

***In the Senate of the United States,***

*June 26, 2019.*

*Resolved*, That the bill from the House of Representatives (H.R. 3401) entitled “An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2019, and for other pur-*  
4 *poses, namely:*

5 *TITLE I*

6 *DEPARTMENT OF JUSTICE*

7 *GENERAL ADMINISTRATION*

8 *EXECUTIVE OFFICE FOR IMMIGRATION REVIEW*

9 *For an additional amount for “Executive Office for*  
10 *Immigration Review”, \$65,000,000, of which \$45,000,000*

1 *shall be for the hiring of 30 additional Immigration Judge*  
 2 *Teams, of which \$10,000,000 shall be used for the purchase*  
 3 *or lease of immigration judge courtroom space and equip-*  
 4 *ment, and of which \$10,000,000 shall be used only for serv-*  
 5 *ices and activities provided by the Legal Orientation Pro-*  
 6 *gram: Provided, That Immigration Judge Teams shall in-*  
 7 *clude appropriate attorneys, law clerks, paralegals, court*  
 8 *administrators, and other support staff: Provided further,*  
 9 *That such amount is designated by the Congress as being*  
 10 *for an emergency requirement pursuant to section*  
 11 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*  
 12 *Deficit Control Act of 1985.*

13 *UNITED STATES MARSHALS SERVICE*

14 *FEDERAL PRISONER DETENTION*

15 *For an additional amount for “Federal Prisoner De-*  
 16 *tention”, for necessary expenses related to United States*  
 17 *prisoners in the custody of the United States Marshals Serv-*  
 18 *ice, to be used only as authorized by section 4013 of title*  
 19 *18, United States Code, \$155,000,000, to remain available*  
 20 *until expended: Provided, That such amount is designated*  
 21 *by the Congress as being for an emergency requirement pur-*  
 22 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*  
 23 *Emergency Deficit Control Act of 1985.*

1 *TITLE II*2 *DEPARTMENT OF DEFENSE*3 *OPERATION AND MAINTENANCE*4 *OPERATION AND MAINTENANCE, ARMY*

5 *For an additional amount for “Operation and Mainte-*  
6 *nance, Army”, \$92,800,000, for necessary expenses to re-*  
7 *spond to the significant rise in unaccompanied minors and*  
8 *family unit aliens at the southwest border and related ac-*  
9 *tivities: Provided, That such amount is designated by the*  
10 *Congress as being for an emergency requirement pursuant*  
11 *to section 251(b)(2)(A)(i) of the Balanced Budget and*  
12 *Emergency Deficit Control Act of 1985.*

13 *OPERATION AND MAINTENANCE, MARINE CORPS*

14 *For an additional amount for “Operation and Mainte-*  
15 *nance, Marine Corps”, \$13,025,000, for necessary expenses*  
16 *to respond to the significant rise in unaccompanied minors*  
17 *and family unit aliens at the southwest border and related*  
18 *activities: Provided, That such amount is designated by the*  
19 *Congress as being for an emergency requirement pursuant*  
20 *to section 251(b)(2)(A)(i) of the Balanced Budget and*  
21 *Emergency Deficit Control Act of 1985.*

22 *OPERATION AND MAINTENANCE, AIR FORCE*

23 *For an additional amount for “Operation and Mainte-*  
24 *nance, Air Force”, \$18,000,000, for necessary expenses to*  
25 *respond to the significant rise in unaccompanied minors*

1 *and family unit aliens at the southwest border and related*  
 2 *activities: Provided, That such amount is designated by the*  
 3 *Congress as being for an emergency requirement pursuant*  
 4 *to section 251(b)(2)(A)(i) of the Balanced Budget and*  
 5 *Emergency Deficit Control Act of 1985.*

6 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

7 *For an additional amount for “Operation and Mainte-*  
 8 *nance, Army National Guard”, \$21,024,000, for necessary*  
 9 *expenses to respond to the significant rise in unaccom-*  
 10 *panied minors and family unit aliens at the southwest bor-*  
 11 *der and related activities: Provided, That such amount is*  
 12 *designated by the Congress as being for an emergency re-*  
 13 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*  
 14 *anced Budget and Emergency Deficit Control Act of 1985.*

15 *TITLE III*

16 *DEPARTMENT OF HOMELAND SECURITY*

17 *U.S. CUSTOMS AND BORDER PROTECTION*

18 *OPERATIONS AND SUPPORT*

19 *For an additional amount for “Operations and Sup-*  
 20 *port” for necessary expenses to respond to the significant*  
 21 *rise in aliens at the southwest border and related activities,*  
 22 *\$1,015,431,000; of which \$819,950,000 shall be available*  
 23 *until September 30, 2020: Provided, That of the amounts*  
 24 *provided under this heading, \$708,000,000 is for estab-*  
 25 *lishing and operating migrant care and processing facili-*

1 *ties, \$111,950,000 is for consumables and medical care,*  
 2 *\$35,000,000 is for transportation, \$110,481,000 is for tem-*  
 3 *porary duty and overtime costs including reimbursements,*  
 4 *and \$50,000,000 is for mission support data systems and*  
 5 *analysis: Provided further, That such amount is designated*  
 6 *by the Congress as being for an emergency requirement pur-*  
 7 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*  
 8 *Emergency Deficit Control Act of 1985.*

9 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

10 *For an additional amount for “Procurement, Con-*  
 11 *struction, and Improvements” for migrant care and proc-*  
 12 *essing facilities, \$85,000,000, to remain available until*  
 13 *September 30, 2023: Provided, That such amount is des-*  
 14 *ignated by the Congress as being for an emergency require-*  
 15 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*  
 16 *Budget and Emergency Deficit Control Act of 1985.*

17 *U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT*

18 *OPERATIONS AND SUPPORT*

19 *For an additional amount for “Operations and Sup-*  
 20 *port” for necessary expenses to respond to the significant*  
 21 *rise in aliens at the southwest border and related activities,*  
 22 *\$208,945,000: Provided, That of the amounts provided*  
 23 *under this heading, \$35,943,000 is for transportation of un-*  
 24 *accompanied alien children, \$11,981,000 is for detainee*  
 25 *transportation for medical needs, court proceedings, or relo-*

1 cation from U.S. Customs and Border Protection custody,  
 2 \$20,000,000 is for alternatives to detention, \$45,000,000 is  
 3 for detainee medical care, \$69,735,000 is for temporary  
 4 duty, overtime, and other on-board personnel costs includ-  
 5 ing reimbursements, \$5,000,000 is for the Office of Profes-  
 6 sional Responsibility for background investigations and fa-  
 7 cility inspections, and \$21,286,000 is for Homeland Secu-  
 8 rity Investigations human trafficking investigations: Pro-  
 9 vided further, That such amount is designated by the Con-  
 10 gress as being for an emergency requirement pursuant to  
 11 section 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
 12 gency Deficit Control Act of 1985.

13 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

14 *FEDERAL ASSISTANCE*

15 *For an additional amount for “Federal Assistance”,*  
 16 *\$30,000,000, to remain available until September 30, 2020,*  
 17 *for the emergency food and shelter program under title III*  
 18 *of the McKinney-Vento Homeless Assistance Act (42 U.S.C.*  
 19 *11331 et seq.) for the purposes of providing assistance to*  
 20 *aliens released from the custody of the Department of Home-*  
 21 *land Security: Provided, That notwithstanding sections 315*  
 22 *and 316(b) of such Act, funds made available under this*  
 23 *section shall be disbursed by the Emergency Food and Shel-*  
 24 *ter Program National Board not later than 30 days after*  
 25 *the date on which such funds become available: Provided*

1 *further, That the Emergency Food and Shelter Program*  
 2 *National Board shall distribute such funds only to jurisdic-*  
 3 *tions or local recipient organizations serving communities*  
 4 *that have experienced a significant influx of such aliens:*  
 5 *Provided further, That such funds may be used to reimburse*  
 6 *such jurisdictions or local recipient organizations for costs*  
 7 *incurred in providing services to such aliens on or after*  
 8 *January 1, 2019: Provided further, That such amount is*  
 9 *designated by the Congress as being for an emergency re-*  
 10 *quirement pursuant to section 251(b)(2)(A)(i) of the Bal-*  
 11 *anced Budget and Emergency Deficit Control Act of 1985.*

12 **GENERAL PROVISIONS—THIS TITLE**

13 *SEC. 301. Notwithstanding any other provision of law,*  
 14 *funds made available under each heading in this title shall*  
 15 *only be used for the purposes specifically described under*  
 16 *that heading.*

17 *SEC. 302. Division A of the Consolidated Appropria-*  
 18 *tions Act, 2019 (Public Law 116–6) is amended by adding*  
 19 *after section 540 the following:*

20 *“SEC. 541. (a) Section 831 of the Homeland Security*  
 21 *Act of 2002 (6 U.S.C. 391) shall be applied—*

22 *“(1) In subsection (a), by substituting ‘Sep-*  
 23 *tember 30, 2019,’ for ‘September 30, 2017,’; and*

24 *“(2) In subsection (c)(1), by substituting ‘Sep-*  
 25 *tember 30, 2019,’ for ‘September 30, 2017’.*

1       “(b) *The Secretary of Homeland Security, under the*  
 2 *authority of section 831 of the Homeland Security Act of*  
 3 *2002 (6 U.S.C. 391(a)), may carry out prototype projects*  
 4 *under section 2371b of title 10, United States Code, and*  
 5 *the Secretary shall perform the functions of the Secretary*  
 6 *of Defense as prescribed.*

7       “(c) *The Secretary of Homeland Security under sec-*  
 8 *tion 831 of the Homeland Security Act of 2002 (6 U.S.C.*  
 9 *391(d)) may use the definition of nontraditional govern-*  
 10 *ment contractor as defined in section 2371b(e) of title 10,*  
 11 *United States Code.”.*

12       *SEC. 303. None of the funds provided in this Act under*  
 13 *“U.S. Customs and Border Protection—Operations and*  
 14 *Support” for facilities shall be available until U.S. Customs*  
 15 *and Border Protection establishes policies (via directive,*  
 16 *procedures, guidance, and/or memorandum) and training*  
 17 *programs to ensure that such facilities adhere to the Na-*  
 18 *tional Standards on Transport, Escort, Detention, and*  
 19 *Search, published in October of 2015: Provided, That not*  
 20 *later than 90 days after the date of enactment of this Act,*  
 21 *U.S. Customs and Border Protection shall provide a de-*  
 22 *tailed report to the Committees on Appropriations of the*  
 23 *Senate and the House of Representatives, the Committee on*  
 24 *the Judiciary of the Senate, and the House Judiciary Com-*



1 *mittee regarding the establishment and implementation of*  
2 *such policies and training programs.*

3       *SEC. 304. No later than 30 days after the date of enact-*  
4 *ment of this Act, the Secretary of Homeland Security shall*  
5 *provide a report on the number of U.S. Customs and Border*  
6 *Protection Officers assigned to northern border land ports*  
7 *of entry and temporarily assigned to the ongoing humani-*  
8 *tarian crisis: Provided, That the report shall outline what*  
9 *resources and conditions would allow a return to northern*  
10 *border staffing levels that are no less than the number com-*  
11 *mitted in the June 12, 2018 Department of Homeland Se-*  
12 *curity Northern Border Strategy: Provided further, That*  
13 *the report shall include the number of officers temporarily*  
14 *assigned to the southwest border in response to the ongoing*  
15 *humanitarian crisis, the number of days the officers will*  
16 *be away from their northern border assignment, the north-*  
17 *ern border ports from which officers are being assigned to*  
18 *the southwest border, and efforts being made to limit the*  
19 *impact on operations at each northern border land port of*  
20 *entry where officers have been temporarily assigned to the*  
21 *southwest border.*

22       *SEC. 305. None of the funds appropriated or otherwise*  
23 *made available by this Act or division A of the Consolidated*  
24 *Appropriations Act, 2019 (Public Law 116–6) for the De-*  
25 *partment of Homeland Security may be used to relocate*

1 *to the National Targeting Center the vetting of Trusted*  
 2 *Traveler Program applications and operations currently*  
 3 *carried out at existing locations unless specifically author-*  
 4 *ized by a statute enacted after the date of enactment of this*  
 5 *Act.*

6       *SEC. 306. The personnel, supplies, or equipment of any*  
 7 *component of the Department of Homeland Security may*  
 8 *be deployed to support activities of the Department of*  
 9 *Homeland Security related to the significant rise in aliens*  
 10 *at the southwest border and related activities, and for the*  
 11 *enforcement of immigration and customs laws, detention*  
 12 *and removals of aliens crossing the border unlawfully, and*  
 13 *investigations without reimbursement as jointly agreed by*  
 14 *the detailing components.*

#### 15                                   *TITLE IV*

#### 16           *DEPARTMENT OF HEALTH AND HUMAN*

#### 17                                   *SERVICES*

#### 18           *ADMINISTRATION FOR CHILDREN AND FAMILIES*

#### 19                                   *REFUGEE AND ENTRANT ASSISTANCE*

20       *For an additional amount for “Refugee and Entrant*  
 21 *Assistance”, \$2,881,552,000, to be merged with and avail-*  
 22 *able for the same period as funds appropriated in Public*  
 23 *Law 115–245 “for carrying out such sections 414, 501, 462,*  
 24 *and 235”, which shall be available for any purpose funded*  
 25 *under such heading in such law: Provided, That if any part*

1 of the reprogramming described in the notification sub-  
2 mitted by the Secretary of Health and Human Services (the  
3 “Secretary”) to the Committees on Appropriations of the  
4 House of Representatives and the Senate on May 16, 2019  
5 has been executed, such amounts provided by this Act as  
6 are necessary shall be used to reverse such reprogramming:  
7 Provided further, That amounts allocated by the Secretary  
8 for costs of leases of property that include facilities to be  
9 used as hard-sided dormitories for which the Secretary in-  
10 tends to seek State licensure for the care of unaccompanied  
11 alien children, and that are executed under authorities  
12 transferred to the Director of the Office of Refugee Resettle-  
13 ment (ORR) under section 462 of the Homeland Security  
14 Act of 2002, shall remain available until expended: Pro-  
15 vided further, That ORR shall notify the Committees on  
16 Appropriations of the House of Representatives and the  
17 Senate within 72 hours of conducting a formal assessment  
18 of a facility for possible lease or acquisition and within 7  
19 days of any acquisition or lease of real property: Provided  
20 further, That not less than \$866,000,000 of amounts pro-  
21 vided under this heading shall be used for the provision of  
22 care in licensed shelters and for expanding the supply of  
23 shelters for which State licensure will be sought, of which  
24 not less than \$27,000,000 shall be available for the purposes  
25 of adding shelter beds in State-licensed facilities in response

1 to funding opportunity HHS–2017–ACF–ORR–ZU–1132,  
2 and of which not less than \$185,000,000 shall be available  
3 for expansion grants to add beds in State-licensed facilities  
4 and open new State-licensed facilities, and for contract  
5 costs to acquire, activate, and operate facilities that will  
6 include small- and medium-scale hard-sided facilities for  
7 which the Secretary intends to seek State licensure in an  
8 effort to phase out the need for shelter beds in unlicensed  
9 facilities: Provided further, That not less than \$100,000,000  
10 of amounts provided under this heading shall be used for  
11 post-release services, child advocates, and legal services:  
12 Provided further, That not less than \$8,000,000 of amounts  
13 provided under this heading shall be used for the purposes  
14 of hiring additional Federal Field Specialists and for in-  
15 creasing case management and case coordination services,  
16 with the goal of more expeditiously placing unaccompanied  
17 alien children with sponsors and reducing the length of stay  
18 in ORR custody: Provided further, That not less than  
19 \$1,000,000 of amounts provided under this heading shall  
20 be used for the purposes of hiring project officers and pro-  
21 gram monitor staff dedicated to pursuing strategic improve-  
22 ments to the Unaccompanied Alien Children program and  
23 for the development of a discharge rate improvement plan  
24 which shall be submitted to the Committees on Appropria-  
25 tions of the House of Representatives and the Senate within

1 120 days of enactment of this Act: Provided further, That  
 2 of the amounts provided under this heading, \$5,000,000  
 3 shall be transferred to “Office of the Secretary—Office of  
 4 Inspector General” and shall remain available until ex-  
 5 pended for oversight of activities supported with funds ap-  
 6 propriated under this heading: Provided further, That such  
 7 amount is designated by the Congress as being for an emer-  
 8 gency requirement pursuant to section 251(b)(2)(A)(i) of  
 9 the Balanced Budget and Emergency Deficit Control Act  
 10 of 1985.

#### 11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 401. The Secretary of Health and Human Serv-  
 13 ices (the “Secretary”) shall prioritize use of community-  
 14 based residential care (including long-term and transi-  
 15 tional foster care and small group homes) and shelter care  
 16 other than large-scale institutional shelter facilities to house  
 17 unaccompanied alien children in its custody. The Secretary  
 18 shall prioritize State-licensed and hard-sided dormitories.

19 SEC. 402. The Office of Refugee Resettlement shall en-  
 20 sure that its grantees and, to the greatest extent practicable,  
 21 potential sponsors of unaccompanied alien children are  
 22 aware of current law regarding the use of information col-  
 23 lected as part of the sponsor suitability determination proc-  
 24 ess.

1       *SEC. 403. (a) None of the funds provided by this or*  
2 *any prior appropriations Act may be used to reverse*  
3 *changes in procedures made by operational directives issued*  
4 *to providers by the Office of Refugee Resettlement on Decem-*  
5 *ber 18, 2018, March 23, 2019, and June 10, 2019 regarding*  
6 *the Memorandum of Agreement on Information Sharing ex-*  
7 *ecuted April 13, 2018.*

8       *(b) Notwithstanding subsection (a), the Secretary may*  
9 *make changes to such operational directives upon making*  
10 *a determination that such changes are necessary to prevent*  
11 *unaccompanied alien children from being placed in danger,*  
12 *and the Secretary shall provide a written justification to*  
13 *Congress and the Inspector General of the Department of*  
14 *Health and Human Services in advance of implementing*  
15 *such changes.*

16       *(c) Within 15 days of the Secretary’s communication*  
17 *of the justification, the Inspector General of the Department*  
18 *of Health and Human Services shall provide an assessment,*  
19 *in writing, to the Secretary and to Committees on Appro-*  
20 *priations of the House of Representatives and the Senate*  
21 *of whether such changes to operational directives are nec-*  
22 *essary to prevent unaccompanied children from being*  
23 *placed in danger.*

24       *SEC. 404. None of the funds made available in this*  
25 *Act under the heading “Department of Health and Human*

1 *Services—Administration for Children and Families—Ref-*  
2 *ugee and Entrant Assistance” may be obligated to a grantee*  
3 *or contractor to house unaccompanied alien children (as*  
4 *such term is defined in section 462(g)(2) of the Homeland*  
5 *Security Act of 2002 (6 U.S.C. 279(g)(2))) in any facility*  
6 *that is not State-licensed for the care of unaccompanied*  
7 *alien children, except in the case that the Secretary deter-*  
8 *mines that housing unaccompanied alien children in such*  
9 *a facility is necessary on a temporary basis due to an influx*  
10 *of such children or an emergency, provided that—*

11           *(1) the terms of the grant or contract for the op-*  
12           *erations of any such facility that remains in oper-*  
13           *ation for more than six consecutive months shall re-*  
14           *quire compliance with—*

15                   *(A) the same requirements as licensed place-*  
16                   *ments, as listed in Exhibit 1 of the Flores Settle-*  
17                   *ment Agreement that the Secretary determines*  
18                   *are applicable to non-State licensed facilities;*  
19                   *and*

20                   *(B) staffing ratios of one (1) on-duty Youth*  
21                   *Care Worker for every eight (8) children or youth*  
22                   *during waking hours, one (1) on-duty Youth*  
23                   *Care Worker for every sixteen (16) children or*  
24                   *youth during sleeping hours, and clinician ratios*

1           to children (including mental health providers)  
2           as required in grantee cooperative agreements;

3           (2) the Secretary may grant a 60-day waiver for  
4           a contractor's or grantee's non-compliance with para-  
5           graph (1) if the Secretary certifies and provides a re-  
6           port to Congress on the contractor's or grantee's good-  
7           faith efforts and progress towards compliance;

8           (3) not more than four consecutive waivers under  
9           paragraph (2) may be granted to a contractor or  
10          grantee with respect to a specific facility;

11          (4) ORR shall ensure full adherence to the moni-  
12          toring requirements set forth in section 5.5 of its Poli-  
13          cies and Procedures Guide as of May 15, 2019;

14          (5) for any such unlicensed facility in operation  
15          for more than three consecutive months, ORR shall  
16          conduct a minimum of one comprehensive monitoring  
17          visit during the first three months of operation, with  
18          quarterly monitoring visits thereafter; and

19          (6) not later than 60 days after the date of en-  
20          actment of this Act, ORR shall brief the Committees  
21          on Appropriations of the House of Representatives  
22          and the Senate outlining the requirements of ORR for  
23          influx facilities including any requirement listed in  
24          paragraph (1)(A) that the Secretary has determined  
25          are not applicable to non-State licensed facilities.



1       *SEC. 405. In addition to the existing Congressional no-*  
2 *tification for formal site assessments of potential influx fa-*  
3 *cilities, the Secretary shall notify the Committees on Appro-*  
4 *priations of the House of Representatives and the Senate*  
5 *at least 15 days before operationalizing an unlicensed facil-*  
6 *ity, and shall (1) specify whether the facility is hard-sided*  
7 *or soft-sided, and (2) provide analysis that indicates that,*  
8 *in the absence of the influx facility, the likely outcome is*  
9 *that unaccompanied alien children will remain in the cus-*  
10 *tody of the Department of Homeland Security for longer*  
11 *than 72 hours or that unaccompanied alien children will*  
12 *be otherwise placed in danger. Within 60 days of bringing*  
13 *such a facility online, and monthly thereafter, the Secretary*  
14 *shall provide to the Committees on Appropriations of the*  
15 *House of Representatives and the Senate a report detailing*  
16 *the total number of children in care at the facility, the aver-*  
17 *age length of stay and average length of care of children*  
18 *at the facility, and, for any child that has been at the facil-*  
19 *ity for more than 60 days, their length of stay and reason*  
20 *for delay in release.*

21       *SEC. 406. (a) The Secretary shall ensure that, when*  
22 *feasible, no unaccompanied alien child is at an unlicensed*  
23 *facility if the child—*

24               *(1) is not expected to be placed with a sponsor*  
25       *within 30 days;*

1           (2) *is under the age of 13;*

2           (3) *does not speak English or Spanish as his or*  
3           *her preferred language;*

4           (4) *has known special needs, behavioral health*  
5           *issues, or medical issues that would be better served*  
6           *at an alternative facility;*

7           (5) *is a pregnant or parenting teen; or*

8           (6) *would have a diminution of legal services as*  
9           *a result of the transfer to such an unlicensed facility.*

10          (b) *ORR shall notify a child's attorney of record in*  
11          *advance of any transfer, where applicable.*

12          SEC. 407. *None of the funds made available in this*  
13          *Act may be used to prevent a United States Senator or*  
14          *Member of the House of Representatives from entering, for*  
15          *the purpose of conducting oversight, any facility in the*  
16          *United States used for the purpose of maintaining custody*  
17          *of, or otherwise housing, unaccompanied alien children (as*  
18          *defined in section 462(g)(2) of the Homeland Security Act*  
19          *of 2002 (6 U.S.C. 279(g)(2))), provided that such Senator*  
20          *or Member has coordinated the oversight visit with the Of-*  
21          *fice of Refugee Resettlement not less than two business days*  
22          *in advance to ensure that such visit would not interfere*  
23          *with the operations (including child welfare and child safe-*  
24          *ty operations) of such facility.*

1       *SEC. 408. Not later than 14 days after the date of en-*  
2 *actment of this Act, and monthly thereafter, the Secretary*  
3 *shall submit to the Committees on Appropriations of the*  
4 *House of Representatives and the Senate, and make pub-*  
5 *licly available online, a report with respect to children who*  
6 *were separated from their parents or legal guardians by the*  
7 *Department of Homeland Security (DHS) (regardless of*  
8 *whether or not such separation was pursuant to an option*  
9 *selected by the children, parents, or guardians), subse-*  
10 *quently classified as unaccompanied alien children, and*  
11 *transferred to the care and custody of ORR during the pre-*  
12 *vious month. Each report shall contain the following infor-*  
13 *mation:*

14               *(1) the number and ages of children so separated*  
15       *subsequent to apprehension at or between ports of*  
16       *entry, to be reported by sector where separation oc-*  
17       *curred; and*

18               *(2) the documented cause of separation, as re-*  
19       *ported by DHS when each child was referred.*

20       *SEC. 409. Funds made available in this Act under the*  
21 *heading “Department of Health and Human Services—Ad-*  
22 *ministration for Children and Families—Refugee and En-*  
23 *trant Assistance” shall be subject to the authorities and con-*  
24 *ditions of section 224 of division A of the Consolidated Ap-*  
25 *propriations Act, 2019 (Public Law 116–6).*

1       *SEC. 410. Not later than 30 days after the date of en-*  
2 *actment of this Act, the Secretary shall submit to the Com-*  
3 *mittees on Appropriations of the House of Representatives*  
4 *and the Senate a detailed spend plan of anticipated uses*  
5 *of funds made available in this account, including the fol-*  
6 *lowing: a list of existing grants and contracts for both per-*  
7 *manent and influx facilities, including their costs, capacity,*  
8 *and timelines; costs for expanding capacity through the use*  
9 *of community-based residential care placements (including*  
10 *long-term and transitional foster care and small group*  
11 *homes) through new or modified grants and contracts; cur-*  
12 *rent and planned efforts to expand small-scale shelters and*  
13 *available foster care placements, including collaboration*  
14 *with state child welfare providers; influx facilities being as-*  
15 *sessed for possible use, costs and services to be provided for*  
16 *legal services, child advocates, and post release services; pro-*  
17 *gram administration; and the average number of weekly re-*  
18 *ferrals and discharge rate assumed in the spend plan: Pro-*  
19 *vided, That such plan shall be updated to reflect changes*  
20 *and expenditures and submitted to the Committees on Ap-*  
21 *propriations of the House of Representatives and the Senate*  
22 *every 60 days until all funds are expended or expired.*

## TITLE V

## GENERAL PROVISIONS—THIS ACT

SEC. 501. *Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.*

SEC. 502. *No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.*

SEC. 503. *Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.*

SEC. 504. *Each amount designated in this Act 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.*

SEC. 505. *Any amount appropriated by this Act, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant*

1 *to transfer authorities provided by this Act shall retain such*  
2 *designation.*

3       *SEC. 506. Not later than 180 days after the date of*  
4 *the enactment of this Act, the Comptroller General of the*  
5 *United States shall submit a report to the Committees on*  
6 *Appropriations of the House of Representatives and the*  
7 *Senate on the number of asylum officers and immigration*  
8 *judges, including temporary immigration judges, and the*  
9 *corresponding number of support staff necessary—*

10           *(1) to fairly and effectively make credible fear*  
11 *determinations with respect to individuals within*  
12 *family units and unaccompanied alien children;*

13           *(2) to ensure that the credible fear determination*  
14 *and asylum interview is completed not later than 20*  
15 *days after the date on which a family unit is appre-*  
16 *hended; and*

17           *(3) to fairly and effectively review appeals of*  
18 *credible fear determinations with respect to individ-*  
19 *uals within family units and unaccompanied alien*  
20 *children.*

21 *In addition, the report shall determine if there is any phys-*  
22 *ical infrastructure such as hearing or courtroom space need-*  
23 *ed to achieve these goals.*

1        *This Act may be cited as the “Emergency Supple-*  
2 *mental Appropriations for Humanitarian Assistance and*  
3 *Security at the Southern Border Act, 2019”.*

Attest:

*Secretary.*

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 3401**

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**AMENDMENT**