1 “(i) COVERED REPORTING INDI-
2 VIDUAL.—The term ‘covered reporting in-
3 dividual’ means an individual described in
4 paragraphs (1) through (10) of section
5 13103(f).

6 “(ii) DEPENDENT CHILD.—The term
7 ‘dependent child’ has the meaning given
8 the term in section 13101.

9 “(iii) EVENT CONTRACT.—The term
10 ‘event contract’ has the meaning given the
11 term in subsection (d)(1) of section 5c of
12 the Commodity Exchange Act (7 U.S.C.
13 7a-2).

14 “(B) REQUIREMENT.—Each report filed
15 pursuant to subsection (d) or (e) of section
16 13103 by a covered reporting individual shall
17 include—

18 “(i) a statement of whether, during
19 the period covered by the report, the cov-
20 ered reporting individual, or the spouse or
21 dependent child of the covered reporting
22 individual, purchased, sold, or otherwise
23 exchanged an event contract; and

24 “(ii) with respect to any event con-
25 tract described in clause (i), a description

1 of the event contract and the value of the
2 event contract.”.

3 (2) PERIODIC EVENT CONTRACT TRANSACTION
4 REPORTS.—Section 13105 of title 5, United States
5 Code, is amended by adding at the end the fol-
6 lowing:

7 “(m) PERIODIC EVENT CONTRACT TRANSACTION
8 REPORTS.—

9 “(1) DEFINITIONS.—For purposes of this sub-
10 section, the terms ‘covered reporting individual’ and
11 ‘event contract’ have the meanings given those terms
12 in section 13104(a)(9)(A).

13 “(2) REQUIREMENT.—Not later than 30 days
14 after receiving notification of any event contract
15 transaction required to be reported under section
16 13104(a)(9), but in no case later than 45 days after
17 such event contract transaction, a covered reporting
18 individual shall file a report of the transaction that
19 includes a description of the event contract that is
20 the subject of the transaction and the value of the
21 event contract.”.

22 **SEC. 706. END CRYPTO CORRUPTION ACT.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “End Crypto Corruption Act of 2026”.

25 (b) PROHIBITED FINANCIAL TRANSACTIONS.—

1 (1) IN GENERAL.—Chapter 131 of title 5,
2 United States Code, is amended by adding at the
3 end the following:

4 “SUBCHAPTER IV—PROHIBITED FINANCIAL
5 TRANSACTIONS

6 **“§ 13151. Definitions**

7 “In this subchapter:

8 “(1) COVERED INDIVIDUAL.—The term ‘cov-
9 ered individual’ means—

10 “(A) the President;

11 “(B) the Vice President;

12 “(C) a Member of Congress;

13 “(D) an individual appointed to a Senate-
14 confirmed position; or

15 “(E) a special Government employee (as
16 defined in section 202 of title 18) associated
17 with the Executive Office of the President.

18 “(2) DEPENDENT CHILD; MEMBER OF CON-
19 GRESS.—The terms ‘dependent child’ and ‘Member
20 of Congress’ have the meanings given those terms in
21 section 13101.

22 “(3) DIRECTLY.—The term ‘directly’ means by
23 virtue of the ownership or beneficial interest of a
24 covered individual, or the spouse or dependent child

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1 of a covered individual, in a financial interest de-
2 scribed in paragraph (5)(A).

3 “(4) INDIRECTLY.—The term ‘indirectly’ means
4 by virtue of the financial interest of a covered indi-
5 vidual, or the spouse or dependent child of a covered
6 individual, in a business entity, partnership interest,
7 company, investment fund, trust, or other third
8 party in which the covered individual, or the spouse
9 or dependent child of a covered individual, has an
10 ownership or beneficial interest.

11 “(5) PROHIBITED FINANCIAL TRANSACTION.—

12 “(A) IN GENERAL.—The term ‘prohibited
13 financial transaction’ means—

14 “(i) any issuance, sponsorship, or en-
15 dorsement of a cryptocurrency, meme coin,
16 token, non-fungible token, stablecoin, or
17 other digital asset that is sold for remun-
18 eration;

19 “(ii) any financial interest comparable
20 to an interest described in clause (i) that
21 is acquired through synthetic means, such
22 as the use of a derivative, including an op-
23 tion, warrant, or other similar means; or

24 “(iii) any financial interest com-
25 parable to an interest described in clause

1 (i) that is acquired as part of an aggrega-
2 tion or compilation of such interests
3 through a mutual fund, exchange-traded
4 fund, or other similar means.

5 “(B) EXCLUSIONS.—The term ‘prohibited
6 financial transaction’ does not include the mere
7 purchase, sale, holding, or other conduct relat-
8 ing to financial instruments or assets routinely
9 accessible to any member of the public.

10 “(6) SENATE-CONFIRMED POSITION.—The term
11 ‘Senate-confirmed position’ means a position in a de-
12 partment or agency of the executive branch of the
13 United States for which appointment is required to
14 be made by the President, by and with the advice
15 and consent of the Senate.

16 **“§ 13152. Prohibition on certain transactions**

17 “(a) PROHIBITION.—Except as provided in sub-
18 section (b), a covered individual, or the spouse or depend-
19 ent child of a covered individual, may not engage directly
20 or indirectly in a prohibited financial transaction—

21 “(1) during the term of service of the covered
22 individual; or

23 “(2) during the 1-year period beginning on the
24 date on which the service of the covered individual
25 is terminated.

1 “(b) LIABILITY AND IMMUNITY.—For purposes of
2 any immunities to civil liability, any conduct relating to
3 a prohibited financial transaction under this section shall
4 be deemed an unofficial act and beyond the scope of the
5 official duties of the relevant covered individual.

6 **“§ 13153. Civil penalties**

7 “(a) CIVIL ACTION.—The Attorney General may
8 bring a civil action in any appropriate district court of the
9 United States against any covered individual who violates
10 section 13152(a).

11 “(b) CIVIL PENALTY.—Any covered individual who
12 knowingly violates section 13152(a) shall be subject to a
13 civil monetary penalty equal to not more than 10 percent
14 of the value of the financial interest that is the subject
15 of the prohibited conduct, or the amount of financial gain,
16 if any, that the covered individual benefitted from relating
17 to the prohibited conduct, whichever is greater.

18 “(c) DISGORGEMENT.—A covered individual who is
19 found to have violated section 13152(a) in a civil action
20 under subsection (a) shall disgorge to the Treasury of the
21 United States any profit from the prohibited conduct that
22 is the subject of that civil action.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions for chapter 131 of title 5, United States Code,
25 is amended by adding at the end the following:

“13151. Definitions.

“13152. Prohibition on certain transactions.

“13153. Civil penalties.”.

1 (c) CRIMINAL PENALTIES RELATING TO PROHIBITED
2 FINANCIAL TRANSACTIONS.—

3 (1) IN GENERAL.—Chapter 11 of title 18,
4 United States Code, is amended by adding at the
5 end the following:

6 **“§ 227A. Prohibited financial transactions**

7 “(a) DEFINITIONS.—In this section:

8 “(1) COVERED INDIVIDUAL.—The term ‘cov-
9 ered individual’ means—

10 “(A) the President;

11 “(B) the Vice President;

12 “(C) a Member of Congress;

13 “(D) an individual appointed to a Senate-
14 confirmed position; or

15 “(E) a special Government employee (as
16 defined in section 202) associated with the Ex-
17 ecutive Office of the President.

18 “(2) MEMBER OF CONGRESS.—The term ‘Mem-
19 ber of Congress’ has the meaning given that term in
20 section 13101 of title 5.

21 “(3) PROHIBITED FINANCIAL TRANSACTION.—

22 “(A) IN GENERAL.—The term ‘prohibited
23 financial transaction’ means—

1 “(i) any issuance, sponsorship, or en-
2 dorsement of a cryptocurrency, meme coin,
3 token, non-fungible token, stablecoin, or
4 other digital asset that is sold for remuneration; or

5
6 “(ii) any financial interest comparable
7 to an interest described in clause (i) that
8 is acquired through synthetic means, such
9 as the use of a derivative, including an option,
10 warrant, or other similar means.

11 “(B) EXCLUSIONS.—The term ‘prohibited
12 financial transaction’ does not include the mere
13 purchase, sale, holding, or other conduct relating
14 to financial instruments or assets routinely
15 accessible to any member of the public.

16 “(4) SENATE-CONFIRMED POSITION.—The term
17 ‘Senate-confirmed position’ means a position in a department
18 or agency of the executive branch of the
19 United States for which appointment is required to
20 be made by the President, by and with the advice
21 and consent of the Senate.

22 “(b) BENEFITTING FROM PROHIBITED FINANCIAL
23 TRANSACTION.—Any covered individual who—

24 “(1) knowingly violates any provision of section
25 13152(a) of title 5; and

1 “(2) through such violation—

2 “(A) causes an aggregate loss of not less
3 than \$1,000,000 to 1 or more persons in the
4 United States; or

5 “(B) benefits financially, through profit,
6 gain, or advantage, directly or indirectly
7 through any family member or business asso-
8 ciate of the covered individual, from the sale,
9 purchase, or distribution of the financial inter-
10 est described in subsection (a)(3)(A)(i) issued,
11 sponsored, or endorsed in violation of section
12 13152(a) of title 5,

13 shall be fined under this title, imprisoned for not
14 more than 5 years, or both.

15 “(c) BRIBERY.—Any covered individual who—

16 “(1) knowingly violates any provision of section
17 13152(a) of title 5; and

18 “(2) directly or indirectly, corruptly demands,
19 seeks, receives, accepts, or agrees to receive or ac-
20 cept any thing of value personally or for any other
21 person or entity, in return for—

22 “(A) being influenced in the performance
23 of any official act;

24 “(B) being influenced to commit or aid in
25 committing, or to collude in, or allow, any

1 fraud, or make opportunity for the commission
2 of any fraud, on the United States; or

3 “(C) being induced to do or omit to do any
4 act in violation of the official duty of such offi-
5 cial or person,

6 shall be fined under this title or not more than 2
7 times the monetary equivalent of the thing of value,
8 whichever is greater, or imprisoned for not more
9 than 5 years, or both, and may be disqualified from
10 holding any office of honor, trust, or profit under
11 the United States.

12 “(d) INTENT.—To incur criminal liability under this
13 section, it shall not be required that a covered individual
14 intended to create a financial interest described in sub-
15 section (a)(3)(A)(i) through the issuance, sponsorship or
16 endorsement of the financial interest described in sub-
17 section (a)(3)(A)(i).

18 “(e) LIABILITY AND IMMUNITY.—For purposes of
19 any immunities to civil and criminal liability, any conduct
20 relating to a prohibited financial transaction under this
21 section shall be deemed an unofficial act and beyond the
22 scope of official duties of the relevant covered individual.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions for chapter 11 of title 18, United States Code,

1 is amended by inserting after the item relating to
2 section 227 the following:

“227A. Prohibited financial transactions.”.

3 **SEC. 707. STOP CORRUPT GRATUITIES ACT.**

4 (a) IN GENERAL.—Section 666 of title 18, United
5 States Code, is amended—

6 (1) in subsection (a), in the matter preceding
7 paragraph (1), by striking “(b)” and inserting “(c)”;

8 (2) by redesignating subsections (b), (c), and
9 (d) as subsections (c), (d), and (e), respectively;

10 (3) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) GRATUITIES.—Whoever, if the circumstance de-
13 scribed in subsection (c) of this section exists, otherwise
14 than as provided by law for the proper discharge of official
15 duty—

16 “(1) being an agent of an organization, or of a
17 State, local, or Indian tribal government, or any
18 agency thereof, solicits or demands for the benefit of
19 any person, or accepts or agrees to accept, anything
20 of value from any person, intending to be rewarded
21 in connection with any business, transaction, or se-
22 ries of transactions of such organization, govern-
23 ment, or agency involving anything of value of
24 \$5,000 or more; or

1 “(2) gives, offers, or agrees to give, anything of
2 value to any person, with intent to reward an agent
3 of an organization or of a State, local or Indian trib-
4 al government, or any agency thereof, in connection
5 with any business, transaction, or series of trans-
6 actions of such organization, government, or agency
7 involving anything of value of \$5,000 or more;
8 shall be fined under this title, imprisoned not more than
9 2 years, or both.”; and

10 (4) in subsection (c), as so redesignated, by
11 striking “subsection (a)” and inserting “subsections
12 (a) and (b)”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) HEADINGS.—Section 666 of title 18, United
15 States Code, is amended—

16 (A) in the section heading, by striking
17 “**Theft or bribery**” and inserting “**Theft,**
18 **bribery, or gratuities**”;

19 (B) in subsection (a), by striking “Who-
20 ever” and inserting “BRIBES.—Whoever”;

21 (C) in subsection (c), as so redesignated,
22 by striking “The” and inserting “COVERED
23 CIRCUMSTANCE.—The”;

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1 (D) in subsection (d), as so redesignated,
2 by striking “This” and inserting “EXCEPTION
3 FOR SALARY, WAGES, AND FEES.—This”; and
4 (E) in subsection (e), as so redesignated,
5 by striking “As” and inserting “DEFINI-
6 TIONS.—As”.

7 (2) TABLE OF SECTIONS.—The table of sections
8 for chapter 31 of title 18, United States Code, is
9 amended by striking the item relating to section 666
10 and inserting the following:

“666. Theft, bribery, or gratuities concerning programs receiving Federal funds.”.

11 **SEC. 708. CHANGE CORRUPTION ACT.**

12 Subchapter II of chapter 51 of title 31, United States
13 Code, is amended—

14 (1) in section 5112, by adding at the end the
15 following:

16 “(bb) PROHIBITION ON CERTAIN REPRESENTA-
17 TIONS.—Neither of the following may appear on any
18 United States coin, including any such coin issued to cele-
19 brate the semiquincentennial of the United States:

20 “(1) The likeness of the sitting President.

21 “(2) The likeness of any living former Presi-
22 dent.

23 “(cc) CCAC APPROVAL REQUIRED.—Notwith-
24 standing any other provision of law, no United States coin

1 may be minted unless the design for that coin has been
2 reviewed and recommended by the Citizens Coinage Advi-
3 sory Committee.”; and

4 (2) in section 5114(b)—

5 (A) in the second sentence, by inserting
6 after “securities” the following: “, including on
7 any United States currency or security issued
8 to celebrate the semiquincentennial of the
9 United States”; and

10 (B) by adding at the end the following:
11 “The signature of the sitting President may not
12 appear on any United States currency or secu-
13 rity.”.

14 **SEC. 709. STOP TRADING ON PREDICTIONS AND CORRUPT**
15 **BETS ACT.**

16 (a) PROHIBITION ON CERTAIN EVENT CON-
17 TRACTS.—Section 5c(e)(5) of the Commodity Exchange
18 Act (7 U.S.C. 7a–2(c)(5)) is amended by adding at the
19 end the following:

20 “(D) PROHIBITION ON CERTAIN EVENT
21 CONTRACTS.—

22 “(i) IN GENERAL.—Notwithstanding
23 any other provision of this section, no
24 agreement, contract, transaction, or swap
25 involving any matter described in clause

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1 (ii) (or any index, measure, value, or data
2 related thereto, or occurrence, extent of an
3 occurrence, or contingency based thereon)
4 may be listed or made available for clear-
5 ing or trading on or through a registered
6 entity.

7 “(ii) MATTERS DESCRIBED.—The
8 matters referred to in clause (i) are—

9 “(I) any political election or con-
10 test;

11 “(II) subject to clause (iii), any
12 action taken by the executive, legisla-
13 tive, or judicial branch of the United
14 States;

15 “(III) any sporting event or con-
16 test; and

17 “(IV) any military action taken
18 by the United States or any foreign
19 country.

20 “(iii) HEDGING.—The prohibition
21 under clause (i) with respect to any matter
22 described in clause (ii)(II) shall not apply
23 to an agreement, contract, transaction, or
24 swap that is used for hedging or mitigating

1 commercial risk, as the Commission may
2 determine by rule or regulation.”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) notwithstanding the amendment made by
6 subsection (a), the intent of Congress in the Com-
7 modity Exchange Act (7 U.S.C. 1 et seq.) is the pro-
8 hibition of the conduct prohibited by that amend-
9 ment;

10 (2) for the purpose of preventing a Federal reg-
11 ulatory structure that permits gambling, the Com-
12 modity Futures Trading Commission should prohibit
13 the availability for clearing or trading on or through
14 any registered entity (as defined in section 1a of
15 that Act (7 U.S.C. 1a)) any agreement, contract,
16 transaction, or swap (as defined in that section) that
17 is not used for hedging or mitigating commercial
18 risk; and

19 (3) nothing in this section or any amendment
20 made by this section preempts any State law that
21 regulates or prohibits gambling or gaming.

22 (c) GAO STUDY.—Not later than 60 days after the
23 date of enactment of this Act, the Comptroller General
24 of the United States shall—

25 (1) conduct a study on—

1 (A) prediction markets, including—

2 (i) insider trading in prediction mar-
3 kets; and

4 (ii) the impacts on individuals aged 18
5 to 20 years old of trading in prediction
6 markets;

7 (B) additional types of prediction markets
8 that are not prohibited by the Commodity Ex-
9 change Act (7 U.S.C. 1 et seq.) (as amended by
10 subsection (a)) for the purpose of preventing a
11 Federal regulatory structure that permits gam-
12 bling, including by examining any agreement,
13 contract, transaction, or swap (as defined in
14 section 1a of that Act (7 U.S.C. 1a)) that is not
15 used for hedging or mitigating commercial risk;
16 and

17 (C) means Congress can use to address il-
18 legal acts occurring in foreign prediction mar-
19 kets and in domestic prediction markets com-
20 mitted by companies with a presence in a for-
21 eign country and in the United States to pre-
22 serve the integrity of prediction markets; and

23 (2) make publicly available and submit to Con-
24 gress a report describing the results of the study
25 conducted under paragraph (1), including rec-

1 ommendations to Congress to preserve the integrity
2 of prediction markets.

3 **SEC. 710. PROHIBIT PARTISAN PARK PASSES ACT.**

4 Section 805(a)(2) of the Federal Lands Recreation
5 Enhancement Act (16 U.S.C. 6804(a)(2)) is amended—

6 (1) in the paragraph heading, by striking
7 “IMAGE COMPETITION” and inserting “IMAGES”;

8 (2) in the second sentence, by striking “The”
9 and inserting the following:

10 “(B) REQUIREMENTS.—The”;

11 (3) in the first sentence, by striking “The Sec-
12 retaries” and inserting the following:

13 “(A) IN GENERAL.—The Secretaries”; and

14 (4) by adding at the end the following:

15 “(C) LIMITATION.—The image used on the
16 National Parks and Federal Recreational Lands
17 Pass may not include a living current or former
18 elected official or other living political figure.”.

19 **SEC. 711. PROHIBITION ON USE OF FUNDS BY GSA.**

20 The Administrator of General Services may not pro-
21 vide assistance for any purchase, sale, lease, or other
22 transaction involving real property (including federally
23 owned or leased real property) if the Administrator deter-
24 mines that the transaction would—

1 (1) violate any applicable Federal ethics re-
2 quirements, including the Standards of Ethical Con-
3 duct for Employees of the Executive Branch con-
4 tained in part 2635 of title 5, Code of Federal Regu-
5 lations (or successor regulations); or

6 (2) constitute—

7 (A) a conflict of interest, or the appear-
8 ance of such a conflict;

9 (B) preferential treatment; or

10 (C) undue influence.

11 **TITLE VIII—ENSURE LIBERTY**
12 **AND JUSTICE FOR ALL**

13 **SEC. 801. DISCLOSURE OF DIRECTIVES AND INQUIRIES**
14 **FROM THE EXECUTIVE OFFICE OF THE**
15 **PRESIDENT TO THE DEPARTMENT OF JUS-**
16 **TICE.**

17 (a) DEFINITIONS.—In this section:

18 (1) APPROPRIATE COMMITTEES OF CON-
19 GRESS.—The term “appropriate committees of Con-
20 gress” means—

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

23 (B) the Committee on Appropriations of
24 the Senate;

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

3 (D) the Committee on Appropriations of
4 the House of Representatives.

5 (2) CFIUS-RELATED COVERED DIRECTIVE OR
6 INQUIRY.—The term “CFIUS-related covered direc-
7 tive or inquiry” means a covered directive or inquiry
8 relating to a covered transaction under section 721
9 of the Defense Production Act of 1950 (50 U.S.C.
10 4565).

11 (3) COVERED DIRECTIVE OR INQUIRY.—The
12 term “covered directive or inquiry” means a direc-
13 tive or inquiry, including any email, memorandum,
14 phone call, or text message sent through a personal
15 or official mechanism, made by a covered individual
16 to an officer or employee of the Department of Jus-
17 tice regarding any contemplated, ongoing, or past
18 litigation conducted by the Department of Justice in
19 any civil or criminal matter (regardless of whether
20 a civil action or criminal indictment or information
21 has been filed).

22 (4) COVERED INDIVIDUAL.—The term “covered
23 individual”—

24 (A) means an officer or employee of the
25 Executive Office of the President, including the

1 Chief of Staff to the President, the Counsel to
2 the President, and the National Security Advi-
3 sor; and

4 (B) includes the President and the Vice
5 President.

6 (5) NON-CFIUS COVERED DIRECTIVE OR IN-
7 QUIRY.—The term “non-CFIUS covered directive or
8 inquiry” means a covered directive or inquiry that
9 does not relate to a covered transaction under sec-
10 tion 721 of the Defense Production Act of 1950 (50
11 U.S.C. 4565).

12 (b) MONTHLY DISCLOSURE.—Not later than 60 days
13 after the date of enactment of this Act, and not less fre-
14 quently than monthly thereafter, the Chief of Staff to the
15 President shall submit to—

16 (1) the appropriate committees of Congress a
17 report that discloses each non-CFIUS covered direc-
18 tive or inquiry made during the preceding month;
19 and

20 (2) the Select Committee on Intelligence of the
21 Senate and the Permanent Select Committee on In-
22 telligence of the House of Representatives a report
23 that discloses each CFIUS-related covered directive
24 or inquiry made during the preceding month.

1 **SEC. 802. PROHIBITION ON PAYMENTS FROM JUDGMENT**
2 **FUND WITHOUT CONGRESSIONAL APPROVAL.**

3 No payment may be made from the “Anti-
4 Weaponization Fund”, established by the Attorney Gen-
5 eral, without congressional approval.

6 **TITLE IX—PREVENT AUTHORITARI-**
7 **TARIAN POLICING TACTICS**
8 **ON AMERICA’S STREETS**

9 **SEC. 901. PREVENTING AUTHORITARIAN POLICING TAC-**
10 **TICS ON AMERICA’S STREETS ACT.**

11 (a) DEFINITIONS.—In this section—

12 (1) the term “Federal law enforcement officer”
13 means—

14 (A) an employee or officer in a position in
15 the executive, legislative, or judicial branch of
16 the Federal Government who is authorized by
17 law to engage in or supervise a law enforcement
18 function; or

19 (B) an employee or officer of a contractor
20 or subcontractor (at any tier) of an agency in
21 the executive, legislative, or judicial branch of
22 the Federal Government who is authorized by
23 law or under the contract with the agency to
24 engage in or supervise a law enforcement func-
25 tion;

1 (2) the term “law enforcement function” means
2 the prevention, detection, or investigation of, or the
3 prosecution or incarceration of any person for, any
4 violation of immigration or criminal law; and

5 (3) the term “member of an armed force”
6 means a member of any of the armed forces, as de-
7 fined in section 101(a)(4) of title 10, United States
8 Code, or a member of the National Guard, as de-
9 fined in section 101(3) of title 32, United States
10 Code.

11 (b) REQUIRED IDENTIFICATION.—

12 (1) IN GENERAL.—Each Federal law enforce-
13 ment officer or member of an armed force who is en-
14 gaged in any form of crowd control, riot control, or
15 arrest or detainment of individuals engaged in an
16 act of civil disobedience, demonstration, protest, or
17 riot in the United States shall at all times display
18 identifying information in a clearly visible fashion,
19 which shall include the Federal agency and the last
20 name or unique identifier of the Federal law enforce-
21 ment officer or for a member of an armed force, the
22 last name or unique identifier and rank of the mem-
23 ber.

24 (2) SPECIFIC PROHIBITIONS.—

1 (A) COVERING OF IDENTIFYING INFORMA-
2 TION.—A Federal law enforcement officer or
3 member of an armed force may not tape over
4 or otherwise obscure or conceal the identifying
5 information required under paragraph (1) while
6 the officer or member is engaged in any form
7 of law enforcement activity described in para-
8 graph (1).

9 (B) USE OF UNMARKED VEHICLES.—A
10 Federal law enforcement officer or member of
11 an armed force may not use an unmarked vehi-
12 cle for the apprehension, detention, or arrest of
13 civilians while the officer or member is engaged
14 in any form of law enforcement activity de-
15 scribed in paragraph (1).

16 (c) LIMITATION ON ARREST AUTHORITY.—It shall be
17 unlawful for a Federal law enforcement officer or member
18 of an armed force to arrest an individual in the United
19 States if the Federal law enforcement officer or member
20 of an armed force is conducting a law enforcement func-
21 tion in violation of subsection (b).

22 (d) NOTICE TO THE PUBLIC.—Not later than 24
23 hours after deployment of a Federal law enforcement offi-
24 cer or member of an armed force in response to any crowd
25 control incident, riot, or public disturbance, the Federal

1 agency or armed force responsible for such deployment
2 shall publish prominent public notice on that public facing
3 website of the agency or armed force that includes the fol-
4 lowing information:

5 (1) The date of deployment of personnel for
6 crowd control purposes.

7 (2) The number of Federal law enforcement of-
8 ficers of the agency or members of the armed force
9 in each city, town, or locality functioning in a law
10 enforcement capacity.

11 (3) A description of the specific nature of the
12 mission.

13 (4) The location of any civilians being detained
14 by the Federal law enforcement officers or members
15 of the armed force deployed, and under whose cus-
16 tody the civilians are being held.

17 **SEC. 902. INSURRECTION ACT OF 2026.**

18 (a) STATEMENT OF CONSTITUTIONAL AUTHORITY.—
19 This section represents an exercise of Congress’s authori-
20 ties under—

21 (1) clauses 14, 15, 16, and 18 of section 8 of
22 article I of the Constitution of the United States;

23 (2) section 4 of article IV of the Constitution
24 of the United States; and

1 (3) section 5 of the 14th Amendment to the
2 Constitution of the United States.

3 (b) AMENDMENTS TO INSURRECTION PROVISIONS IN
4 TITLE 10, UNITED STATES CODE.—Chapter 13 of title
5 10, United States Code, is amended by striking sections
6 251 through 255 and inserting the following new sections:

7 **“§ 251. Statement of policy**

8 “‘It is the policy of the United States that domestic
9 deployment of the armed forces for the purposes set forth
10 in this chapter should be a last resort and should be or-
11 dered only if State and local authorities in the State con-
12 cerned are unable or otherwise fail to suppress the insur-
13 rection or rebellion, quell the domestic violence, or enforce
14 the laws that are being obstructed, and Federal civilian
15 law enforcement authorities are unable to do so.

16 **“§ 252. Triggering circumstances**

17 “(a) IN GENERAL.—The authorities granted to the
18 President by section 253 may be exercised only if—

19 “(1) there is an insurrection or rebellion in a
20 State—

21 “(A) against the State or local govern-
22 ment, in such numbers, or with such force or
23 capacity, as to overwhelm State or local au-
24 thorities, and the chief executive of the State
25 requests assistance under this chapter; or

1 “(B) against the Government of the
2 United States, in such numbers, or with such
3 force or capacity, as to overwhelm State or local
4 authorities;

5 “(2) there is domestic violence in a State that
6 is sufficiently widespread or severe as to overwhelm
7 State or local authorities, and the chief executive of
8 the State, or super majority of the State legislature,
9 requests assistance under this chapter; or

10 “(3) there is, within a State—

11 “(A) obstruction of the execution of State
12 or Federal law that has the effect of depriving
13 any party or class of the people of that State
14 of a right, privilege, immunity, or protection
15 named in the Constitution and secured by law,
16 and State or local authorities or Federal civilian
17 law enforcement personnel are unable, fail, or
18 refuse to protect that right, privilege, or immu-
19 nity, or to give that protection;

20 “(B) obstruction of the execution of Fed-
21 eral law by private actors where such obstruc-
22 tion creates an immediate threat to public safe-
23 ty and the use of State or local authorities and
24 Federal civilian law enforcement personnel is

1 insufficient to ensure execution of the law
2 and—

3 “(i) the private actors are in such
4 numbers, or with such force or capacity, as
5 to overwhelm State or local authorities and
6 Federal civilian law enforcement personnel;
7 or

8 “(ii) State or local authorities and
9 Federal civilian law enforcement personnel
10 otherwise fail to address the obstruction;
11 or

12 “(C) obstruction of the execution of Fed-
13 eral law by the State or its agents, where the
14 use of Federal civilian law enforcement per-
15 sonnel is insufficient to ensure execution of the
16 law.

17 “(b) RULES OF CONSTRUCTION.—(1) Subsection
18 (a)(3)(A) shall be construed to encompass the obstruction
19 of any provision of the Voting Rights Act of 1965 (52
20 U.S.C. 10301 et seq.) or section 2004 of the Revised Stat-
21 utes (52 U.S.C. 10101) regarding protection of the right
22 to vote. Any deployment of the armed forces in such cir-
23 cumstances shall be subject to section 2003 of the Revised
24 Statutes (52 U.S.C. 10102), sections 592 and 593 of title

1 18, and any other applicable statutory limitations designed
2 to protect the right to vote.

3 “(2) In any situation covered by subsection (a)(3)(A),
4 the State shall be considered to have denied the equal pro-
5 tection of the laws secured by the Constitution.

6 **“§ 253. Authority of the President**

7 “(a) IN GENERAL.—Subject to subsection (b) and
8 sections 254 through 257, the President may, if the condi-
9 tions specified in section 252 are met, order to active duty
10 any reserve component forces and use the armed forces
11 to suppress the insurrection or rebellion, quell the domes-
12 tic violence, or enforce the laws that are being obstructed.

13 “(b) LIMITATIONS.—(1) During any deployment of
14 the armed forces under subsection (a), the armed forces
15 shall remain subordinate to the chain of command pre-
16 scribed in section 162(b) of this title.

17 “(2) Any part of the armed forces employed to sup-
18 press an insurrection or rebellion, quell domestic violence,
19 or enforce the law under the authorities granted by sub-
20 section (a) must operate under the Standing Rules for the
21 Use of Force.

22 “(3) Nothing in this chapter shall be construed to
23 authorize—

24 “(A) suspension of the writ of habeas corpus; or

1 “(B) any action that violates Federal law or, where
2 consistent with Federal law, State law.

3 “(c) STANDING RULES FOR THE USE OF FORCE.—
4 In this section, the term ‘Standing Rules for the Use of
5 Force’ means Chairman of the Joint Chiefs of Staff In-
6 struction (CJCSI) 3121.01B, dated June 13, 2005, and
7 entitled, ‘Standing Rules of Engagement/Standing Rules
8 for the Use of Force for U.S. Forces’, or any successor
9 instruction.

10 **“§ 254. Consultation with Congress; proclamation to**
11 **disperse; reporting requirement; effective**
12 **periods of authorities**

13 “(a) CONSULTATION.—The President shall, to the
14 maximum extent practicable, consult with Congress before
15 exercising the authorities granted under section 253.

16 “(b) PROCLAMATION.—Before exercising the authori-
17 ties granted by section 253, the President shall, by procla-
18 mation immediately transmitted to Congress and the Fed-
19 eral Register—

20 “(1) specify which paragraph and, where appli-
21 cable, subparagraph and clause, of section 252(a)
22 provides the basis for such exercise of authority; and

23 “(2) order the lawbreakers to disperse peace-
24 ably within a reasonable, limited time period.

1 “(c) REPORT.—Contemporaneously with the procla-
2 mation required under subsection (b), the President shall
3 submit to the President pro tempore of the Senate and
4 the Speaker of the House of Representatives a written re-
5 port setting forth the following:

6 “(1) The circumstances necessitating the exer-
7 cise of the authorities granted to the President by
8 section 253.

9 “(2) Where applicable, a certification by the At-
10 torney General of the United States that the chief
11 executive of the State in question has requested as-
12 sistance under this chapter or that State authorities
13 are unable or have otherwise failed to address the
14 circumstances necessitating exercise of the Presi-
15 dent’s authorities under section 253.

16 “(3) Certification by the Attorney General of
17 the United States that options other than the use of
18 the armed forces have been exhausted, or that those
19 options would likely be insufficient to resolve the sit-
20 uation and that delay would likely cause significant
21 harm.

22 “(4) A description of the size, mission, scope,
23 and expected duration of the use of the armed
24 forces, with a certification by the relevant Service
25 Secretary or Secretaries that, in their best military

1 advice and opinion, the armed forces to be called for
2 duty are trained, equipped, and able to complete the
3 assigned mission.

4 **“§ 255. Congressional approval**

5 “(a) TEMPORARY EFFECTIVE PERIODS.—(1) Any
6 authority made available under section 253 shall termi-
7 nate 7 days after the President makes the proclamation
8 required under section 254(b) unless—

9 “(A) there is enacted into law a joint resolution
10 of approval under subsection (b) with respect to the
11 proclamation; or

12 “(B) there is a material and significant change
13 in factual circumstances that are set forth in a new
14 proclamation and report to Congress as provided in
15 subsections (b) and (c) of section 254.

16 “(2) Notwithstanding subparagraphs (A) and (B) of
17 paragraph (1), no authority may be exercised after the 7-
18 day period described in such paragraph if the exercise of
19 authority has been enjoined by a court of competent juris-
20 diction.

21 “(3) If Congress is physically unable to convene as
22 a result of an insurrection, rebellion, domestic violence, or
23 obstruction of law described in a proclamation issued pur-
24 suant to section 254(b), the 7-day period described in
25 paragraph (1) shall begin on the first day Congress con-

1 venes for the first time after the insurrection, rebellion,
2 domestic violence, or obstruction of law.

3 “(b) EFFECT OF A JOINT RESOLUTION OF AP-
4 PROVAL.—If there is enacted into law a joint resolution
5 of approval as defined in subsection (d), then any author-
6 ity made available under this chapter may be exercised
7 with respect to the insurrection, rebellion, or domestic vio-
8 lence described in the proclamation that is the subject of
9 such resolution for 14 days from the date of the enactment
10 of such resolution, except that such exercise of authority
11 must terminate if enjoined by a court of competent juris-
12 diction on the ground that it violates the terms of this
13 chapter, the Constitution of the United States, or other
14 applicable Federal law.

15 “(c) RENEWAL OF JOINT RESOLUTIONS OF AP-
16 PROVAL.—An exercise of authority subject to a joint reso-
17 lution of approval may not be exercised for longer than
18 14 days, unless—

19 “(1) there is enacted into law another joint res-
20 olution of approval renewing the President’s author-
21 ity pursuant to section 253; or

22 “(2) there has been a material and significant
23 change in factual circumstances that are set forth in
24 a new proclamation and report to Congress as pro-
25 vided in subsections (b) and (c) of section 254.

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1 “(d) JOINT RESOLUTION OF APPROVAL DEFINED.—

2 In this section, the term ‘joint resolution of approval’

3 means a joint resolution that contains only the following

4 provisions after its resolving clause:

5 “(1) A provision approving the exercise of au-

6 thority specified by the President in a proclamation

7 made under subsection (b) of section 254.

8 “(2) A statement that the exercise of authority

9 may continue for a period of 14 days unless enjoined

10 by a court of competent jurisdiction on the ground

11 that it violates the terms of this chapter, the Con-

12 stitution of the United States, or other applicable

13 Federal or State law.

14 “(e) PROCEDURES FOR CONSIDERATION OF JOINT

15 RESOLUTIONS OF APPROVAL.—

16 “(1) INTRODUCTION.—A joint resolution of ap-

17 proval may be introduced in either House of Con-

18 gress by any member of that House at any time that

19 authority under section 253 is in effect pursuant to

20 a proclamation made under section 254(b) or a joint

21 resolution of approval enacted into law pursuant to

22 subsection (b).

23 “(2) REQUESTS TO CONVENE CONGRESS DUR-

24 ING RECESSES.—If, when the President transmits to

25 Congress a proclamation under section 254(b) or at

1 any time that authority under section 253 is in ef-
2 fect as described in paragraph (1), Congress has ad-
3 journed sine die or has adjourned for any period in
4 excess of 3 calendar days, the majority leader of the
5 Senate and the Speaker of the House of Representa-
6 tives, or their respective designees, acting jointly
7 after consultation with and with the concurrence of
8 the minority leader of the Senate and the minority
9 leader of the House, shall notify the Members of the
10 Senate and House, respectively, to reassemble at
11 such place and time as they may designate if, in
12 their opinion, the public interest shall warrant it.

13 “(3) COMMITTEE REFERRAL.—A joint resolu-
14 tion of approval shall be referred in each House of
15 Congress to the committee or committees having ju-
16 risdiction over the emergency authorities invoked by
17 the proclamation under section 254(b) that are the
18 subject of the joint resolution.

19 “(4) CONSIDERATION IN SENATE.—In the Sen-
20 ate, the following shall apply:

21 “(A) REPORTING AND DISCHARGE.—If the
22 committee to which a joint resolution of ap-
23 proval has been referred has not reported it at
24 the end of 3 calendar days after its introduc-
25 tion, that committee shall be automatically dis-

1 charged from further consideration of the reso-
2 lution and it shall be placed on the calendar.

3 “(B) PROCEEDING TO CONSIDERATION.—
4 Notwithstanding Rule XXII of the Standing
5 Rules of the Senate, when the committee to
6 which a joint resolution of approval is referred
7 has reported the resolution, or when that com-
8 mittee is discharged under subparagraph (A)
9 from further consideration of the resolution, it
10 is at any time thereafter in order (even though
11 a previous motion to the same effect has been
12 disagreed to) for a motion to proceed to the
13 consideration of the joint resolution, and all
14 points of order against the joint resolution (and
15 against consideration of the joint resolution)
16 are waived. The motion to proceed is subject to
17 4 hours of debate divided evenly between those
18 favoring and those opposing the joint resolution
19 of approval. The motion is not subject to
20 amendment, or to a motion to postpone, or to
21 a motion to proceed to the consideration of
22 other business.

23 “(C) FLOOR CONSIDERATION.—A joint
24 resolution of approval shall be subject to 10
25 hours of consideration, to be divided evenly be-

1 tween those favoring and those opposing the
2 joint resolution of approval.

3 “(D) AMENDMENTS.—No amendments
4 shall be in order with respect to a joint resolu-
5 tion of approval.

6 “(E) MOTION TO RECONSIDER FINAL
7 VOTE.—A motion to reconsider a vote on pas-
8 sage of a joint resolution of approval shall not
9 be in order.

10 “(F) APPEALS.—Points of order, including
11 questions of relevancy, and appeals from the de-
12 cision of the Presiding Officer, shall be decided
13 without debate.

14 “(5) CONSIDERATION IN HOUSE OF REP-
15 RESENTATIVES.—In the House of Representatives,
16 the following shall apply:

17 “(A) REPORTING AND DISCHARGE.—If any
18 committee to which a joint resolution of ap-
19 proval has been referred has not reported it to
20 the House within 3 calendar days after the date
21 of referral, such committee shall be discharged
22 from further consideration of the joint resolu-
23 tion.

24 “(B) PROCEEDING TO CONSIDERATION.—

1 “(i) IN GENERAL.—Beginning on the
2 third legislative day after each committee
3 to which a joint resolution of approval has
4 been referred reports it to the House or
5 has been discharged from further consider-
6 ation of the joint resolution, and except as
7 provided in clause (ii), it shall be in order
8 to move to proceed to consider the joint
9 resolution in the House. The previous
10 question shall be considered as ordered on
11 the motion to its adoption without inter-
12 vening motion. The motion shall not be de-
13 batable. A motion to reconsider the vote by
14 which the motion is disposed of shall not
15 be in order.

16 “(ii) SUBSEQUENT MOTIONS TO PRO-
17 CEED TO JOINT RESOLUTION OF AP-
18 PROVAL.—A motion to proceed to consider
19 a joint resolution of approval shall not be
20 in order after the House has disposed of
21 another motion to proceed on that resolu-
22 tion.

23 “(C) FLOOR CONSIDERATION.—Upon
24 adoption of the motion to proceed in accordance
25 with subparagraph (B)(i), the joint resolution

1 of approval shall be considered as read. The
2 previous question shall be considered as ordered
3 on the joint resolution to final passage without
4 intervening motion except 2 hours of debate,
5 equally divided and controlled by the sponsor of
6 the joint resolution (or a designee) and an op-
7 ponent. A motion to reconsider the vote on pas-
8 sage of the joint resolution shall not be in
9 order.

10 “(D) AMENDMENTS.—No amendments
11 shall be in order with respect to a joint resolu-
12 tion of approval.

13 “(6) RECEIPT OF RESOLUTION FROM OTHER
14 HOUSE.—If, before passing a joint resolution of ap-
15 proval, one House receives a joint resolution of ap-
16 proval from the other House, then—

17 “(A) the joint resolution of the other
18 House shall not be referred to a committee and
19 shall be deemed to have been discharged from
20 committee on the day it is received; and

21 “(B) the procedures set forth in para-
22 graphs (4) and (5), as applicable, shall apply in
23 the receiving House to the joint resolution re-
24 ceived from the other House to the same extent

1 as such procedures apply to a joint resolution of
2 the receiving House.

3 “(f) RULE OF CONSTRUCTION.—The enactment of a
4 joint resolution of approval under this section shall not
5 be interpreted to serve as a grant or modification by Con-
6 gress of statutory authority of the President.

7 “(g) RULES OF THE HOUSE AND SENATE.—This sec-
8 tion is enacted by Congress—

9 “(1) as an exercise of the rulemaking power of
10 the Senate and the House of Representatives, re-
11 spectively, and as such is deemed a part of the rules
12 of each House, respectively, but applicable only with
13 respect to the procedure to be followed in the House
14 in the case of joint resolutions described in this sec-
15 tion, and supersedes other rules only to the extent
16 that it is inconsistent with such other rules; and

17 “(2) with full recognition of the constitutional
18 right of either House to change the rules (so far as
19 relating to the procedure of that House) at any time,
20 in the same manner, and to the same extent as in
21 the case of any other rule of that House.

22 **“§ 256. Termination of authority**

23 “(a) IN GENERAL.—Any exercise of authority speci-
24 fied by the President in a proclamation made under sub-

1 section (b) of section 254 shall terminate on the earliest
2 of—

3 “(1) the date provided for in section 255(a);

4 “(2) the date provided for in section 255(b);

5 “(3) the date specified in an Act of Congress
6 terminating the authority;

7 “(4) the date specified in a proclamation of the
8 President terminating the emergency; or

9 “(5) the date of a revocation of a request for
10 assistance under this chapter by the chief executive
11 of the State in question.

12 “(b) EFFECT OF TERMINATION.—

13 “(1) IN GENERAL.—Effective on the date of the
14 termination of authority under subsection (a)—

15 “(A) except as provided by paragraph (2),
16 any powers or authorities exercised by reason of
17 the authority shall cease to be exercised;

18 “(B) any amounts reprogrammed or trans-
19 ferred under any provision of law with respect
20 to the exercise of authority that remain unobli-
21 gated on that date shall be returned and made
22 available for the purpose for which such
23 amounts were appropriated; and

1 “(C) any contracts entered into under any
2 provision of law relating to the execution of au-
3 thority shall be terminated.

4 “(2) SAVINGS PROVISION.—The termination of
5 an exercise of authority under this chapter shall not
6 affect—

7 “(A) any legal action taken or pending
8 legal proceeding not finally concluded or deter-
9 mined on the date of the termination under
10 subsection (a);

11 “(B) any legal action or legal proceeding
12 based on any act committed prior to that date;
13 or

14 “(C) any rights or duties that matured or
15 penalties that were incurred prior to that date.

16 **“§ 257. Judicial review**

17 “(a) IN GENERAL.—Notwithstanding, and without
18 prejudice to, any other provision of law, any individual or
19 entity (including a State or local government) that is in-
20 jured by, or has a credible fear of injury from, the use
21 of members of the armed forces under this chapter may
22 bring a civil action for declaratory or injunctive relief. In
23 any action under this section, the district court shall have
24 jurisdiction to decide any question of law or fact arising
25 under this chapter, including challenges to the legal basis

1 for members of the armed forces to be acting under this
2 chapter.

3 “(b) STANDARD OF REVIEW.—A determination that
4 the conditions specified in section 252 are met shall be
5 upheld if supported by substantial evidence.

6 “(c) EXPEDITED CONSIDERATION.—It shall be the
7 duty of the applicable district court of the United States
8 and the Supreme Court of the United States to advance
9 on the docket and to expedite to the greatest possible ex-
10 tent the disposition of any matter brought under this sec-
11 tion.

12 “(d) APPEALS.—

13 “(1) IN GENERAL.—The Supreme Court of the
14 United States shall have jurisdiction of an appeal
15 from a final decision of a district court of the United
16 States in a civil action brought under this section.

17 “(2) FILING DEADLINE.—A party shall file an
18 appeal under paragraph (1) not later than 30 days
19 after the court issues a final decision under sub-
20 section (a).

21 **“§ 258. State defined**

22 “For purposes of this chapter, the term ‘State’ in-
23 cludes the Commonwealth of Puerto Rico, the District of
24 Columbia, Guam, and the Virgin Islands.

1 **“§ 259. Limitation on use of National Guard members**
2 **performing training or other duty for cer-**
3 **tain purposes**

4 “A member of the National Guard performing train-
5 ing or other duty under section 502(a) or (f) of title 32
6 may not be used to suppress a domestic insurrection or
7 rebellion, quell domestic violence, or enforce the law.”.

8 (c) CONFORMING AMENDMENTS.—

9 (1) USE OF STATE DEFENSE FORCES.—Section
10 109(c) of title 32, United States Code, is amended
11 by inserting “, except as provided by section 253 of
12 title 10” after “armed forces”.

13 (2) TABLE OF SECTIONS.—The table of sections
14 at the beginning of chapter 13 of title 10, United
15 States Code, is amended to read as follows:

“Sec.

“251. Statement of policy.

“252. Triggering circumstances.

“253. Authority of the President.

“254. Consultation with Congress; proclamation to disperse; reporting require-
ment; effective periods of authorities.

“255. Congressional approval.

“256. Termination.

“257. Judicial review.

“258. State defined.

“259. Limitation on use of National Guard members performing training or
other duty for certain purposes.”.

1 **TITLE X—SAFEGUARD FREE AND**
2 **FAIR ELECTIONS**

3 **Subtitle A—Fraudulent Artificial**
4 **Intelligence Regulations (FAIR)**
5 **Elections Act**

6 **SEC. 1011. SHORT TITLE.**

7 This subtitle may be cited as the “Fraudulent Artifi-
8 cial Intelligence Regulations (FAIR) Elections Act of
9 2026”.

10 **SEC. 1012. PROHIBITION ON FALSE AI-GENERATED ELEC-**
11 **TION MEDIA.**

12 (a) **DEFINITIONS.**—In this section:

13 (1) **APPLICABLE FEDERAL ELECTION.**—The
14 term “applicable Federal election” means any gen-
15 eral, primary, runoff, or special election held solely
16 or in part for the purpose of nominating or electing
17 a candidate for the office of President, Vice Presi-
18 dent, Presidential elector, Member of the Senate,
19 Member of the House of Representatives, or Dele-
20 gate or Commissioner from a Territory or posses-
21 sion.

22 (2) **ELECTION OFFICIAL.**—The term “election
23 official” means any individual legally authorized to
24 perform duties in connection with an applicable Fed-

1 eral election, including workers, volunteers, poll
2 workers, and authorized poll observers.

3 (3) FALSE AI-GENERATED ELECTION MEDIA.—

4 The term “false AI-generated election media” means
5 text, image, audio, or video that—

6 (A) is the product of a computational proc-
7 ess that uses machine learning, natural lan-
8 guage processing, artificial intelligence tech-
9 niques, or other computational processing tech-
10 niques of similar or greater complexity; and

11 (B) either—

12 (i) contains materially false informa-
13 tion relating to—

14 (I) the time, place, or manner of
15 holding any applicable Federal elec-
16 tion; or

17 (II) the qualifications for or re-
18 strictions on voter eligibility for any
19 such election; or

20 (ii) falsely depicts an election official.

21 (b) PROHIBITION.—Except as provided in subsection

22 (c), a person may not—

23 (1) knowingly distribute false AI-generated elec-
24 tion media described in subsection (a)(3)(B)(i) if
25 such person—

1 (A) knows such media contains materially
2 false information described in such subsection;
3 and

4 (B) has the purpose of impeding or pre-
5 venting another person from exercising the
6 right to vote in an applicable Federal election;
7 or

8 (2) knowingly distribute false AI-generated elec-
9 tion media described in subsection (a)(3)(B)(ii) if
10 such person—

11 (A) knows the depiction of the election of-
12 ficial in such media is materially false; and

13 (B) has the intent to—

14 (i) intimidate or harass an election of-
15 ficial; or

16 (ii) deter another person from exer-
17 cising the right to vote in an applicable
18 Federal election.

19 (c) INAPPLICABILITY TO CERTAIN ENTITIES.—This
20 section shall not apply to the following:

21 (1) A radio or television broadcasting station, a
22 cable or satellite television operator, programmer, or
23 producer, or a streaming service that broadcasts
24 false AI-generated election media prohibited by this
25 section as part of a bona fide newscast, news inter-

1 view, news documentary, or on-the-spot coverage of
2 bona fide news events, if the broadcast clearly ac-
3 knowledges through content or a disclosure, in a
4 manner that can be easily heard or read by the aver-
5 age listener or viewer, that the information con-
6 tained in the media and described in subsection
7 (a)(3)(B) is false.

8 (2) A regularly published newspaper, magazine,
9 or other periodical of general circulation, including
10 an internet or electronic publication, that routinely
11 carries news and commentary of general interest,
12 and that publishes false AI-generated election media
13 prohibited under this section, if the publication
14 clearly states that the information contained in the
15 media and described in subsection (a)(3)(B) is false.

16 (d) ENFORCEMENT.—The Attorney General may
17 bring a civil action against any person who violates sub-
18 section (b) in an appropriate United States District Court
19 for such declaratory and injunctive relief (including a tem-
20 porary restraining order, a permanent or temporary in-
21 junction, or other order).

1 **SEC. 1013. PROHIBITION ON REMOVAL OF NAMES FROM**
2 **VOTING ROLLS USING UNVERIFIED VOTER**
3 **CHALLENGE DATABASES.**

4 (a) IN GENERAL.—The National Voter Registration
5 Act of 1993 (52 U.S.C. 20501 et seq.) is amended by in-
6 serting after section 8 the following new section:

7 **“SEC. 8A. RESTRICTIONS ON REMOVAL OF VOTERS FROM**
8 **OFFICIAL LISTS OF VOTERS.**

9 “(a) IN GENERAL.—A State may not remove the
10 name of any registrant from the official list of voters eligi-
11 ble to vote in elections for Federal office or take any action
12 with respect to a voter eligibility challenge unless the reg-
13 istrant or voter is determined to be ineligible to vote based
14 on—

15 “(1) source information received from govern-
16 mental entities and obtained by such entities in the
17 course of carrying out official actions or duties; and

18 “(2) source information approved by the Attor-
19 ney General as sufficient to protect the integrity and
20 completeness of voter registration lists.

21 “(b) APPROVAL OF VOTER INFORMATION DATA.—

22 “(1) IN GENERAL.—The Attorney General, in
23 consultation with the Director of the National Insti-
24 tute of Standards and Technology and the members
25 of the Election Assistance Commission, may approve

1 source information under subsection (a)(2) if such
2 information meets the following requirements:

3 “(A) The source information contains
4 qualifying data sets that allow the State to
5 match the individual identified by the source in-
6 formation with an individual on the official list
7 of voters eligible to vote in elections for Federal
8 office.

9 “(B) The source information is updated
10 not less than monthly.

11 “(C) The source information was not ob-
12 tained in violation of section 1030 of title 18,
13 United States Code (commonly known as the
14 ‘Computer Fraud and Abuse Act’).

15 “(2) QUALIFYING DATA SETS.—For purposes of
16 paragraph (1)(A), the term ‘qualifying data sets’
17 means the following sets of data with respect to an
18 individual:

19 “(A) Last name, first name, and full social
20 security number.

21 “(B) Last name, first name, and driver’s
22 license or other unique identifying number as-
23 signed by the State.

1 “(C) Last name, first name, last four dig-
2 its of a social security number, and date of
3 birth.

4 “(D) Last name, full social security num-
5 ber, and date of birth.

6 “(c) COORDINATION WITH OTHER METHODS.—

7 Nothing in this section be construed to preclude—

8 “(1) the removal of names from official lists of
9 voters on a basis described in paragraph (3)(A),
10 (3)(B), or (4)(A) of section 8(a);

11 “(2) the removal of names from official lists of
12 voters on a basis described in section 8(c); or

13 “(3) correction of registration records pursuant
14 to this Act.”.

15 (b) CONFORMING AMENDMENTS.—Section 8(a) of
16 such Act (52 U.S.C. 20507(a)) is amended—

17 (1) in paragraph (3), by striking “provide” and
18 inserting “subject to section 8A, provide”; and

19 (2) in paragraph (4), by striking “conduct” and
20 inserting “subject to section 8A, conduct”.

21 **SEC. 1014. PRIVATE RIGHT OF ACTION AGAINST FEDERAL**
22 **GOVERNMENT FOR USE OF FEDERAL DATA**
23 **IN DETERMINING ELIGIBILITY TO VOTE.**

24 (a) IN GENERAL.—The Federal government shall not
25 compare any information held by the Federal government

1 with respect to an individual against information held by
2 a State or local government with respect to such person
3 for purpose of eligibility to vote in elections for Federal
4 office.

5 (b) PRIVATE RIGHT OF ACTION.—A person who is
6 aggrieved by a violation of this section may bring a civil
7 action in an appropriate district court for such declaratory
8 or injunctive relief as may be necessary to carry out this
9 section.

10 **SEC. 1015. GAO STUDY AND REPORT.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Comptroller General of
13 the United States shall conduct a study on the effect
14 of the use of Federal databases, including the Sys-
15 tematic Alien Verification for Entitlements
16 (“SAVE”) system of the Department of Homeland
17 Security, for purposes of removing the names of in-
18 dividuals from the official list of eligible voters in
19 elections for Federal office.

20 (2) MATTERS STUDIED.—The study conducted
21 under paragraph (1) shall study—

22 (A) whether such uses suppresses the right
23 to vote;

1 (B) the accuracy of the process for identi-
2 fying individuals who are not eligible to vote in
3 elections for Federal office; and

4 (C) the number of instances in which such
5 processes have incorrectly removed an eligible
6 individual from the official list of eligible voters
7 in each State.

8 (b) REPORT.—Not later than 180 days after the date
9 of the enactment of this Act, the Comptroller General of
10 the United States shall submit to the Committee on Rules
11 and Administration of the Senate and the Committee on
12 House Administration of the House of Representatives the
13 results of the study conducted under subsection (a).

14 **SEC. 1016. SEVERABILITY.**

15 If any provision of this subtitle, or an amendment
16 made by this subtitle, or the application of such provision
17 to any person or circumstance, is held to be invalid, the
18 remainder of this subtitle, or an amendment made by this
19 subtitle, or the application of such provision to other per-
20 sons or circumstances, shall not be affected.

1 **Subtitle B—Election Interference**
2 **and Law Enforcement at Polls**

3 **SEC. 1021. ELECTION INTERFERENCE AND LAW ENFORCE-**
4 **MENT AT POLLS.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that the presence of Federal law enforcement offi-
7 cers and officers and members of the Armed Forces of
8 the United States at polling places, absent a legitimate
9 emergency or court order, undermines the intent and pur-
10 poses of chapter 29 of title 18, United States Code, and
11 the Voting Rights Act of 1965 (50 U.S.C. 10301 et seq.).

12 (b) DEFINITIONS.—

13 (1) IN GENERAL.—Chapter 29 of title 18,
14 United States Code, is amended by inserting before
15 section 592 the following:

16 **“§ 591. Definitions**

17 “In this chapter:

18 “(1) ARMED.—The term ‘armed’, with respect
19 to an individual, means carrying a firearm or other
20 weapon.

21 “(2) FEDERAL LAW ENFORCEMENT OFFICER.—
22 The term ‘Federal law enforcement officer’ has the
23 meaning given that term in section 115.

1 “(3) POLLING PLACE.—The term ‘polling place’
2 means any location designated for in-person voting,
3 early voting, ballot drop-off, or ballot counting.”.

4 (2) TECHNICAL AND CONFORMING AMEND-
5 MENT.—The table of sections for chapter 29 of title
6 18, United States Code, is amended by inserting be-
7 fore the item relating to section 592 the following:
 “591. Definitions.”.

8 (c) PRESENCE AT POLLS.—

9 (1) IN GENERAL.— Section 592 of title 18,
10 United States Code, is amended—

11 (A) in the section heading, by inserting
12 **“and law enforcement officers”** after
13 **“Troops”**;

14 (B) in the first undesignated paragraph—

15 (i) by striking “troops or armed men”
16 and inserting “armed individual, armed or
17 unarmed officer or member of the Armed
18 Forces of the United States (including a
19 member of the National Guard or a Re-
20 serve component), or armed or unarmed
21 Federal law enforcement officer (including
22 an officer of U.S. Customs and Border
23 Protection, U.S. Immigration and Customs
24 Enforcement, or the Federal Bureau of In-
25 vestigation)”;

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1 (ii) by inserting “including a polling
2 place,” after “election is held,”;

3 (iii) by inserting “or, in the case of a
4 law enforcement officer, such law enforce-
5 ment officer is present pursuant to a writ-
6 ten authorization issued by the Attorney
7 General for unarmed, non-uniformed per-
8 sonnel of the Department of Justice under
9 voting rights laws” after “enemies of the
10 United States”;

11 (C) in the second undesignated paragraph,
12 by inserting “or law enforcement officer” after
13 “armed forces of the United States”; and

14 (D) by adding at the end the following:

15 “This section shall not apply to the presence of a law
16 enforcement officer at place where a general or special
17 election is held, including a polling place, that is otherwise
18 required by law.”.

19 (2) CONFORMING AMENDMENT.—The table of
20 sections for chapter 29 of title 18, United States
21 Code, is amended by striking the item relating to
22 section 592 and inserting the following:

“592. Troops and law enforcement officers at polls.”.

23 (d) INTERFERENCE AT POLLS.—

24 (1) IN GENERAL.—Section 593 of title 18,
25 United States Code, is amended—

1 (A) in the section heading, by inserting
2 **“and law enforcement officers”** after
3 **“forces”**;

4 (B) in the first undesignated paragraph,
5 by inserting “or a Federal law enforcement offi-
6 cer” after “Armed Forces of the United
7 States”; and

8 (C) in the last undesignated paragraph, by
9 inserting “or a law enforcement agency” after
10 “Armed Forces”.

11 (2) CONFORMING AMENDMENT.—The table of
12 sections for chapter 29 of title 18, United States
13 Code, is amended by striking the item relating to
14 section 593 and inserting the following:

“593. Interference by armed forces and law enforcement officers.”.

15 (e) INTIMIDATION OF VOTERS.—Section 594 of title
16 18, United States Code, is amended by adding at the end
17 the following:

18 “For purposes of this section, the presence of a Fed-
19 eral law enforcement officer or officer or member of the
20 Armed Forces of the United States at any place where
21 a general or special election is held, including a polling
22 place, shall constitute intimidation unless the officer is re-
23 sponding to an imminent threat to life or safety.

24 “This section shall not prohibit any Federal law en-
25 forcement officer or officer or member of the Armed

1 Forces of the United States from exercising the right of
2 suffrage in any district to which such officer or member
3 may belong, if otherwise qualified according to the laws
4 of the State of such district.”.

5 (f) INTERFERENCE BY ADMINISTRATIVE EMPLOYEES
6 OF FEDERAL, STATE, OR TERRITORIAL GOVERNMENTS.—
7 Section 595 of title 18, United States Code, is amended
8 by inserting before the first undesignated paragraph the
9 following:

10 “In this section, the term ‘interference’ includes—

11 “(1) using official authority to affect or ob-
12 struct the actions of voters, poll workers, or election
13 officials at a polling place; and

14 “(2) directing or coercing the interruption or
15 delay of any voting-related activity, including ballot
16 receipt, counting, or certification.”.

17 (g) PROHIBITION ON SEIZURE OF BALLOTS.—

18 (1) IN GENERAL.—Chapter 29 of title 18,
19 United States Code, is amended by inserting after
20 section 595 the following:

21 **“§ 595A. Prohibition on seizure of ballots**

22 “(a) IN GENERAL.—It shall be unlawful for any Fed-
23 eral law enforcement officer or officer or member of the
24 Armed Forces of the United States to seize ballots, includ-
25 ing ballots stored digitally in computer records, in any

1 general or special election for Federal or State office be-
2 fore the day after the date on which the results of the
3 election are certified.

4 “(b) PENALTIES.—Any person who violates sub-
5 section (a) shall be—

6 “(1) fined under this title, imprisoned for not
7 more than 5 years, or both; and

8 “(2) disqualified from holding any office of
9 honor, profit, or trust under the United States.

10 “(c) EXCEPTIONS.—This section shall not apply to
11 the execution of a search warrant issued by a Federal dis-
12 trict court judge based on probable cause, or to actions
13 taken pursuant to a court-ordered recount or audit.”.

14 (2) CONFORMING AMENDMENT.—The table of
15 sections for chapter 29 of title 18, United States
16 Code, is amended by inserting after the item relating
17 to section 595 the following:

“595A. Prohibition on seizure of ballots.”.

18 (h) PRIVATE RIGHT OF ACTION.—

19 (1) IN GENERAL.—Chapter 29 of title 18,
20 United States Code, is amended by inserting after
21 section 595A, as added by subsection (g) of this sec-
22 tion, the following:

23 **“§ 595B. Private right of action**

24 “(a) IN GENERAL.—Any person aggrieved by a viola-
25 tion of section 592, 593, 594, 595, or 595A may bring

1 a civil action against any person, including any officer or
2 employee of the United States, who engaged in the viola-
3 tion in an appropriate district court of the United States.

4 “(b) RELIEF.—In an action under subsection (a), the
5 court may award declaratory and injunctive relief, com-
6 pensatory damages, and reasonable attorney’s fees. The
7 United States waives sovereign immunity for actions
8 brought under this section.”.

9 (2) CONFORMING AMENDMENT.—The table of
10 sections for chapter 29 of title 18, United States
11 Code, is amended by inserting after the item relating
12 to section 595A, as added by subsection (g) of this
13 section, the following:

“595B. Private right of action.”.

14 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion may be construed to limit the prohibition on the pres-
16 ence of officers of U.S. Immigration and Customs En-
17 forcement and all other Federal law enforcement agencies
18 at polling places under chapter 29 of title 18, United
19 States Code, and the Voting Rights Act of 1965 (50
20 U.S.C. 10301 et seq.), as in effect on the day before the
21 date of enactment of this Act.