

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To require the Secretary of Homeland Security and the Secretary of Health and Human Services to locate children separated from parents or legal guardians at the border.

**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 intended to be proposed by  
\_\_\_\_\_

Viz:

1 Strike sections 2 and 3 and insert the following:

2 **SEC. 2. LOCATING CHILDREN SEPARATED FROM THEIR**  
3 **PARENTS AND REUNITING FAMILIES.**

4 (a) IN GENERAL.—Not later than 90 days after the  
5 date of the enactment of this Act, and every 30 days there-  
6 after, the Secretary of Homeland Security, in consultation  
7 with the Secretary of Health and Human Services, shall  
8 submit to the appropriate committees of Congress a report

1 on each child separated from a parent or legal guardian  
2 of the child by the Federal Government at or near the  
3 Southern border during the period beginning on January  
4 20, 2017, and ending on the date that is five days pre-  
5 ceding the reporting date.

6 (b) MATTERS TO BE INCLUDED.—Each report under  
7 subsection (a) shall include, for each child described in  
8 that subsection, the following:

9 (1) The alien registration number of the child.

10 (2) The alien registration number of each par-  
11 ent or legal guardian from whom the child was sepa-  
12 rated.

13 (3) The age of the child on the date of the sep-  
14 aration.

15 (4) The date on which the child and the parent  
16 or legal guardian were separated.

17 (5) A detailed description of the specific reason  
18 for the separation, including—

19 (A) evidence supporting the reason that  
20 justified the separation;

21 (B) information justifying the separation,  
22 documented at the time of the separation; and

23 (C) an identification of the official who  
24 made the separation decision, which may be  
25 provided on an anonymized basis.

1           (6) A description of any medical conditions, dis-  
2           abilities, or vulnerable characteristics of the child.

3           (7) The current specific location, including the  
4           address, of each parent or legal guardian from whom  
5           the child was separated.

6           (8) The immigration enforcement action taken  
7           against each parent or legal guardian from whom  
8           the child was separated and the current immigration  
9           status of each such parent or legal guardian.

10          (9) The status of the reunification of the child  
11          and the parent or legal guardian, which shall in-  
12          clude—

13                   (A) the date of reunification;

14                   (B) the date of scheduled reunification; or

15                   (C) a justification for the lack of reunifica-  
16          tion.

17          (10) A description of the details of any waiver  
18          of reunification obtained from the parent or legal  
19          guardian, including a description of—

20                   (A) the process by which the waiver was  
21          obtained;

22                   (B) the language used in any waiver docu-  
23          ments; and

24                   (C) the options provided to the parent or  
25          legal guardian as an alternative to the waiver.

1           (c) PROHIBITION ON USE OF FUNDS.—Notwith-  
2 standing section 201 of the National Emergencies Act of  
3 1976 (50 U.S.C. 1621), section 2808 of title 10, United  
4 States Code, section 923 of the Water Resources Develop-  
5 ment Act of 1986 (33 U.S.C. 2293), or any other provi-  
6 sion of law, no funds appropriated or otherwise made  
7 available may be used for the planning, designing, or con-  
8 struction of a wall or other physical barrier, or for land  
9 acquisition associated with such activities, at the Southern  
10 border, until the date on which the Secretary of Homeland  
11 Security complies with subsection (a).

12           (d) DEFINITIONS.—In this section:

13               (1) APPROPRIATE COMMITTEES OF CON-  
14 GRESS.—The term “appropriate committees of Con-  
15 gress” means—

16                       (A) the Committee on the Judiciary, the  
17                       Committee on Appropriations, and the Com-  
18                       mittee on Homeland Security and Govern-  
19                       mental Affairs of the Senate; and

20                       (B) the Committee on the Judiciary, the  
21                       Committee on Appropriations, and the Com-  
22                       mittee on Homeland Security of the House of  
23                       Representatives.

24               (2) SEPARATED; SEPARATION.—The terms  
25               “separated” and “separation” mean any physical

1 separation of more than four hours, regardless of  
2 whether the child remains with another family mem-  
3 ber or the child is in the same facility.

4 (3) LEGAL GUARDIAN.—The term “legal guard-  
5 ian” includes a primary caretaker, such as a grand-  
6 parent, aunt, or uncle.