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(Original Signature of Member)

113TH CONGRESS  
2D SESSION

# H. R.

To modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. CHAFFETZ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Asylum Reform and  
5 Border Protection Act of 2014”.

6 **SEC. 2. SAFE REMOVAL OF MINORS.**

7 (a) COUNTRY AGREEMENTS.—Section 235(a)(2) of  
8 the William Wilberforce Trafficking Victims Protection

1 Reauthorization Act of 2008 (8 U.S.C. 1232(a)(2)) is  
2 amended to read as follows:

3 “(2) COUNTRY AGREEMENTS.—The Secretary  
4 of State shall negotiate agreements between the  
5 United States and other countries with respect to  
6 the repatriation of children. Such agreements shall  
7 be designed to protect children from severe forms of  
8 trafficking in persons, and shall, at a minimum, pro-  
9 vide that—

10 “(A) no child shall be returned to the  
11 child’s country of nationality or of last habitual  
12 residence unless returned to appropriate em-  
13 ployees or officials, including child welfare offi-  
14 cials where available, of the accepting country’s  
15 government;

16 “(B) no child shall be returned to the  
17 child’s country of nationality or of last habitual  
18 residence outside of reasonable business hours;  
19 and

20 “(C) border personnel of the countries that  
21 are parties to such agreements are trained in  
22 the terms of such agreements.”.

23 (b) REPEALS.—Section 235(a) of the William Wilber-  
24 force Trafficking Victims Protection Reauthorization Act  
25 of 2008 (8 U.S.C. 1232(a)) is amended—

- 1 (1) by striking paragraphs (3) and (4);  
2 (2) by striking paragraph (5)(D); and  
3 (3) by redesignating paragraph (5) as para-  
4 graph (3).

5 (c) SCREENING OF APPLICANTS FOR ADMISSION.—  
6 Section 235(b)(1)(A)(i) of the Immigration and Nation-  
7 ality Act (8 U.S.C. 1225(b)(1)(A)(i)) is amended by strik-  
8 ing “(other than an alien described in subparagraph (F))”  
9 and inserting “(including a child, whether or not the child  
10 is an unaccompanied alien child (as defined in section  
11 462(g)(2) of the Homeland Security Act of 2002 (6  
12 U.S.C. 279(g))), but not including an alien described in  
13 subparagraph (F))”.

14 **SEC. 3. CLARIFICATION OF INTENT REGARDING TAXPAYER-**  
15 **PROVIDED COUNSEL.**

16 Section 292 of the Immigration and Nationality Act  
17 (8 U.S.C. 1362) is amended—

18 (1) by striking “(at no expense to the Govern-  
19 ment)”; and

20 (2) by adding at the end the following:  
21 “Notwithstanding any other provision of law, in no in-  
22 stance shall the Government bear any expense for counsel  
23 for any person in removal proceedings or in any appeal  
24 proceedings before the Attorney General from any such  
25 removal proceedings.”.

1 **SEC. 4. SPECIAL IMMIGRANT JUVENILE VISAS.**

2 Section 101(a)(27)(J)(i) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by  
4 striking “and whose reunification with 1 or both of the  
5 immigrant’s parents is not viable due” and inserting “and  
6 who cannot be reunified with either of the immigrant’s  
7 parents due”.

8 **SEC. 5. CREDIBLE FEAR INTERVIEWS.**

9 Section 235(b)(1)(B)(v) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by  
11 striking “208.” and inserting “208, and it is more prob-  
12 able than not that the statements made by the alien in  
13 support of the alien’s claim are true.”.

14 **SEC. 6. RECORDING EXPEDITED REMOVAL AND CREDIBLE**  
15 **FEAR INTERVIEWS.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-  
17 rity shall establish quality assurance procedures and take  
18 steps to effectively ensure that questions by employees of  
19 the Department of Homeland Security exercising expe-  
20 dited removal authority under section 235(b) of the Immi-  
21 gration and Nationality act (8 U.S.C. 1225(b)) are asked  
22 in a uniform, manner, and that both these questions and  
23 the answers provided in response to them are recorded in  
24 a uniform fashion.

25 (b) FACTORS RELATING TO SWORN STATEMENTS.—  
26 Where practicable, any sworn or signed written statement

1 taken of an alien as part of the record of a proceeding  
2 under section 235(b)(1)(A) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1225(b)(1)(A)) shall be accom-  
4 panied by a recording of the interview which served as the  
5 basis for that sworn statement.

6 (c) INTERPRETERS.—The Secretary shall ensure that  
7 a competent interpreter, not affiliated with the govern-  
8 ment of the country from which the alien may claim asy-  
9 lum, is used when the interviewing officer does not speak  
10 a language understood by the alien and there is no other  
11 Federal, State, or local government employee available  
12 who is able to interpret effectively, accurately, and impar-  
13 tially.

14 (d) RECORDINGS IN IMMIGRATION PROCEEDINGS.—  
15 Recordings of interviews of aliens subject to expedited re-  
16 moval shall be included in the record of proceeding and  
17 shall be considered as evidence in any further proceedings  
18 involving the alien.

19 (e) NO PRIVATE RIGHT OF ACTION.—Nothing in this  
20 section shall be construed to create any right, benefit,  
21 trust, or responsibility, whether substantive or procedural,  
22 enforceable in law or equity by a party against the United  
23 States, its departments, agencies, instrumentalities, enti-  
24 ties, officers, employees, or agents, or any person, nor does

1 this section create any right of review in any administra-  
2 tive, judicial, or other proceeding.

3 **SEC. 7. PAROLE REFORM.**

4 (a) IN GENERAL.—Paragraph (5) of section 212(d)  
5 (8 U.S.C. 1182(d)) is amended to read as follows:

6 “(5) HUMANITARIAN AND PUBLIC INTEREST  
7 PAROLE.—

8 “(A) IN GENERAL.—Subject to the provi-  
9 sions of this paragraph and section 214(f)(2),  
10 the Secretary of Homeland Security, in the sole  
11 discretion of the Secretary of Homeland Secu-  
12 rity, may on a case-by-case basis parole an alien  
13 into the United States temporarily, under such  
14 conditions as the Secretary of Homeland Secu-  
15 rity may prescribe, only—

16 “(i) for an urgent humanitarian rea-  
17 son (as described under subparagraph  
18 (B)); or

19 “(ii) for a reason deemed strictly in  
20 the public interest (as described under sub-  
21 paragraph (C)).

22 “(B) HUMANITARIAN PAROLE.—The Sec-  
23 retary of Homeland Security may parole an  
24 alien based on an urgent humanitarian reason  
25 described in this subparagraph only if—

1           “(i) the alien has a medical emergency  
2           and the alien cannot obtain necessary  
3           treatment in the foreign state in which the  
4           alien is residing or the medical emergency  
5           is life-threatening and there is insufficient  
6           time for the alien to be admitted through  
7           the normal visa process;

8           “(ii) the alien is needed in the United  
9           States in order to donate an organ or  
10          other tissue for transplant into a close  
11          family member; or

12          “(iii) the alien has a close family  
13          member in the United States whose death  
14          is imminent and the alien could not arrive  
15          in the United States in time to see such  
16          family member alive if the alien were to be  
17          admitted through the normal visa process.

18          “(C) PUBLIC INTEREST PAROLE.—The  
19          Secretary of Homeland Security may parole an  
20          alien based on a reason deemed strictly in the  
21          public interest described in this subparagraph  
22          only if the alien has assisted the United States  
23          Government in a matter, such as a criminal in-  
24          vestigation, espionage, or other similar law en-  
25          forcement activity, and either the alien’s pres-

1           ence in the United States is required by the  
2           Government or the alien's life would be threat-  
3           ened if the alien were not permitted to come to  
4           the United States.

5           “(D) LIMITATION ON THE USE OF PAROLE  
6           AUTHORITY.—The Secretary of Homeland Se-  
7           curity may not use the parole authority under  
8           this paragraph to permit to come to the United  
9           States aliens who have applied for and have  
10          been found to be ineligible for refugee status or  
11          any alien to whom the provisions of this para-  
12          graph do not apply.

13          “(E) PAROLE NOT AN ADMISSION.—Parole  
14          of an alien under this paragraph shall not be  
15          considered an admission of the alien into the  
16          United States. When the purposes of the parole  
17          of an alien have been served, as determined by  
18          the Secretary of Homeland Security, the alien  
19          shall immediately return or be returned to the  
20          custody from which the alien was paroled and  
21          the alien shall be considered for admission to  
22          the United States on the same basis as other  
23          similarly situated applicants for admission.

24          “(F) REPORT TO CONGRESS.—Not later  
25          than 90 days after the end of each fiscal year,



1           the Secretary of Homeland Security shall sub-  
2           mit a report to the Committees on the Judici-  
3           ary of the House of Representatives and the  
4           Senate describing the number and categories of  
5           aliens paroled into the United States under this  
6           paragraph. Each such report shall contain in-  
7           formation and data concerning the number and  
8           categories of aliens paroled, the duration of pa-  
9           role, and the current status of aliens paroled  
10          during the preceding fiscal year.”.

11          (b) **EFFECTIVE DATE.**—The amendment made by  
12          subsection (a) shall take effect on the first day of the first  
13          month beginning more than 60 days after the date of the  
14          enactment of this Act.

15          **SEC. 8. REPORT TO CONGRESS ON PAROLE PROCEDURES**  
16   **AND STANDARDIZATION OF PAROLE PROCE-**  
17   **DURES.**

18          (a) **IN GENERAL.**—The Attorney General and the  
19          Secretary of Homeland Security shall jointly conduct a re-  
20          view, and report to the Judiciary Committees of the House  
21          of Representatives and the Senate, not later than 180 days  
22          after the date of the enactment of this Act, and annually  
23          thereafter, regarding the effectiveness of parole and cus-  
24          tody determination procedures applicable to aliens who  
25          have established a credible fear of persecution and are

1 awaiting a final determination regarding their asylum  
2 claim by the immigration courts. The report shall include  
3 the following:

4           (1) An analysis of the rate at which release  
5 from detention (including release on parole) is grant-  
6 ed to aliens who have established a credible fear of  
7 persecution and are awaiting a final determination  
8 regarding their asylum claim by the immigration  
9 courts throughout the United States, and any dis-  
10 parity that exists between locations or geographical  
11 areas, including explanation of the reasons for this  
12 disparity and what actions are being taken to have  
13 consistent and uniform application of the standards  
14 for granting parole.

15           (2) An analysis of the effect of the procedures  
16 and policies applied with respect to parole and cus-  
17 tody determinations both by the Attorney General  
18 and the Secretary on the alien's pursuit of their asy-  
19 lum claim before an immigration court.

20           (3) An analysis of the effectiveness of the pro-  
21 cedures and policies applied with respect to parole  
22 and custody determinations both by the Attorney  
23 General and the Secretary in securing the alien's  
24 presence at the immigration court proceedings.

1 (b) RECOMMENDATIONS.—The report should include  
2 recommendations with respect to whether the existing pa-  
3 role and custody determination procedures applicable to  
4 aliens who have established a credible fear of persecution  
5 and are awaiting a final determination regarding their  
6 asylum claim by the immigration courts both respect the  
7 interests of aliens and ensure the presence of the aliens  
8 at the immigration court proceedings. The report should  
9 include an assessment on corresponding failure to appear  
10 rates, in absentia orders, and absconders.

11 **SEC. 9. GROUNDS OF INADMISSIBILITY AND DEPORT-**  
12 **ABILITY FOR ALIEN GANG MEMBERS.**

13 (a) DEFINITION OF GANG MEMBER.—Section 101(a)  
14 of the Immigration and Nationality Act (8 U.S.C.  
15 1101(a)) is amended by adding at the end the following:

16 “(53)(A) The term ‘criminal gang’ means an ongoing  
17 group, club, organization, or association of 5 or more per-  
18 sons that has as one of its primary purposes the commis-  
19 sion of 1 or more of the following criminal offenses and  
20 the members of which engage, or have engaged within the  
21 past 5 years, in a continuing series of such offenses, or  
22 that has been designated as a criminal gang by the Sec-  
23 retary of Homeland Security, in consultation with the At-  
24 torney General, as meeting these criteria. The offenses de-  
25 scribed, whether in violation of Federal or State law or

1 foreign law and regardless of whether the offenses oc-  
2 curred before, on, or after the date of the enactment of  
3 this paragraph, are the following:

4           “(i) A ‘felony drug offense’ (as defined in sec-  
5 tion 102 of the Controlled Substances Act (21  
6 U.S.C. 802)).

7           “(ii) An offense under section 274 (relating to  
8 bringing in and harboring certain aliens), section  
9 277 (relating to aiding or assisting certain aliens to  
10 enter the United States), or section 278 (relating to  
11 importation of alien for immoral purpose).

12           “(iii) A crime of violence (as defined in section  
13 16 of title 18, United States Code).

14           “(iv) A crime involving obstruction of justice,  
15 tampering with or retaliating against a witness, vic-  
16 tim, or informant, or burglary.

17           “(v) Any conduct punishable under sections  
18 1028 and 1029 of title 18, United States Code (re-  
19 lating to fraud and related activity in connection  
20 with identification documents or access devices), sec-  
21 tions 1581 through 1594 of such title (relating to  
22 peonage, slavery and trafficking in persons), section  
23 1952 of such title (relating to interstate and foreign  
24 travel or transportation in aid of racketeering enter-  
25 prises), section 1956 of such title (relating to the

1       laundering of monetary instruments), section 1957  
2       of such title (relating to engaging in monetary trans-  
3       actions in property derived from specified unlawful  
4       activity), or sections 2312 through 2315 of such title  
5       (relating to interstate transportation of stolen motor  
6       vehicles or stolen property).

7               “(vi) A conspiracy to commit an offense de-  
8       scribed in clauses (i) through (v).

9       “(B) Notwithstanding any other provision of law (in-  
10      cluding any effective date), the term applies regardless of  
11      whether the conduct occurred before, on, or after the date  
12      of the enactment of this paragraph.”.

13       (b) INADMISSIBILITY.—Section 212(a)(2) of such Act  
14      (8 U.S.C. 1182(a)(2)) is amended by adding at the end  
15      the following:

16               “(J) ALIENS ASSOCIATED WITH CRIMINAL  
17               GANGS.—Any alien is inadmissible who a con-  
18               sular officer, the Secretary of Homeland Secu-  
19               rity, or the Attorney General knows or has rea-  
20               son to believe—

21                       “(i) to be or to have been a member  
22                       of a criminal gang (as defined in section  
23                       101(a)(53)); or

24                       “(ii) to have participated in the activi-  
25                       ties of a criminal gang (as defined in sec-

1                   tion 101(a)(53)), knowing or having reason  
2                   to know that such activities will promote,  
3                   further, aid, or support the illegal activity  
4                   of the criminal gang.”.

5           (c) DEPORTABILITY.—Section 237(a)(2) of the Im-  
6 migration and Nationality Act (8 U.S.C. 1227(a)(2)) is  
7 amended by adding at the end the following:

8                   “(G) ALIENS ASSOCIATED WITH CRIMINAL  
9                   GANGS.—Any alien is deportable who the Sec-  
10                  retary of Homeland Security or the Attorney  
11                  General knows or has reason to believe—

12                   “(i) is or has been a member of a  
13                   criminal gang (as defined in section  
14                   101(a)(53)); or

15                   “(ii) has participated in the activities  
16                   of a criminal gang (as so defined), knowing  
17                   or having reason to know that such activi-  
18                   ties will promote, further, aid, or support  
19                   the illegal activity of the criminal gang.”.

20           (d) DESIGNATION.—

21                   (1) IN GENERAL.—Chapter 2 of title II of the  
22                  Immigration and Nationality Act (8 U.S.C. 1181 et  
23                  seq.) is amended by inserting after section 219 the  
24                  following:

1 “DESIGNATION

2 “SEC. 220. (a) IN GENERAL.—The Secretary of  
3 Homeland Security, in consultation with the Attorney  
4 General, and the Secretary of State may designate a group  
5 or association as a criminal street gang if their conduct  
6 is described in section 101(a)(53) or if the group or asso-  
7 ciation conduct poses a significant risk that threatens the  
8 security and the public safety of United States nationals  
9 or the national security, homeland security, foreign policy,  
10 or economy of the United States.

11 “(b) EFFECTIVE DATE.—Designations under sub-  
12 section (a) shall remain in effect until the designation is  
13 revoked after consultation between the Secretary of Home-  
14 land Security, the Attorney General, and the Secretary of  
15 State or is terminated in accordance with Federal law.”.

16 (2) CLERICAL AMENDMENT.—The table of con-  
17 tents for such Act is amended by inserting after the  
18 item relating to section 219 the following:

“220. Designation.”.

19 (e) MANDATORY DETENTION OF CRIMINAL STREET  
20 GANG MEMBERS.—

21 (1) IN GENERAL.—Section 236(c)(1)(D) of the  
22 Immigration and Nationality Act (8 U.S.C.  
23 1226(c)(1)(D)) is amended—

24 (A) by inserting “or 212(a)(2)(J)” after  
25 “212(a)(3)(B)”; and

1 (B) by inserting “237(a)(2)(G) or” before  
2 “237(a)(4)(B)”.

3 (2) ANNUAL REPORT.—Not later than March 1  
4 of each year (beginning 1 year after the date of the  
5 enactment of this Act), the Secretary of Homeland  
6 Security, after consultation with the appropriate  
7 Federal agencies, shall submit a report to the Com-  
8 mittees on the Judiciary of the House of Represent-  
9 atives and of the Senate on the number of aliens de-  
10 tained under the amendments made by paragraph  
11 (1).

12 (f) ASYLUM CLAIMS BASED ON GANG AFFILI-  
13 ATION.—

14 (1) INAPPLICABILITY OF RESTRICTION ON RE-  
15 MOVAL TO CERTAIN COUNTRIES.—Section  
16 241(b)(3)(B) of the Immigration and Nationality  
17 Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the  
18 matter preceding clause (i), by inserting “who is de-  
19 scribed in section 212(a)(2)(J)(i) or section  
20 237(a)(2)(G)(i) or who is” after “to an alien”.

21 (2) INELIGIBILITY FOR ASYLUM.—Section  
22 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A))  
23 is amended—

24 (A) in clause (v), by striking “or” at the  
25 end;



1 (B) by redesignating clause (vi) as clause  
2 (vii); and

3 (C) by inserting after clause (v) the fol-  
4 lowing:

5 “(vi) the alien is described in section  
6 212(a)(2)(J)(i) or section 237(a)(2)(G)(i)  
7 (relating to participation in criminal street  
8 gangs); or”.

9 (g) TEMPORARY PROTECTED STATUS.—Section 244  
10 of such Act (8 U.S.C. 1254a) is amended—

11 (1) by striking “Attorney General” each place  
12 it appears and inserting “Secretary of Homeland Se-  
13 curity”;

14 (2) in subparagraph (e)(2)(B)—

15 (A) in clause (i), by striking “or” at the  
16 end;

17 (B) in clause (ii), by striking the period  
18 and inserting “; or”; and

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

20 “(iii) the alien is, or at any time after  
21 admission has been, a member of a crimi-  
22 nal gang (as defined in section  
23 101(a)(53)).”; and

24 (3) in subsection (d)—

25 (A) by striking paragraph (3); and

1 (B) in paragraph (4), by adding at the end  
2 the following: “The Secretary of Homeland Se-  
3 curity may detain an alien provided temporary  
4 protected status under this section whenever  
5 appropriate under any other provision of law.”.

6 (h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section  
7 101(a)(27)(J)(iii) of the Immigration and Nationality Act  
8 (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

9 (1) in subclause (I), by striking “and”;

10 (2) in subclause (II), by inserting “and” at the  
11 end; and

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

13 “(III) no alien who is, or was at any  
14 time after admission has been, a member  
15 of a criminal gang (as defined in section  
16 101(a)(53)) shall be eligible for any immi-  
17 gration benefit under this subparagraph;”.

18 (i) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect on the date of the enactment  
20 of this Act and shall apply to acts that occur before, on,  
21 or after the date of the enactment of this Act.

22 **SEC. 10. UNACCOMPANIED ALIEN CHILD DEFINED.**

23 Section 462(g)(2) of the Homeland Security Act of  
24 2002 (6 U.S.C. 279(g)(2)) is amended to read as follows:

25 “(2) The term ‘unaccompanied alien child’—

1                   “(A) means an alien who—  
2                    “(i) has no lawful immigration status  
3                   in the United States;  
4                    “(ii) has not attained 18 years of age;  
5                   and  
6                    “(iii) with respect to whom—  
7                    “(I) there is no parent or legal  
8                   guardian in the United States;  
9                    “(II) no parent or legal guardian  
10                  in the United States is available to  
11                  provide care and physical custody; or  
12                  “(III) no sibling over 18 years of  
13                  age, aunt, uncle, grandparent, or  
14                  cousin over 18 years of age is avail-  
15                  able to provide care and physical cus-  
16                  tody; except that  
17                  “(B) such term shall cease to include an  
18                  alien if at any time a parent, legal guardian,  
19                  sibling over 18 years of age, aunt, uncle, grand-  
20                  parent, or cousin over 18 years of age of the  
21                  alien is found in the United States and is avail-  
22                  able to provide care and physical custody (and  
23                  the Secretary of Homeland Security and the  
24                  Secretary of Health and Human Services shall

1           revoke accordingly any prior designation of the  
2           alien under this paragraph).”.

3 **SEC. 11. MODIFICATIONS TO PREFERENTIAL AVAILABILITY**  
4                   **FOR ASYLUM FOR UNACCOMPANIED ALIEN**  
5                   **MINORS.**

6           Section 208 of the Immigration and Nationality Act  
7 (8 U.S.C. 1158) is amended—

- 8                   (1) by striking subsection (a)(2)(E); and  
9                   (2) by striking subsection (b)(3)(C).

10 **SEC. 12. NOTIFICATION AND TRANSFER OF CUSTODY RE-**  
11                   **GARDING UNACCOMPANIED ALIEN MINORS.**

12           Section 235(b) of the William Wilberforce Trafficking  
13 Victims Protection Reauthorization Act of 2008 (8 U.S.C.  
14 1232(b)) is amended—

- 15                   (1) in paragraph (2), by striking “48 hours”  
16                   and inserting “7 days”; and  
17                   (2) in paragraph (3), by striking “72 hours”  
18                   and inserting “30 days”.

19 **SEC. 13. INFORMATION SHARING BETWEEN DEPARTMENT**  
20                   **OF HEALTH AND HUMAN SERVICES AND DE-**  
21                   **PARTMENT OF HOMELAND SECURITY.**

22           Section 235(b) of the William Wilberforce Trafficking  
23 Victims Protection Reauthorization Act of 2008 (8 U.S.C.  
24 1232(b)) is amended by adding at the end the following:

1           “(5) INFORMATION SHARING.—The Secretary  
2           of Health and Human Services shall share with the  
3           Secretary of Homeland Security any information re-  
4           quested on a child who has been determined to be  
5           an unaccompanied alien child and who is or has  
6           been in the custody of the Secretary of Health and  
7           Human Services, including the location of the child  
8           and any person to whom custody of the child has  
9           been transferred, for any legitimate law enforcement  
10          objective, including enforcement of the immigration  
11          laws.”.

12 **SEC. 14. SAFE THIRD COUNTRY.**

13          Section 208(a)(2)(A) of the Immigration and Nation-  
14          ality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

15                 (1) by striking “Attorney General” and insert-  
16                 ing “Secretary of Homeland Security”; and

17                 (2) by striking “removed, pursuant to a bilat-  
18                 eral or multilateral agreement, to” and inserting  
19                 “removed to”.

20 **SEC. 15. ADDITIONAL IMMIGRATION JUDGES AND ICE**  
21 **PROSECUTORS.**

22          (a) EXECUTIVE OFFICE FOR IMMIGRATION RE-  
23          VIEW.—Subject to the availability of appropriations, in  
24          each of fiscal years 2014 through 2016, the Attorney Gen-  
25          eral shall increase by not less than 50 the number of posi-

1 tions for full-time immigration judges within the Executive  
2 Office for Immigration Review above the number of such  
3 positions for which funds were allotted for fiscal year  
4 2013.

5 (b) IMMIGRATION AND CUSTOMS ENFORCEMENT OF-  
6 FICE OF THE PRINCIPAL LEGAL ADVISOR.—Subject to  
7 the availability of appropriations, in each of fiscal years  
8 2014 through 2016, the Secretary of Homeland Security  
9 shall increase by not less than 60 the number of positions  
10 for full-time trial attorneys within the Immigration and  
11 Customs Enforcement Office of the Principal Legal Advi-  
12 sor above the number of such positions for which funds  
13 were allotted for fiscal year 2013.

14 **SEC. 16. PROHIBITION ON ACTIONS THAT IMPEDE BORDER**  
15 **SECURITY ON CERTAIN FEDERAL LAND.**

16 (a) SHORT TITLE.—This section may be cited as the  
17 “National Security and Federal Lands Protection Act”.

18 (b) PROHIBITION ON SECRETARIES OF THE INTE-  
19 RIOR AND AGRICULTURE.—The Secretary of the Interior  
20 or the Secretary of Agriculture shall not impede, prohibit,  
21 or restrict activities of U.S. Customs and Border Protec-  
22 tion on Federal land located within 100 miles of an inter-  
23 national land border that is under the jurisdiction of the  
24 Secretary of the Interior or the Secretary of Agriculture,  
25 to execute search and rescue operations and to prevent

1 all unlawful entries into the United States, including en-  
2 tries by terrorists, other unlawful aliens, instruments of  
3 terrorism, narcotics, and other contraband through the  
4 international land borders of the United States.

5 (c) AUTHORIZED ACTIVITIES OF U.S. CUSTOMS AND  
6 BORDER PROTECTION.—U.S. Customs and Border Pro-  
7 tection shall have immediate access to Federal land within  
8 100 miles of the international land border under the juris-  
9 diction of the Secretary of the Interior or the Secretary  
10 of Agriculture for purposes of conducting the following ac-  
11 tivities on such land that prevent all unlawful entries into  
12 the United States, including entries by terrorists, other  
13 unlawful aliens, instruments of terrorism, narcotics, and  
14 other contraband through the international land borders  
15 of the United States:

16 (1) Construction and maintenance of roads.

17 (2) Construction and maintenance of barriers.

18 (3) Use of vehicles to patrol, apprehend, or res-  
19 cue.

20 (4) Installation, maintenance, and operation of  
21 communications and surveillance equipment and sen-  
22 sors.

23 (5) Deployment of temporary tactical infra-  
24 structure.

1 (d) CLARIFICATION RELATING TO WAIVER AUTHOR-  
2 ITY.—

3 (1) IN GENERAL.—Notwithstanding any other  
4 provision of law (including any termination date re-  
5 lating to the waiver referred to in this subsection),  
6 the waiver by the Secretary of Homeland Security  
7 on April 1, 2008, under section 102(e)(1) of the Ille-  
8 gal Immigration Reform and Immigrant Responsi-  
9 bility Act of 1996 (8 U.S.C. 1103 note; Public Law  
10 104–208) of the laws described in paragraph (2)  
11 with respect to certain sections of the international  
12 border between the United States and Mexico and  
13 between the United States and Canada shall be con-  
14 sidered to apply to all Federal land under the juris-  
15 diction of the Secretary of the Interior or the Sec-  
16 retary of Agriculture within 100 miles of the inter-  
17 national land borders of the United States for the  
18 activities of U.S. Customs and Border Protection de-  
19 scribed in subsection (c).

20 (2) DESCRIPTION OF LAWS WAIVED.—The laws  
21 referred to in paragraph (1) are limited to the Wil-  
22 derness Act (16 U.S.C. 1131 et seq.), the National  
23 Environmental Policy Act of 1969 (42 U.S.C. 4321  
24 et seq.), the Endangered Species Act of 1973 (16  
25 U.S.C. 1531 et seq.), the National Historic Preser-



1 vation Act (16 U.S.C. 470 et seq.), Public Law 86–  
2 523 (16 U.S.C. 469 et seq.), the Act of June 8,  
3 1906 (commonly known as the “Antiquities Act of  
4 1906”; 16 U.S.C. 431 et seq.), the Wild and Scenic  
5 Rivers Act (16 U.S.C. 1271 et seq.), the Federal  
6 Land Policy and Management Act of 1976 (43  
7 U.S.C. 1701 et seq.), the National Wildlife Refuge  
8 System Administration Act of 1966 (16 U.S.C.  
9 668dd et seq.), the Fish and Wildlife Act of 1956  
10 (16 U.S.C. 742a et seq.), the Fish and Wildlife Co-  
11 ordination Act (16 U.S.C. 661 et seq.), subchapter  
12 II of chapter 5, and chapter 7, of title 5, United  
13 States Code (commonly known as the “Administra-  
14 tive Procedure Act”), the National Park Service Or-  
15 ganic Act (16 U.S.C. 1 et seq.), the General Au-  
16 thorities Act of 1970 (Public Law 91–383) (16  
17 U.S.C. 1a-1 et seq.), sections 401(7), 403, and 404  
18 of the National Parks and Recreation Act of 1978  
19 (Public Law 95–625, 92 Stat. 3467), and the Ari-  
20 zona Desert Wilderness Act of 1990 (16 U.S.C.  
21 1132 note; Public Law 101–628).

22 (e) PROTECTION OF LEGAL USES.—This section  
23 shall not be construed to provide—

24 (1) authority to restrict legal uses, such as  
25 grazing, hunting, mining, or public-use recreational

1 and backcountry airstrips on land under the jurisdic-  
2 tion of the Secretary of the Interior or the Secretary  
3 of Agriculture; or

4 (2) any additional authority to restrict legal ac-  
5 cess to such land.

6 (f) EFFECT ON STATE AND PRIVATE LAND.—This  
7 Act shall—

8 (1) have no force or effect on State or private  
9 lands; and

10 (2) not provide authority on or access to State  
11 or private lands.

12 (g) TRIBAL SOVEREIGNTY.—Nothing in this section  
13 supersedes, replaces, negates, or diminishes treaties or  
14 other agreements between the United States and Indian  
15 tribes.

16 **SEC. 17. MINORS IN CUSTODY.**

17 (a) MINORS IN DEPARTMENT OF HEALTH AND  
18 HUMAN SERVICES CUSTODY.—Section 235(c)(2) of the  
19 William Wilberforce Trafficking Victims Protection Reau-  
20 thorization Act of 2008 (8 U.S.C. 1232(c)(2)) is amended  
21 by striking the last two sentences.

22 (b) MINORS IN EXPEDITED REMOVAL PRO-  
23 CEEDINGS.—Section 235(b)(1)(B)(ii) of the Immigration  
24 and Nationality Act (8 U.S.C. 1225(b)(1)(B)(ii)) is  
25 amended by striking “asylum.” and inserting “asylum (or

1 may be detained if the alien is an unaccompanied alien  
2 child (as defined in section 462(g)(2) of the Homeland Se-  
3 curity Act of 2002 (6 U.S.C. 279(g))).”.

4 **SEC. 18. FOREIGN ASSISTANCE FOR REPATRIATION.**

5 (a) **SUSPENSION OF FOREIGN ASSISTANCE.**—The  
6 Secretary of State shall immediately suspend all foreign  
7 assistance, including under United States Agency for  
8 International Development programs, the Central Amer-  
9 ican Regional Security Initiative, or the International Nar-  
10 cotic Control Law Enforcement program, to any large  
11 sending country that—

12 (1) refuses to negotiate an agreement under  
13 section 235(a)(2) of the William Wilberforce Traf-  
14 ficking Victims Protection Reauthorization Act of  
15 2008 (8 U.S.C. 1232(a)(2)), as amended by section  
16 2 of this Act; or

17 (2) refuses to accept from the United States re-  
18 patriated unaccompanied alien children (as defined  
19 in section 462(g)(2) of the Homeland Security Act  
20 of 2002 (6 U.S.C. 279(g))) who are nationals or  
21 residents of the sending country.

22 (b) **USE OF FOREIGN ASSISTANCE FOR REPATRI-**  
23 **ATION.**—The Secretary of State shall provide any addi-  
24 tional foreign assistance from the United States that such  
25 Secretary determines is needed to implement an agree-

1 ment under section 235(a)(2) of the William Wilberforce  
2 Trafficking Victims Protection Reauthorization Act of  
3 2008 (8 U.S.C. 1232(a)(2)), as amended by section 2 of  
4 this Act, or safely to repatriate or reintegrate nationals  
5 or residents of a large sending country without increasing  
6 the total quantity of foreign assistance to such country.  
7 Such country may use any earlier foreign assistance for  
8 the purpose of repatriation or implementation of any  
9 agreement under such section 235(a)(2).

10 (c) DEFINITION OF LARGE SENDING PROGRAM.—  
11 For purposes of this section, the term “large sending  
12 country” means—

13 (1) any country which was the country of na-  
14 tionality or last habitual residence for 1,000 or more  
15 unaccompanied alien children (as defined in section  
16 462(g)(2) of the Homeland Security Act of 2002 (6  
17 U.S.C. 279(g))) who entered the United States in a  
18 single fiscal year in any of the prior 3 fiscal years;  
19 and

20 (2) any other country which the Secretary of  
21 Homeland Security deems appropriate.

22 (d) EFFECTIVE DATE.—This section shall take effect  
23 on the date of the enactment of this Act and shall apply  
24 with respect to any unaccompanied alien child (as defined

1 in section 462(g)(2) of the Homeland Security Act of 2002  
2 (6 U.S.C. 279(g)) apprehended on or after such date.

3 **SEC. 19. REPORTS.**

4 (a) IN GENERAL.—Not later than 6 month after the  
5 date of the enactment of this Act, and annually thereafter,  
6 the Secretary of State and the Secretary of Health and  
7 Human Services, with assistance from the Secretary of  
8 Homeland Security, shall submit a report to the Com-  
9 mittee on the Judiciary of the Senate and the Committee  
10 on the Judiciary of the House of Representatives on ef-  
11 forts to improve repatriation programs for unaccompanied  
12 alien children (as defined in section 462(g)(2) of the  
13 Homeland Security Act of 2002 (6 U.S.C. 279(g))). Such  
14 reports shall include the following:

15 (1) The average time that such a child is de-  
16 tained after apprehension until removal.

17 (2) The number of such children detained im-  
18 properly beyond the required time periods under  
19 paragraphs (2) and (3) of section 235(b) of the Wil-  
20 liam Wilberforce Trafficking Victims Protection Re-  
21 authorization Act of 2008 (8 U.S.C. 1232(b)).

22 (3) A statement of the funds used to effectuate  
23 the repatriation of such children, including any  
24 funds that were reallocated from foreign assistance  
25 accounts as of the date of the enactment of this Act.

1           (b) EFFECTIVE DATE.—This section shall take effect  
2 on the date of the enactment of this Act and shall apply  
3 with respect to any unaccompanied alien child (as defined  
4 in section 462(g)(2) of the Homeland Security Act of 2002  
5 (6 U.S.C. 279(g))) apprehended on or after such date.