AMENDMENT TO H.R. 2500
OFFERED BY MR. CROW OF COLORADO

At the appropriate place in title X, insert the following:

SEC. 10. LIMITATION ON USE OF FUNDS TO HOUSE CHILDREN SEPARATED FROM PARENTS.

(a) IN GENERAL.—None of the amounts authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2020 may be used to house a child separated from a parent.

(b) CHILD SEPARATED FROM A PARENT.—

(1) IN GENERAL.—For purposes of this section, a child shall not be considered to be separated from a parent if the separation is conducted by an agent or officer of Customs and Border Protection at or near a port of entry or within 100 miles of a border of the United States, and one of the following has occurred:

(A) A State court, authorized under State law, terminates the rights of the parent or legal guardian, determines that it is in the best interests of the child to be removed from the parent or legal guardian, in accordance with the Adopt-
tion and Safe Families Act of 1997 (Public Law 105–89), or makes any similar determination that is legally authorized under State law.

(B) An official from the State or county child welfare agency with expertise in child trauma and development makes a best interests determination that it is in the best interests of the child to be removed from the parent or legal guardian because the child is in danger of abuse or neglect at the hands of the parent or legal guardian, or is a danger to herself or others.

(C) The separation is authorized based on—

(i) the finding of a chief patrol agent or the area port director in an official and undelegated capacity that—

(I) the child is a victim of trafficking or is at significant risk of becoming a victim of trafficking;

(II) there is a strong likelihood that the adult is not the parent or legal guardian of the child; or

(III) the child is in danger of abuse or neglect at the hands of the
parent or legal guardian, or is a danger to themselves or others; and

(ii) the review and reauthorization of the separation by an independent child welfare expert licensed by the State or county in which the child was separated by not later than 48 hours after the initial decision by the Chief Patrol Agent or the Area Port Director.

(2) Effect of failure to reauthorize.—In the case of a separation referred to in paragraph (1)(C)(ii), if the child welfare expert does not reauthorize such separation, the child shall be considered separated from a parent for purposes of this subsection.