

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

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 fects for all children who have been in care for longer than
9 90 days.

