

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit dangerous deportation practices.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 744

To provide for comprehensive immigration reform 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 intended to be proposed by Mr. COONS to the
amendment (No. 2) proposed by Mr. COONS

Viz:

1 In lieu of the matter proposed to be inserted, insert
2 the following:

3 **SEC. 1117. LIMITATIONS ON DANGEROUS DEPORTATION**
4 **PRACTICES.**

5 (a) CERTIFICATION REQUIRED.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this Act, and every 180
8 days thereafter, the Secretary, except as provided in
9 paragraph (2), shall submit written certification to
10 Congress that the Department has only deported or
11 otherwise removed a migrant from the United States

1 through an entry or exit point on the Southern bor-
2 der during daylight hours.

3 (2) EXCEPTION.—The certification required
4 under paragraph (1) shall not apply to the deporta-
5 tion or removal of a migrant otherwise described in
6 that paragraph if—

7 (A) the manner of the deportation or re-
8 moval is justified by a compelling governmental
9 interest;

10 (B) the manner of the deportation or re-
11 moval is in accordance with an applicable Local
12 Arrangement for the Repatriation of Mexican
13 Nationals entered into by the appropriate Mexi-
14 can Consulate; or

15 (C) the migrant is not an unaccompanied
16 minor and the migrant—

17 (i) is deported or removed through an
18 entry or exit point in the same sector as
19 the place where the migrant was appre-
20 hended; or

21 (ii) agrees to be deported or removed
22 in such manner after being notified of the
23 intended manner of deportation or re-
24 moval.

1 (b) ADDITIONAL INFORMATION REQUIRED.—Not
2 later than 1 year after the date of the enactment of this
3 Act, the Secretary shall submit to Congress a study of the
4 Alien Transfer Exit Program, which shall include—

5 (1) the specific locations on the Southern bor-
6 der where lateral repatriations have occurred during
7 the 1-year period preceding the submission of the
8 study;

9 (2) the performance measures developed by
10 U.S. Customs and Border Protection to determine if
11 the Alien Transfer Exit Program is deterring mi-
12 grants from repeatedly crossing the border or other-
13 wise reducing recidivism; and

14 (3) the consideration given, if any, to the rates
15 of violent crime and the availability of infrastructure
16 and social services in Mexico near such locations.

17 (c) PROHIBITION ON CONFISCATION OF PROP-
18 ERTY.—Notwithstanding any other provision of law, law-
19 ful, nonperishable belongings of a migrant that are con-
20 fiscated by personnel operating under Federal authority
21 shall be returned to the migrant before repatriation, to
22 the extent practicable.