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**RULES COMMITTEE PRINT 116–26**  
**TEXT OF H.R. 3239, HUMANITARIAN STANDARDS**  
**FOR INDIVIDUALS IN CUSTOMS AND BORDER**  
**PROTECTION CUSTODY ACT**

[Showing the text of H.R. 3239, as ordered reported by the  
Committee on the Judiciary]

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2       (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Humanitarian Standards for Individuals in Customs and  
4 Border Protection Custody Act”.

5       (b) **TABLE OF CONTENTS.**—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Initial health screening protocol.  
Sec. 3. Water, sanitation and hygiene.  
Sec. 4. Food and nutrition.  
Sec. 5. Shelter.  
Sec. 6. Coordination and Surge capacity.  
Sec. 7. Training.  
Sec. 8. Interfacility transfer of care.  
Sec. 9. Planning and initial implementation.  
Sec. 10. Contractor compliance.  
Sec. 11. Inspections.  
Sec. 12. GAO report.  
Sec. 13. Rule of construction.  
Sec. 14. Definitions.

7 **SEC. 2. INITIAL HEALTH SCREENING PROTOCOL.**

8       (a) **IN GENERAL.**—The Commissioner of U.S. Cus-  
9 toms and Border Protection (referred to in this Act as  
10 the “Commissioner”), in consultation with the Secretary

1 of Health and Human Services, the Administrator of the  
2 Health Resources and Services Administration, and non-  
3 governmental experts in the delivery of health care in hu-  
4 manitarian crises and in the delivery of health care to chil-  
5 dren, shall develop guidelines and protocols for the provi-  
6 sion of health screenings and appropriate medical care for  
7 individuals in the custody of U.S. Customs and Border  
8 Protection (referred to in this Act as “CBP”), as required  
9 under this section.

10 (b) INITIAL SCREENING AND MEDICAL ASSESS-  
11 MENT.—The Commissioner shall ensure that any indi-  
12 vidual who is detained in the custody of CBP (referred  
13 to in this Act as a “detainee”) receives an initial in-person  
14 screening by a licensed medical professional in accordance  
15 with the standards described in subsection (c)—

16 (1) to assess and identify any illness, condition,  
17 or age-appropriate mental or physical symptoms that  
18 may have resulted from distressing or traumatic ex-  
19 periences;

20 (2) to identify acute conditions and high-risk  
21 vulnerabilities; and

22 (3) to ensure that appropriate healthcare is  
23 provided to individuals as needed, including pedi-  
24 atric, obstetric, and geriatric care.

1 (c) STANDARDIZATION OF INITIAL SCREENING AND  
2 MEDICAL ASSESSMENT.—

3 (1) IN GENERAL.—The initial screening and  
4 medical assessment shall include—

5 (A) an interview and the use of a stand-  
6 ardized medical intake questionnaire or the  
7 equivalent;

8 (B) screening of vital signs, including pulse  
9 rate, body temperature, blood pressure, oxygen  
10 saturation, and respiration rate;

11 (C) screening for blood glucose for known  
12 or suspected diabetics;

13 (D) weight assessment of detainees under  
14 12 years of age;

15 (E) a physical examination; and

16 (F) a risk-assessment and the development  
17 of a plan for monitoring and care, when appro-  
18 priate.

19 (2) PRESCRIPTION MEDICATION.—The medical  
20 professional shall review any prescribed medication  
21 that is in the detainee's possession or that was con-  
22 fiscated by CBP upon arrival and determine if the  
23 medication may be kept by the detainee for use dur-  
24 ing detention, properly stored by CBP with appro-  
25 priate access for use during detention, or maintained

1 with the detained individual's personal property. A  
2 detainee may not be denied the use of necessary and  
3 appropriate medication for the management of the  
4 detainee's illness.

5 (3) RULE OF CONSTRUCTION.—Nothing in this  
6 subsection shall be construed as requiring detainees  
7 to disclose their medical status or history.

8 (d) TIMING.—

9 (1) IN GENERAL.—Except as provided in para-  
10 graph (2), the initial screening and medical assess-  
11 ment described in subsections (b) and (c) shall take  
12 place as soon as practicable, but not later than 12  
13 hours after a detainee's arrival at a CBP facility.

14 (2) HIGH PRIORITY INDIVIDUALS.—The initial  
15 screening and medical assessment described in sub-  
16 sections (b) and (c) shall take place as soon as prac-  
17 ticable, but not later than 6 hours after a detainee's  
18 arrival at a CBP facility if the individual reasonably  
19 self-identifies as having a medical condition that re-  
20 quires prompt medical attention or is—

21 (A) exhibiting signs of acute or potentially  
22 severe physical or mental illness, or otherwise  
23 has an acute or chronic physical or mental dis-  
24 ability or illness;

25 (B) pregnant;

1 (C) a child (with priority given, as appro-  
2 priate, to the youngest children); or

3 (D) elderly.

4 (e) FURTHER CARE.—

5 (1) IN GENERAL.—If, as a result of the initial  
6 health screening and medical assessment, the li-  
7 censed medical professional conducting the screening  
8 or assessment determines that one or more of the  
9 detainee's vital sign measurements are significantly  
10 outside normal ranges in accordance with the Na-  
11 tional Emergency Services Education Standards, or  
12 if the detainee is identified as high-risk or in need  
13 of medical intervention, the detainee shall be pro-  
14 vided, as expeditiously as possible, with an in-person  
15 or technology-facilitated medical consultation with a  
16 licensed emergency care professional.

17 (2) RE-EVALUATION.—

18 (A) IN GENERAL.—Detainees described in  
19 paragraph (1) shall be re-evaluated within 24  
20 hours and monitored thereafter as determined  
21 by an emergency care professional (and in the  
22 care of a consultation provided to a child, with  
23 a licensed emergency care professional with a  
24 background in pediatric care).

1 (B) REEVALUATION PRIOR TO TRANSPOR-  
2 TATION.—In addition to the re-evaluations  
3 under subparagraph (A), detainees shall have  
4 all vital signs re-evaluated and be cleared as  
5 safe to travel by a medical professional prior to  
6 transportation.

7 (3) PSYCHOLOGICAL AND MENTAL CARE.—The  
8 Commissioner shall ensure that detainees who have  
9 experienced physical or sexual violence or who have  
10 experienced events that may cause severe trauma or  
11 toxic stress, are provided access to basic, humane,  
12 and supportive psychological assistance.

13 (f) INTERPRETERS.—To ensure that health  
14 screenings and medical care required under this section  
15 are carried out in the best interests of the detainee, the  
16 Commissioner shall ensure that language-appropriate in-  
17 terpretation services, including indigenous languages, are  
18 provided to each detainee and that each detainee is in-  
19 formed of the availability of interpretation services.

20 (g) CHAPERONES.—To ensure that health screenings  
21 and medical care required under this section are carried  
22 out in the best interests of the detainee—

23 (1) the Commissioner shall establish guidelines  
24 for and ensure the presence of chaperones for all de-  
25 tainees during medical screenings and examinations

1 consistent with relevant guidelines in the American  
2 Medical Association Code of Medical Ethics, and  
3 recommendations of the American Academy of Pedi-  
4 atrics; and

5 (2) to the extent practicable, the physical exam-  
6 ination of a child shall always be performed in the  
7 presence of a parent or legal guardian or in the  
8 presence of the detainee's closest present adult rel-  
9 ative if a parent or legal guardian is unavailable.

10 (h) DOCUMENTATION.—The Commissioner shall en-  
11 sure that the health screenings and medical care required  
12 under this section, along with any other medical evalua-  
13 tions and interventions for detainees, are documented in  
14 accordance with commonly accepted standards in the  
15 United States for medical record documentation. Such  
16 documentation shall be provided to any individual who re-  
17 ceived a health screening and subsequent medical treat-  
18 ment upon release from CBP custody.

19 (i) INFRASTRUCTURE AND EQUIPMENT.—The Com-  
20 missioner or the Administrator of General Services shall  
21 ensure that each location to which detainees are first  
22 transported after an initial encounter with an agent or of-  
23 ficer of CBP has the following:

24 (1) A private space that provides a comfortable  
25 and considerate atmosphere for the patient and that

1 ensures the patient's dignity and right to privacy  
2 during the health screening and medical assessment  
3 and any necessary follow-up care.

4 (2) All necessary and appropriate medical  
5 equipment and facilities to conduct the health  
6 screenings and follow-up care required under this  
7 section, to treat trauma, to provide emergency care,  
8 including resuscitation of individuals of all ages, and  
9 to prevent the spread of communicable diseases.

10 (3) Basic over-the-counter medications appro-  
11 priate for all age groups.

12 (4) Appropriate transportation to medical facili-  
13 ties in the case of a medical emergency, or an on-  
14 call service with the ability to arrive at the CBP fa-  
15 cility within 30 minutes.

16 (j) PERSONNEL.—The Commissioner or the Adminis-  
17 trator of General Services shall ensure that each location  
18 to which detainees are first transported after an initial en-  
19 counter has onsite at least one licensed medical profes-  
20 sional to conduct health screenings. Other personnel that  
21 are or may be necessary for carrying out the functions  
22 described in subsection (e), such as licensed emergency  
23 care professionals, specialty physicians (including physi-  
24 cians specializing in pediatrics, family medicine, obstetrics  
25 and gynecology, geriatric medicine, internal medicine, and

1 infectious diseases), nurse practitioners, other nurses,  
2 physician assistants, licensed social workers, mental health  
3 professionals, public health professionals, dietitians, inter-  
4 preters, and chaperones, shall be located on site to the  
5 extent practicable, or if not practicable, shall be available  
6 on call.

7 (k) **ETHICAL GUIDELINES.**—The Commissioner shall  
8 ensure that all medical assessments and procedures con-  
9 ducted pursuant to this section are conducted in accord-  
10 ance with ethical guidelines in the applicable medical field,  
11 and respect human dignity.

12 **SEC. 3. WATER, SANITATION AND HYGIENE.**

13 The Commissioner shall ensure that detainees have  
14 access to—

15 (1) not less than one gallon of drinking water  
16 per person per day, and age-appropriate fluids as  
17 needed;

18 (2) a private, safe, clean, and reliable perma-  
19 nent or portable toilet with proper waste disposal  
20 and a hand washing station, with not less than one  
21 toilet available for every 12 male detainees, and 1  
22 toilet for every 8 female detainees;

23 (3) a clean diaper changing facility, which in-  
24 cludes proper waste disposal, a hand washing sta-  
25 tion, and unrestricted access to diapers;

1 (4) the opportunity to bathe daily in a perma-  
2 nent or portable shower that is private and secure;  
3 and

4 (5) products for individuals of all age groups  
5 and with disabilities to maintain basic personal hy-  
6 giene, including soap, a toothbrush, toothpaste,  
7 adult diapers, and feminine hygiene products, as well  
8 as receptacles for the proper storage and disposal of  
9 such products.

10 **SEC. 4. FOOD AND NUTRITION.**

11 The Commissioner shall ensure that detainees have  
12 access to—

13 (1) three meals per day including—

14 (A) in the case of an individual age 12 or  
15 older, a diet that contains not less than 2,000  
16 calories per day; and

17 (B) in the case of a child who is under the  
18 age of 12, a diet that contains an appropriate  
19 number of calories per day based on the child's  
20 age and weight;

21 (2) accommodations for any dietary needs or  
22 restrictions; and

23 (3) access to food in a manner that follows ap-  
24 plicable food safety standards.

1   **SEC. 5. SHELTER.**

2           The Commissioner shall ensure that each facility at  
3   which a detainee is detained meets the following require-  
4   ments:

5           (1) Except as provided in paragraph (2), males  
6   and females shall be detained separately.

7           (2) In the case of a minor child arriving in the  
8   United States with an adult relative or legal guard-  
9   ian, such child shall be detained with such relative  
10   or legal guardian unless such an arrangement poses  
11   safety or security concerns. In no case shall a minor  
12   who is detained apart from an adult relative or legal  
13   guardian as a result of such safety or security con-  
14   cerns be detained with other adults.

15          (3) In the case of an unaccompanied minor ar-  
16   riving in the United States without an adult relative  
17   or legal guardian, such child shall be detained in an  
18   age-appropriate facility and shall not be detained  
19   with adults.

20          (4) A detainee with a temporary or permanent  
21   disability shall be held in an accessible location and  
22   in a manner that provides for his or her safety, com-  
23   fort, and security, with accommodations provided as  
24   needed.

25          (5) No detainee shall be placed in a room for  
26   any period of time if the detainee's placement would

1       exceed the maximum occupancy level as determined  
2       by the appropriate building code, fire marshal, or  
3       other authority.

4           (6) Each detainee shall be provided with tem-  
5       perature appropriate clothing and bedding.

6           (7) The facility shall be well lit and well venti-  
7       lated, with the humidity and temperature kept at  
8       comfortable levels (between 68 and 74 degrees Fahr-  
9       enheit).

10          (8) Detainees who are in custody for more than  
11       48 hours shall have access to the outdoors for not  
12       less than 1 hour during the daylight hours during  
13       each 24-hour period.

14          (9) Detainees shall have the ability to practice  
15       their religion or not to practice a religion, as appli-  
16       cable.

17          (10) Detainees shall have access to lighting and  
18       noise levels that are safe and conducive for sleeping  
19       throughout the night between the hours of 10 p.m.  
20       and 6 a.m.

21          (11) Officers, employees, and contracted per-  
22       sonnel of CBP shall—

23           (A) follow medical standards for the isola-  
24       tion and prevention of communicable diseases;  
25       and

1 (B) ensure the physical and mental safety  
2 of detainees who identify as lesbian, gay, bisex-  
3 ual, transgender, and intersex.

4 (12) The facility shall have video-monitoring to  
5 provide for the safety of the detained population and  
6 to prevent sexual abuse and physical harm of vulner-  
7 able detainees.

8 (13) The Commissioner shall ensure that lan-  
9 guage-appropriate “Detainee Bill of Rights”, includ-  
10 ing indigenous languages, are posted or otherwise  
11 made available in all areas where detainees are lo-  
12 cated. The “Detainee Bill of Rights” shall include  
13 all rights afforded to the detainee under this Act.

14 (14) Video from video-monitoring must be pre-  
15 served for 90 days and the detention facility must  
16 maintain certified records that the video-monitoring  
17 is properly working at all times.

18 **SEC. 6. COORDINATION AND SURGE CAPACITY.**

19 The Secretary of Homeland Security shall enter into  
20 memoranda of understanding with appropriate Federal  
21 agencies, such as the Department of Health and Human  
22 Services, and applicable emergency government relief serv-  
23 ices, as well as contracts with health care, public health,  
24 social work, and transportation professionals, for purposes

1 of addressing surge capacity and ensuring compliance with  
2 this Act.

3 **SEC. 7. TRAINING.**

4 The Commissioner shall ensure that CBP personnel  
5 assigned to each short-term custodial facility are profes-  
6 sionally trained, including continuing education as the  
7 Commissioner deems appropriate, in all subjects necessary  
8 to ensure compliance with this Act, including—

9 (1) humanitarian response protocols and stand-  
10 ards;

11 (2) indicators of physical and mental illness,  
12 and medical distress in children and adults;

13 (3) indicators of child sexual exploitation and  
14 effective responses to missing migrant children; and

15 (4) procedures to report incidents of suspected  
16 child sexual abuse and exploitation directly to the  
17 National Center for Missing and Exploited Children.

18 **SEC. 8. INTERFACILITY TRANSFER OF CARE.**

19 (a) TRANSFER.—When a detainee is discharged from  
20 a medical facility or emergency department, the Commis-  
21 sioner shall ensure that responsibility of care is trans-  
22 ferred from the medical facility or emergency department  
23 to an accepting licensed health care provider of CBP.

24 (b) RESPONSIBILITIES OF ACCEPTING PROVIDERS.—  
25 Such accepting licensed health care provider shall review

1 the medical facility or emergency department's evaluation,  
2 diagnosis, treatment, management, and discharge care in-  
3 structions to assess the safety of the discharge and trans-  
4 fer and to provide necessary follow-up care.

5 **SEC. 9. PLANNING AND INITIAL IMPLEMENTATION.**

6 (a) **PLANNING.**—Not later than 60 days after the  
7 date of enactment of this Act, the Secretary of Homeland  
8 Security shall submit to Congress a detailed plan delin-  
9 eating the timeline, process, and challenges of carrying out  
10 the requirements of this Act.

11 (b) **IMPLEMENTATION.**—The Secretary of Homeland  
12 Security shall ensure that the requirements of this Act are  
13 implemented not later than 6 months after the date of  
14 enactment.

15 **SEC. 10. CONTRACTOR COMPLIANCE.**

16 The Secretary of Homeland Security shall ensure  
17 that all personnel contracted to carry out this Act do so  
18 in accordance with the requirements of this Act.

19 **SEC. 11. INSPECTIONS.**

20 (a) **IN GENERAL.**—The Inspector General of the De-  
21 partment of Homeland Security shall—

22 (1) conduct unannounced inspections of ports of  
23 entry, border patrol stations, and detention facilities  
24 administered by CBP or contractors of CBP; and

1           (2) submit to Congress, reports on the results  
2       of such inspections as well as other reports of the  
3       Inspector General related to custody operations.

4       (b) PARTICULAR ATTENTION.—In carrying out sub-  
5       section (a), the Inspector General of the Department of  
6       Homeland Security shall pay particular attention to—

7           (1) the degree of compliance by CBP with the  
8       requirements of this Act;

9           (2) remedial actions taken by CBP; and

10          (3) the health needs of detainees.

11       (c) ACCESS TO FACILITIES.—The Commissioner may  
12       not deny a Member of Congress entrance to any facility  
13       or building used, owned, or operated by CBP.

14       **SEC. 12. GAO REPORT.**

15       (a) IN GENERAL.—The Comptroller General of the  
16       United States shall—

17           (1) not later than 6 months after the date of  
18       enactment of this Act, commence a study on imple-  
19       mentation of, and compliance with, this Act; and

20           (2) not later than 1 year after the date of en-  
21       actment of this Act, submit a report to Congress on  
22       the results of such study.

23       (b) ISSUES TO BE STUDIED.—The study required by  
24       subsection (a) shall examine the management and over-  
25       sight by CBP of ports of entry, border patrol stations, and

1 other detention facilities, including the extent to which  
2 CBP and the Department of Homeland Security have ef-  
3 fective processes in place to comply with this Act. The  
4 study shall also examine the extent to which CBP per-  
5 sonnel, in carrying out this Act, make abusive, derisive,  
6 profane, or harassing statements or gestures, or engage  
7 in any other conduct evidencing hatred or invidious preju-  
8 dice to or about one person or group on account of race,  
9 color, religion, national origin, sex, sexual orientation, age,  
10 or disability, including on social media.

11 **SEC. 13. RULE OF CONSTRUCTION.**

12 Nothing in this Act shall be construed to authorize  
13 CBP to detain individuals for longer than 72 hours.

14 **SEC. 14. DEFINITIONS.**

15 In this Act:

16 (1) INTERPRETATION SERVICES.—The term  
17 “interpretation services” includes translation serv-  
18 ices that are performed either in-person or through  
19 a telephone or video service.

20 (2) CHILD.—The term “child” has the meaning  
21 given the term in section 101(b)(1) of the Immigra-  
22 tion and Nationality Act (8 U.S.C. 1101(b)(1)).

23 (3) U.S. CUSTOMS AND BORDER PROTECTION  
24 FACILITY.—The term “U.S. Customs and Border  
25 Protection Facility” includes—

- 1 (A) U.S. Border Patrol stations;
- 2 (B) ports of entry;
- 3 (C) checkpoints;
- 4 (D) forward operating bases;
- 5 (E) secondary inspection areas; and
- 6 (F) short-term custody facilities.

7 (4) FORWARD OPERATING BASE.—The term  
8 “forward operating base” means a permanent facil-  
9 ity established by CBP in forward or remote loca-  
10 tions, and designated as such by CBP.

