AMENDMENT TO H.R. 3401
OFFERED BY MRS. LOWEY OF NEW YORK

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.