

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. BLUMENTHAL

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. DEFINED TERM.**

4 In this Act, the term “member of a vulnerable popu-
5 lation” means—

6 (1) an alien seeking asylum under section 208
7 of the Immigration and Nationality Act (8 U.S.C.
8 208);

9 (2) a pregnant women;

10 (3) a child who is younger than 18 years of age;

1 (4) an adult who is at least 65 years of age;

2 (5) an individual who self identifies as lesbian,
3 gay, bisexual, transgender, or queer;

4 (6) an individual who has a physical or mental
5 impairment that substantially limits 1 or more
6 major life activities;

7 (7) a parent who has legal custody of a child
8 who is younger than 18 years of age; and

9 (8) a caregiver of any individual described in
10 paragraphs (1) through (6).

11 **SEC. 2. PROHIBITION.**

12 It shall be unlawful for U.S. Customs and Border
13 Protection to physically detain a member of a vulnerable
14 population for longer than 48 hours.

15 **SEC. 3. REESTABLISHMENT OF ALTERNATIVES TO DETEN-**
16 **TION PROGRAMS.**

17 (a) COORDINATOR.—The Secretary of Homeland Se-
18 curity, in consultation with the Commissioner of U.S. Cus-
19 toms and Border Protection, shall appoint a senior official
20 as Coordinator of Alternatives to Detention, who shall co-
21 ordinate the implementation of alternative to detention
22 programs.

23 (b) PLACEMENT.—The Commissioner of U.S. Cus-
24 toms and Border Protection, working through the Coordi-
25 nator of Alternatives to Detention, shall place members

1 of a vulnerable population without lawful status who are
2 apprehended at or near the United States border in an
3 alternatives to detention program, such as the Family
4 Case Management Program.

5 (c) SUPPORT.—Alternatives to detention programs
6 authorized under this section shall use qualified case man-
7 agers to assist program participants to comply with their
8 obligations during the immigration adjudication process.

9 (d) COORDINATION.—The Coordinator of Alter-
10 natives to Detention shall work with the Executive Office
11 for Immigration Review of the Department of Justice to
12 prioritize the adjudication time line for individuals en-
13 rolled in an alternatives to detention program, particularly
14 families and asylum seekers.