

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

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

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

R E P O R T

[To accompany H. Res. 462]

The Committee on Rules, having had under consideration House Resolution 462, 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:

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

At the end of title II, insert the following:

SEC. 208. Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish final plans, standards, and protocols to protect the health and safety of individuals in the custody of U.S. Customs and Border Protection, which shall include—

- (1) standards and response protocols for medical assessments and medical emergencies;
- (2) requirements for ensuring the provision of water, appropriate nutrition, hygiene, and sanitation needs;
- (3) standards for temporary holding facilities that adhere to best practices for the care of children, which shall be in compliance with the relevant recommendations in the Policy Statement of the American Academy of Pediatrics entitled, “Detention of Immigrant Children”;
- (4) protocols for responding to surges of migrants crossing the southern border or arriving at land ports of entry; and
- (5) required training for all Federal and contract personnel who interact with migrants on the care and treatment of individuals in civil detention.

SEC. 209. Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the House of Representatives and the Senate 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, including an estimate of related resource requirements and the feasibility and potential benefit of these 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):

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

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

(B) a complete medical examination (including screening for infectious diseases) within 48 hours of admission, unless the minor was recently examined at another facility;

(C) appropriate routine medical and dental care;

(D) at least one individual counseling session per week conducted by trained social work staff with the specific objectives of reviewing a minor’s progress, establishing new short term objectives, and addressing both the developmental and crisis-related needs of each minor;

(E) educational services appropriate to the minor’s level of development, and communication skills in a structured classroom setting, Monday through Friday, which concentrates primarily on the development of basic academic competencies and secondarily on English Language Training;

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

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

(H) visitation and contact with family members (regardless of their immigration status) which is structured to encourage such visitation. The staff shall respect the minor’s privacy while reasonably preventing the unauthorized release of the minor;

(I) family reunification services designed to identify relatives in the United States as well as in foreign countries and assistance in obtaining legal guardianship when necessary for the release of the minor; and

(J) legal services information regarding the availability of free legal assistance, the right to be represented by counsel at no expense to the government, the right to a deportation or exclusion hearing before an immigration judge, the right to apply for political asylum or to request voluntary departure in lieu of deportation;

(4) if the Secretary determines that a contractor or grantee is not in compliance with any of the requirements set forth in paragraph (3), the Secretary shall not permit such contractor or grantee to continue to provide services beyond a reasonable period, not to exceed 60 days, needed to award a contract or grant to a new service provider, and the incumbent contractor

or grantee shall not be eligible 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 insert:“; and”.

Page 19, after line 3, insert:

(9) the amounts provided by this section are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

At the end of title III, insert the following:

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

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

(c) Subsections (a) and (b) shall not apply to an unaccompanied alien child when the Secretary determines that a potential sponsor had been identified and the unaccompanied alien child is expected to be placed with the sponsor within 30 days.

(d) Notwithstanding subsections (a) and (b), if the Secretary determines there is insufficient space available at State-licensed facilities to transfer an unaccompanied alien child who has been at an unlicensed facility for longer than 90 days, the Secretary shall submit a written justification to the Committees on Appropriations of the House of Representatives and the Senate, and shall submit a summary every two weeks, disaggregated by influx facility, on the number of unaccompanied alien children at each influx facility longer than 90 days, with a summary of both the status of placement and the transfer efforts for all children who have been in care for longer than 90 days.