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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3401) MAKING  
EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE  
FISCAL YEAR ENDING SEPTEMBER 30, 2019, AND FOR OTHER  
PURPOSES.

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June 25, 2019.—Referred to the House Calendar and ordered to be printed.

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MR. MCGOVERN, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution  
\_\_\_\_, by a record vote of 8 to 4, report the same to the House with the  
recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3401, the  
Emergency Supplemental Appropriations for Humanitarian Assistance and  
Security at the Southern Border Act, 2019, under a closed rule. The  
resolution provides one hour of debate equally divided and controlled by the  
chair and ranking minority member of the Committee on Appropriations.  
The resolution waives all points of order against consideration of the bill.  
The resolution provides that the amendment printed in this report shall be  
considered as adopted. The resolution provides that the bill, as amended,  
shall be considered as read. The resolution waives all points of order  
against provisions in the bill, as amended. The resolution provides that  
clause 2(e) of rule XXI shall not apply during consideration of the bill. The  
resolution provides one motion to recommit with or without instructions.

### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill  
includes a waiver of clause 12(a) of rule XXI, which prohibits consideration  
of a bill unless there is a searchable electronic comparative print that shows  
how the bill proposes to change current law.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 142

Motion by Mr. Cole to report an open rule. Defeated: 4-7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings.....		Mr. Cole.....	Yea
Mrs. Torres.....		Mr. Woodall.....	Yea
Mr. Perlmutter.....	Nay	Mr. Burgess.....	Yea
Mr. Raskin.....	Nay	Mrs. Lesko.....	Yea
Ms. Scanlon.....	Nay		
Mr. Morelle.....	Nay		
Ms. Shalala.....	Nay		
Mr. DeSaulnier.....	Nay		
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 143

Motion by Mr. Burgess to amend the rule to H.R. 3401 to make in order and provide the appropriate waivers to amendment #1, offered by Rep. Burgess (TX), which appropriates \$800 million to the Secretary of Homeland Security to reimburse the State of Texas for all efforts undertaken to secure the border between the United States and Mexico. Defeated: 4-8

Majority Members	Vote	Minority Members	Vote
Mr. Hastings.....		Mr. Cole.....	Yea
Mrs. Torres.....	Nay	Mr. Woodall.....	Yea
Mr. Perlmutter.....	Nay	Mr. Burgess.....	Yea
Mr. Raskin.....	Nay	Mrs. Lesko.....	Yea
Ms. Scanlon.....	Nay		
Mr. Morelle.....	Nay		
Ms. Shalala.....	Nay		
Mr. DeSaulnier.....	Nay		
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 144

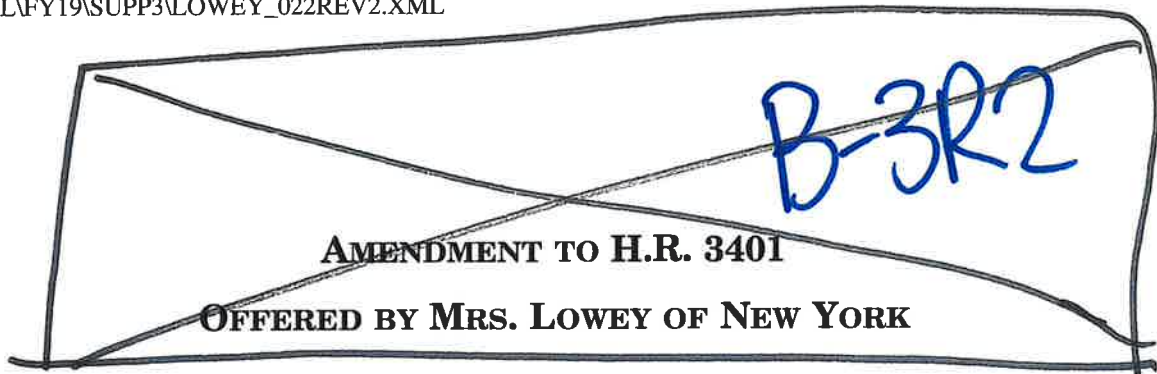
Motion by Mr. Perlmutter to report the rule. Adopted: 8-4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings.....		Mr. Cole.....	Nay
Mrs. Torres.....	Yea	Mr. Woodall.....	Nay
Mr. Perlmutter.....	Yea	Mr. Burgess.....	Nay
Mr. Raskin.....	Yea	Mrs. Lesko.....	Nay
Ms. Scanlon.....	Yea		
Mr. Morelle.....	Yea		
Ms. Shalala.....	Yea		
Mr. DeSaulnier.....	Yea		
Mr. McGovern, Chairman.....	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 3401  
CONSIDERED AS ADOPTED

1. Lowey (NY): Requires U.S. Customs and Border Protection to establish plans, standards, and protocols to better ensure the health and safety of adults and children in departmental custody, including standards for medical care and medical emergencies; nutrition, hygiene, and facilities; and personnel training. Requires the Secretary of Homeland Security to submit to the Congress a plan for ensuring access to appropriate translation services for all individuals encountered by U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services. Requires the Secretary of Health and Human Services to specify which requirements are being temporarily waived any time an influx shelter is given a 60-day waiver from meeting the same standards as State-licensed shelters, and prohibits the Secretary from waiving certain requirements of the Flores Settlement if a contractor or grantee is not providing such services after six months. In addition, the amendment sets a limit of 90 days for any unaccompanied child to spend at an influx shelter unless the Secretary submits written notification to Congress that there is insufficient space at State-licensed facilities to facilitate a transfer.

TEXT OF AMENDMENT TO H.R. 3401 CONSIDERED AS ADOPTED



Page 2, strike lines 5 through 11 and insert the following:

1 For an additional amount for “Executive Office for  
2 Immigration Review”, \$17,000,000 to be used only for  
3 services and activities provided by the Legal Access Pro-  
4 grams, of which not less than \$2,000,000 shall be for the  
5 continued operation of the Immigration Court Helpdesk  
6 Program: *Provided*, That such amount is designated by  
7 the Congress as being for an emergency requirement pur-  
8 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
9 and Emergency Deficit Control Act of 1985.

At the end of title II, insert the following:

10 SEC. 208. Not later than 30 days after the date of  
11 enactment of this Act, the Secretary of Homeland Security  
12 shall establish final plans, standards, and protocols to pro-  
13 tect the health and safety of individuals in the custody  
14 of U.S. Customs and Border Protection, which shall in-  
15 clude—

16 (1) standards and response protocols for med-  
17 ical assessments and medical emergencies;

1           (2) requirements for ensuring the provision of  
2 water, appropriate nutrition, hygiene, and sanitation  
3 needs;

4           (3) standards for temporary holding facilities  
5 that adhere to best practices for the care of children,  
6 which shall be in compliance with the relevant rec-  
7 ommendations in the Policy Statement of the Amer-  
8 ican Academy of Pediatrics entitled, “Detention of  
9 Immigrant Children”;

10          (4) protocols for responding to surges of mi-  
11 grants crossing the southern border or arriving at  
12 land ports of entry; and

13          (5) required training for all Federal and con-  
14 tract personnel who interact with migrants on the  
15 care and treatment of individuals in civil detention.

16          SEC. 209. Not later than 120 days after the date of  
17 enactment of this Act, the Secretary of Homeland Security  
18 shall submit to the House of Representatives and the Sen-  
19 ate a plan for ensuring access to appropriate translation  
20 services for all individuals encountered by U.S. Customs  
21 and Border Protection, U.S. Immigration and Customs  
22 Enforcement, and U.S. Citizenship and Immigration Serv-  
23 ices, including an estimate of related resource require-  
24 ments and the feasibility and potential benefit of these  
25 components jointly procuring such services.

Page 18, line 10, before the semicolon at the end, insert the following: “and the report specifies each requirement referenced in paragraph (1) that is being waived for 60 days”.

Page 18, after paragraph (2), insert the following new paragraphs (3) and (4):

1           (3) the Secretary shall not waive requirements  
2           for grantees or contractors to provide or arrange for  
3           the following services—

4                   (A) proper physical care and maintenance,  
5                   including suitable living accommodations, food,  
6                   appropriate clothing, and personal grooming  
7                   items;

8                   (B) a complete medical examination (in-  
9                   cluding screening for infectious diseases) within  
10                  48 hours of admission, unless the minor was re-  
11                  cently examined at another facility;

12                  (C) appropriate routine medical and dental  
13                  care;

14                  (D) at least one individual counseling ses-  
15                  sion per week conducted by trained social work  
16                  staff with the specific objectives of reviewing a  
17                  minor’s progress, establishing new short term  
18                  objectives, and addressing both the develop-  
19                  mental and crisis-related needs of each minor;



1 (E) educational services appropriate to the  
2 minor's level of development, and communica-  
3 tion skills in a structured classroom setting,  
4 Monday through Friday, which concentrates  
5 primarily on the development of basic academic  
6 competencies and secondarily on English Lan-  
7 guage Training;

8 (F) activities according to a leisure time  
9 plan which shall include daily outdoor activity,  
10 weather permitting, at least one hour per day  
11 of large muscle activity and one hour per day  
12 of structured leisure time activities (this should  
13 not include time spent watching television). Ac-  
14 tivities should be increased to three hours on  
15 days when school is not in session;

16 (G) whenever possible, access to religious  
17 services of the minor's choice;

18 (H) visitation and contact with family  
19 members (regardless of their immigration sta-  
20 tus) which is structured to encourage such visi-  
21 tation. The staff shall respect the minor's pri-  
22 vacy while reasonably preventing the unauthor-  
23 ized release of the minor;

24 (I) family reunification services designed to  
25 identify relatives in the United States as well as

1 in foreign countries and assistance in obtaining  
2 legal guardianship when necessary for the re-  
3 lease of the minor; and

4 (J) legal services information regarding the  
5 availability of free legal assistance, the right to  
6 be represented by counsel at no expense to the  
7 government, the right to a deportation or exclu-  
8 sion hearing before an immigration judge, the  
9 right to apply for political asylum or to request  
10 voluntary departure in lieu of deportation;

11 (4) if the Secretary determines that a con-  
12 tractor or grantee is not in compliance with any of  
13 the requirements set forth in paragraph (3), the Sec-  
14 retary shall not permit such contractor or grantee to  
15 continue to provide services beyond a reasonable pe-  
16 riod, not to exceed 60 days, needed to award a con-  
17 tract or grant to a new service provider, and the in-  
18 cumbent contractor or grantee shall not be eligible  
19 to compete for the new contract or grant;

Page 18, line 23, strike “and”.

Page 19, line 3, strike the period at the end, and in-  
sert:“; and”.

Page 19, after line 3, insert:

1 (9) the amounts provided by this section are  
2 designated by the Congress as being for an emer-  
3 gency requirement pursuant to section  
4 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
5 gency Deficit Control Act of 1985.

At the end of title III, insert the following:

6 SEC. 313. (a) The Secretary of Health and Human  
7 Services shall ensure that no unaccompanied alien child  
8 (as defined in section 462(g)(2) of the Homeland Security  
9 Act of 2002 (6 U.S.C. 279(g)(2))) spends more than 90  
10 days, in the aggregate, at an unlicensed facility.

11 (b) Not later than 45 days after the date of enact-  
12 ment of this Act, the Secretary shall ensure transfer to  
13 a State-licensed facility for any unaccompanied alien child  
14 who has been at an unlicensed facility for longer than 90  
15 days.

16 (c) Subsections (a) and (b) shall not apply to an un-  
17 accompanied alien child when the Secretary determines  
18 that a potential sponsor had been identified and the unac-  
19 companied alien child is expected to be placed with the  
20 sponsor within 30 days.

21 (d) Notwithstanding subsections (a) and (b), if the  
22 Secretary determines there is insufficient space available  
23 at State-licensed facilities to transfer an unaccompanied  
24 alien child who has been at an unlicensed facility for

1 longer than 90 days, the Secretary shall submit a written  
2 justification to the Committees on Appropriations of the  
3 House of Representatives and the Senate, and shall sub-  
4 mit a summary every two weeks, disaggregated by influx  
5 facility, on the number of unaccompanied alien children  
6 at each influx facility longer than 90 days, with a sum-  
7 mary of both the status of placement and the transfer ef-  
8 forts for all children who have been in care for longer than  
9 90 days.

