

116TH CONGRESS  
1ST SESSION

# H. R. 3401

Making emergency supplemental appropriations for the fiscal year ending  
September 30, 2019, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2019

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

Making emergency supplemental appropriations for the fiscal  
year ending September 30, 2019, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2019, and for other pur-  
6       poses, namely:

1

## TITLE I

2

## DEPARTMENT OF JUSTICE

3

## GENERAL ADMINISTRATION

4

## EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

5

For an additional amount for “Executive Office for  
6 Immigration Review”, \$15,000,000 to be used only for  
7 services and activities provided by the Legal Orientation  
8 Program: *Provided*, That such amount is designated by  
9 the Congress as being for an emergency requirement pur-  
10 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
11 and Emergency Deficit Control Act of 1985.

12

## UNITED STATES MARSHALS SERVICE

13

## FEDERAL PRISONER DETENTION

14

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

1 TITLE II  
2 DEPARTMENT OF HOMELAND SECURITY  
3 SECURITY, ENFORCEMENT, AND BORDER PROTECTION  
4 U.S. CUSTOMS AND BORDER PROTECTION  
5 OPERATIONS AND SUPPORT

6 For an additional amount for “Operations and Sup-  
7 port” for necessary expenses to respond to the significant  
8 rise in aliens at the southwest border and related activi-  
9 ties, \$1,217,931,000, to remain available until September  
10 30, 2020; of which \$702,500,000 is for migrant processing  
11 facilities; of which \$92,000,000 is for consumables; of  
12 which \$19,950,000 is for medical assets and high risk sup-  
13 port; of which \$8,000,000 is for Federal Protective Service  
14 support; of which \$35,000,000 is for transportation; of  
15 which \$90,636,000 is for temporary duty and overtime  
16 costs; of which \$19,845,000 is for reimbursements for  
17 temporary duty and overtime costs; and of which  
18 \$50,000,000 is for mission support data systems and anal-  
19 ysis: *Provided*, That such amount is designated by the  
20 Congress as being for an emergency requirement pursuant  
21 to section 251(b)(2)(A)(i) of the Balanced Budget and  
22 Emergency Deficit Control Act of 1985.

23 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

24 For an additional amount for “Procurement, Con-  
25 struction, and Improvements” for migrant processing fa-

1 cilities, \$85,000,000, to remain available until September  
2 30, 2023: *Provided*, That such amount is designated by  
3 the Congress as being for an emergency requirement pur-  
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget  
5 and Emergency Deficit Control Act of 1985.

6 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

7 OPERATIONS AND SUPPORT

8 For an additional amount for “Operations and Sup-  
9 port” for necessary expenses to respond to the significant  
10 rise in aliens at the southwest border and related activi-  
11 ties, \$128,238,000; of which \$35,943,000 is for transpor-  
12 tation of unaccompanied alien children; of which  
13 \$11,981,000 is for detainee transportation for medical  
14 needs, court proceedings, or relocation to and from U.S.  
15 Customs and Border Protection custody; of which  
16 \$5,114,000 is for reimbursements for overtime and tem-  
17 porary duty costs; of which \$20,000,000 is for alternatives  
18 to detention; of which \$45,000,000 is for detainee medical  
19 care; and of which \$10,200,000 is for the Office of Profes-  
20 sional Responsibility for background investigations and fa-  
21 cility inspections: *Provided*, That such amount is des-  
22 ignated by the Congress as being for an emergency re-  
23 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
24 anced Budget and Emergency Deficit Control Act of 1985.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 FEDERAL ASSISTANCE

3 For an additional amount for “Federal Assistance”,  
4 \$60,000,000, to remain available until September 30,  
5 2020, for the emergency food and shelter program under  
6 Title III of the McKinney-Vento Homeless Assistance Act  
7 (42 U.S.C. 11331 et seq.) for the purposes of providing  
8 assistance to aliens released from the custody of the De-  
9 partment of Homeland Security: *Provided*, That notwith-  
10 standing Sections 315 and 316(b) of such Act, funds made  
11 available under this section shall be disbursed by the  
12 Emergency Food and Shelter Program National Board  
13 not later than 30 days after the date on which such funds  
14 becomes available: *Provided further*, That the Emergency  
15 Food and Shelter Program National Board shall distribute  
16 such funds only to jurisdictions or local recipient organiza-  
17 tions serving communities that have experienced a signifi-  
18 cant influx of such aliens: *Provided further*, That such  
19 funds may be used to reimburse such jurisdictions or local  
20 recipient organizations for costs incurred in providing  
21 services to such aliens on or after January 1, 2019: *Pro-*  
22 *vided further*, That such amount is designated by the Con-  
23 gress as being for an emergency requirement pursuant to  
24 section 251(b)(2)(A)(i) of the Balanced Budget and  
25 Emergency Deficit Control Act of 1985.

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 201. Notwithstanding any other provision of  
3 law, funds made available under each heading in this title  
4 shall only be used for the purposes specifically described  
5 under that heading.

6           SEC. 202. Division A of the Consolidated Appropria-  
7 tions Act, 2019 (Public Law 116–6) is amended by adding  
8 after section 540 the following:

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

11                   “(1) in subsection (a), by substituting ‘Sep-  
12 tember 30, 2019,’ for ‘September 30, 2017,’; and

13                   “(2) in subsection (c)(1), by substituting ‘Sep-  
14 tember 30, 2019,’ for ‘September 30, 2017’.

15           “(b) The Secretary of Homeland Security, under the  
16 authority of section 831 of the Homeland Security Act of  
17 2002 (6 U.S.C. 391(a)), may carry out prototype projects  
18 under section 2371b of title 10, United States Code, and  
19 the Secretary shall perform the functions of the Secretary  
20 of Defense as prescribed.

21           “(c) The Secretary of Homeland Security under sec-  
22 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.  
23 391(d)) may use the definition of nontraditional govern-  
24 ment contractor as defined in section 2371b(e) of title 10,  
25 United States Code.”.

1        SEC. 203. (a) The Secretary of the Department of  
2 Homeland Security shall establish policies and distribute  
3 written personnel guidance, as appropriate, not later than  
4 60 days after the date of enactment of this Act on the  
5 following:

6            (1) Providing private meeting space and video  
7 teleconferencing access for individuals returned to  
8 Mexico under the Migrant Protection Protocols to  
9 consult with legal counsel, including prior to initial  
10 immigration court hearings.

11           (2) Efforts, in consultation with the Depart-  
12 ment of State, to address the housing, transpor-  
13 tation, and security needs of such individuals.

14           (3) Efforts, in consultation with the Depart-  
15 ment of Justice, to ensure that such individuals are  
16 briefed, in their primary spoken language to the  
17 greatest extent possible, on their legal rights and ob-  
18 ligations prior to being returned to Mexico.

19           (4) Efforts, in consultation with the Depart-  
20 ment of Justice, to prioritize the immigration pro-  
21 ceedings of such individuals.

22           (5) The establishment of written policies defin-  
23 ing categories of vulnerable individuals who should  
24 not be so returned.

1 (b) For purposes of this section, the term “Migrant  
2 Protection Protocols” means the actions taken by the Sec-  
3 retary to implement the memorandum dated January 25,  
4 2019 entitled “Policy Guidance for the Implementation of  
5 the Migrant Protection Protocols”.

6 (c) The amounts provided by this section are des-  
7 ignated by the Congress as being for an emergency re-  
8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
9 anced Budget and Emergency Deficit Control Act of 1985.

10 SEC. 204. None of the funds provided in this Act  
11 under “U.S. Customs and Border Protection—Operations  
12 and Support” for facilities shall be available until U.S.  
13 Customs and Border Protection establishes policies (via  
14 directive, procedures, guidance, and/or memorandum) and  
15 training programs to ensure that such facilities adhere to  
16 the National Standards on Transport, Escort, Detention,  
17 and Search, published in October of 2015: *Provided*, That  
18 not later than 90 days after the date of enactment of this  
19 Act, U.S. Customs and Border Protection shall provide  
20 a detailed report to the Committees on Appropriations of  
21 the Senate and the House of Representatives, the Com-  
22 mittee on the Judiciary of the Senate, and the House Ju-  
23 diciary Committee regarding the establishment and imple-  
24 mentation of such policies and training programs.



1        SEC. 205. No later than 30 days after the date of  
2 enactment of this Act, the Secretary of Homeland Security  
3 shall provide a report on the number of U.S. Customs and  
4 Border Protection Officers assigned to Northern Border  
5 land ports of entry and temporarily assigned to the ongoing  
6 humanitarian crisis: *Provided*, That the report shall  
7 outline what resources and conditions would allow a return  
8 to northern border staffing levels that are no less than  
9 the number committed in the June 12, 2018 Department  
10 of Homeland Security Northern Border Strategy: *Pro-*  
11 *vided further*, That the report shall include the number  
12 of officers temporarily assigned to the southwest border  
13 in response to the ongoing humanitarian crisis, the number  
14 of days the officers will be away from their northern  
15 border assignment, the northern border ports from which  
16 officers are being assigned to the southwest border, and  
17 efforts being made to limit the impact on operations at  
18 each northern border land port of entry where officers  
19 have been temporarily assigned to the southwest border.

20        SEC. 206. None of the funds appropriated or otherwise  
21 made available by this Act or division A of the Consolidated  
22 Appropriations Act, 2019 (Public Law 116–6)  
23 for the Department of Homeland Security may be used  
24 to relocate to the National Targeting Center the vetting  
25 of Trusted Traveler Program applications and operations

1 currently carried out at existing locations unless specifi-  
2 cally authorized by a statute enacted after the date of en-  
3 actment of this Act.

4 SEC. 207. (a) Of the additional amount provided  
5 under “U.S. Customs and Border Protection—Operations  
6 and Support”, \$200,000,000 is for a multi-agency, inte-  
7 grated, migrant processing center pilot program for family  
8 units and unaccompanied alien children, including the fol-  
9 lowing:

10 (1) Ongoing assessment and treatment efforts  
11 for physical or mental health conditions, including  
12 development of a support plan and services for each  
13 member of a vulnerable population.

14 (2) Assessments of child protection and welfare  
15 needs.

16 (3) Food, shelter, hygiene services and supplies,  
17 clothing, and activities appropriate for the non-  
18 penal, civil detention of families.

19 (4) Personnel with appropriate training on car-  
20 ing for families and vulnerable populations in a civil  
21 detention environment.

22 (5) Free telephonic communication access, in-  
23 cluding support for contacting family members.

1           (6) Direct access to legal orientation, legal rep-  
2           resentation, and case management in private areas  
3           of the center.

4           (7) Credible fear and reasonable fear interviews  
5           conducted by U.S. Citizenship and Immigration  
6           Services asylum officers in private areas of the cen-  
7           ter.

8           (8) Granting of asylum directly by U.S. Citizen-  
9           ship and Immigration Services for manifestly well-  
10          founded or clearly meritorious cases.

11          (9) For family units not found removable prior  
12          to departure from the center—

13                 (A) release on own recognizance or place-  
14                 ment in alternatives to detention with case  
15                 management; and

16                 (B) coordinated transport to a respite shel-  
17                 ter or city of final destination.

18          (10) For family units found removable prior to  
19          departure from the center, safe return planning sup-  
20          port by an immigration case manager, including a  
21          consular visit to assist with reintegration.

22          (11) On-site operational support by non-govern-  
23          mental organizations for the identification and pro-  
24          tection of vulnerable populations.

1 (b) The Secretary shall notify the Committees on Ap-  
2 propriations of the Senate and the House of Representa-  
3 tives within 24 hours of any—

4 (1) unaccompanied child placed in the pilot pro-  
5 gram whose time in Department of Homeland Secu-  
6 rity custody exceeds 72 hours; and

7 (2) family unit placed in the pilot program  
8 whose time in such custody exceed exceeds 9 days.

9 (c) Prior to the obligation of the amount identified  
10 in subsection (a), but not later than 30 days after the date  
11 of enactment of this Act, the Secretary shall submit a plan  
12 for the implementation of the pilot program to the Com-  
13 mittees on Appropriations of the Senate and the House  
14 of Representatives which shall include a definition of vul-  
15 nerable populations.

### 16 TITLE III

## 17 DEPARTMENT OF HEALTH AND HUMAN 18 SERVICES

### 19 ADMINISTRATION FOR CHILDREN AND FAMILIES

#### 20 REFUGEE AND ENTRANT ASSISTANCE

##### 21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Refugee and Entrant  
23 Assistance” \$2,881,552,000, to be merged with and avail-  
24 able for the same period as funds appropriated in division  
25 B of Public Law 115–245 and made available through fis-

1 cal year 2021 under this heading, and to be made available  
2 for any purpose funded under such heading in such law:  
3 *Provided*, That if any part of the reprogramming described  
4 in the notification submitted by the Secretary of Health  
5 and Human Services (the “Secretary”) to the Committees  
6 on Appropriations of the House of Representatives and the  
7 Senate on May 16, 2019, has been executed as of the date  
8 of the enactment of this Act, such amounts provided by  
9 this Act as are necessary shall be used to reverse such  
10 reprogramming: *Provided further*, That of the amounts  
11 provided under this heading, the amount allocated by the  
12 Secretary for costs of leases of property that include facili-  
13 ties to be used as hard-sided dormitories for which the  
14 Secretary intends to seek State licensure for the care of  
15 unaccompanied alien children, and that are executed  
16 under authorities transferred to the Director of the Office  
17 of Refugee Resettlement (ORR) under section 462 of the  
18 Homeland Security Act of 2002, shall remain available  
19 until expended: *Provided further*, That ORR shall notify  
20 the Committees on Appropriations of the House of Rep-  
21 resentatives and the Senate within 72 hours of conducting  
22 a formal assessment of a facility for possible lease or ac-  
23 quisition and within 7 days of any lease or acquisition of  
24 real property: *Provided further*, That not less than  
25 \$866,000,000 of the amounts provided under this heading

1 shall be used for the provision of care in licensed shelters  
2 and for expanding the supply of shelters for which State  
3 licensure will be sought, of which not less than  
4 \$27,000,000 shall be available for the purposes of adding  
5 shelter beds in State-licensed facilities in response to fund-  
6 ing opportunity HHS-2017-ACF-ORR-ZU-1132, and of  
7 which not less than \$185,000,000 shall be available for  
8 expansion grants to add beds in State-licensed facilities  
9 and open new State-licensed facilities, and for contract  
10 costs to acquire, activate, and operate facilities that in-  
11 clude small- and medium-scale hard-sided facilities for  
12 which the Secretary intends to seek State licensure in an  
13 effort to phase out the need for shelter beds in unlicensed  
14 facilities: *Provided further*, That not less than  
15 \$100,000,000 of the amounts provided under this heading  
16 shall be used for post-release services, child advocates, and  
17 legal services: *Provided further*, That the amount made  
18 available for legal services in the preceding proviso shall  
19 be made available for the same purposes for which  
20 amounts were provided for such services in fiscal year  
21 2017: *Provided further*, That not less than \$8,000,000 of  
22 the amounts provided under this heading shall be used for  
23 the purposes of hiring additional Federal Field Specialists  
24 and for increasing case management and case coordination  
25 services, with the goal of more expeditiously placing unac-

1 accompanied alien children with sponsors and reducing the  
2 length of stay in ORR custody: *Provided further*, That not  
3 less than \$1,000,000 of amounts provided under this  
4 heading shall be used for the purposes of hiring project  
5 officers and program monitor staff dedicated to pursuing  
6 strategic improvements to the Unaccompanied Alien Chil-  
7 dren program and for the development of a discharge rate  
8 improvement plan which shall be submitted to the Com-  
9 mittees on Appropriations of the House of Representatives  
10 and the Senate within 120 days of the date of enactment  
11 of this Act: *Provided further*, That of the amounts pro-  
12 vided under this heading, \$5,000,000 shall be transferred  
13 to “Office of the Secretary—Office of Inspector General”  
14 and shall remain available until expended for oversight of  
15 activities supported with funds appropriated under this  
16 heading: *Provided further*, That none of the funds made  
17 available under this heading may be transferred pursuant  
18 to the authority in section 205 of division B of Public Law  
19 115–245: *Provided further*, That the amount provided  
20 under this heading is designated by the Congress as being  
21 for an emergency requirement pursuant to section  
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
23 Deficit Control Act of 1985.

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 301. The Secretary of Health and Human Serv-  
3 ices (the “Secretary”) shall prioritize use of community-  
4 based residential care (including long-term and transi-  
5 tional foster care and small group homes) and shelter care  
6 other than large-scale institutional shelter facilities to  
7 house unaccompanied alien children in the custody of the  
8 Department of Health and Human Services. The Sec-  
9 retary shall prioritize State-licensed, hard-sided dor-  
10 mitories.

11          SEC. 302. Funds made available in this Act under  
12 the heading “Department of Health and Human Serv-  
13 ices—Administration for Children and Families—Refugee  
14 and Entrant Assistance” shall remain available for obliga-  
15 tion only if the operational directives issued by the Office  
16 of Refugee Resettlement between December 1, 2018, and  
17 June 15, 2019, to accelerate the identification and ap-  
18 proval of sponsors, remain in effect.

19          SEC. 303. Funds made available in this Act under  
20 the heading “Department of Health and Human Serv-  
21 ices—Administration for Children and Families—Refugee  
22 and Entrant Assistance” shall be subject to the authorities  
23 and conditions of section 224 of division A of the Consoli-  
24 dated Appropriations Act, 2019 (Public Law 116–6).



1        SEC. 304. None of the funds made available in this  
2 Act under the heading “Department of Health and  
3 Human Services—Administration for Children and Fami-  
4 lies—Refugee and Entrant Assistance” may be obligated  
5 to a grantee or contractor to house unaccompanied alien  
6 children (as such term is defined in section 462(g)(2) of  
7 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))  
8 in any facility that is not State-licensed for the care of  
9 unaccompanied alien children, except in the case that the  
10 Secretary of Health and Human Services (the “Sec-  
11 retary”) determines that housing unaccompanied alien  
12 children in such a facility is necessary on a temporary  
13 basis due to an influx of such children or an emergency:  
14 *Provided, That—*

15            (1) the terms of the grant or contract for the  
16 operations of any such facility that remains in oper-  
17 ation for more than six consecutive months shall re-  
18 quire compliance with—

19            (A) the same requirements as licensed  
20 placements, as listed in Exhibit 1 of the Flores  
21 Settlement Agreement, regardless of the status  
22 of the underlying settlement agreement;

23            (B) staffing ratios of 1 on-duty Youth  
24 Care Worker for every 8 children or youth dur-  
25 ing waking hours, 1 on-duty Youth Care Work-

1 er for every 16 children or youth during sleep-  
2 ing hours, and clinician ratios to children (in-  
3 cluding mental health providers) as required in  
4 grantee cooperative agreements; and

5 (C) access provided to legal services;

6 (2) the Secretary may grant a 60-day waiver  
7 for a contractor's or grantee's non-compliance with  
8 paragraph (1) if the Secretary certifies and provides  
9 a report to Congress on the contractor's or grantee's  
10 good-faith efforts and progress towards compliance;

11 (3) not more than three consecutive waivers  
12 under paragraph (2) may be granted to a contractor  
13 or grantee with respect to a specific facility;

14 (4) ORR shall ensure full adherence to the  
15 monitoring requirements set forth in section 5.5 of  
16 its Policies and Procedures Guide as of June 15,  
17 2019;

18 (5) for any such unlicensed facility in operation  
19 for more than three consecutive months, ORR shall  
20 conduct a minimum of one comprehensive moni-  
21 toring visit during the first three months of oper-  
22 ation, with quarterly monitoring visits thereafter;  
23 and

24 (6) not later than 60 days after the date of en-  
25 actment of this Act, ORR shall brief the Committees

1 on Appropriations of the House of Representatives  
2 and the Senate outlining the requirements of ORR  
3 for influx facilities.

4 SEC. 305. In addition to the existing Congressional  
5 notification requirements for formal site assessments of  
6 potential influx facilities, the Secretary shall notify the  
7 Committees on Appropriations of the House of Represent-  
8 atives and the Senate at least 15 days before operationa-  
9 lizing an unlicensed facility, and shall (1) specify whether  
10 the facility is hard-sided or soft-sided, and (2) provide  
11 analysis that indicates that, in the absence of the influx  
12 facility, the likely outcome is that unaccompanied alien  
13 children will remain in the custody of the Department of  
14 Homeland Security for longer than 72 hours or that unac-  
15 companied alien children will be otherwise placed in dan-  
16 ger. Within 60 days of bringing such a facility online, and  
17 monthly thereafter, the Secretary shall provide to the  
18 Committees on Appropriations of the House of Represent-  
19 atives and the Senate a report detailing the total number  
20 of children in care at the facility, the average length of  
21 stay and average length of care of children at the facility,  
22 and, for any child that has been at the facility for more  
23 than 60 days, their length of stay and reason for delay  
24 in release.

1           SEC. 306. (a) The Secretary shall ensure that, when  
2 feasible, no unaccompanied alien child is at an unlicensed  
3 facility if the child is not expected to be placed with a  
4 sponsor within 30 days.

5           (b) The Secretary shall ensure that no unaccom-  
6 panied alien child is at an unlicensed facility if the child—

7                   (1) is under the age of 13;

8                   (2) does not speak English or Spanish as his or  
9 her preferred language;

10                  (3) has known special needs, behavioral health  
11 issues, or medical issues that would be better served  
12 at an alternative facility;

13                  (4) is a pregnant or parenting teen; or

14                  (5) would have a diminution of legal services as  
15 a result of the transfer to such an unlicensed facil-  
16 ity.

17           (c) ORR shall notify a child’s attorney of record in  
18 advance of any transfer, where applicable.

19           SEC. 307. None of the funds made available in this  
20 Act may be used to prevent a United States Senator or  
21 Member of the House of Representatives from entering,  
22 for the purpose of conducting oversight, any facility in the  
23 United States used for the purpose of maintaining custody  
24 of, or otherwise housing, unaccompanied alien children (as  
25 defined in section 462(g)(2) of the Homeland Security Act

1 of 2002 (6 U.S.C. 279(g)(2)): *Provided*, That nothing in  
2 this section shall be construed to require such a Senator  
3 or Member to provide prior notice of the intent to enter  
4 such a facility for such purpose.

5 SEC. 308. Not later than 14 days after the date of  
6 enactment of this Act, and monthly thereafter, the Sec-  
7 retary of Health and Human Services shall submit to the  
8 Committees on Appropriations of the House of Represent-  
9 atives and the Senate, and make publicly available online,  
10 a report with respect to children who were separated from  
11 their parents or legal guardians by the Department of  
12 Homeland Security (DHS) (regardless of whether or not  
13 such separation was pursuant to an option selected by the  
14 children, parents, or guardians), subsequently classified as  
15 unaccompanied alien children, and transferred to the care  
16 and custody of ORR during the previous month. Each re-  
17 port shall contain the following information:

18 (1) The number and ages of children so sepa-  
19 rated subsequent to apprehension at or between  
20 ports of entry, to be reported by sector where sepa-  
21 ration occurred.

22 (2) The documented cause of separation, as re-  
23 ported by DHS when each child was referred.

24 SEC. 309. Not later than 30 days after the date of  
25 enactment of this Act, the Secretary of Health and

1 Human Services shall submit to the Committees on Ap-  
2 propriations of the House of Representatives and the Sen-  
3 ate a detailed spend plan of anticipated uses of funds  
4 made available in this account, including the following: a  
5 list of existing grants and contracts for both permanent  
6 and influx facilities, including their costs, capacity, and  
7 timelines; costs for expanding capacity through the use of  
8 community-based residential care placements (including  
9 long-term and transitional foster care and small group  
10 homes) through new or modified grants and contracts;  
11 current and planned efforts to expand small-scale shelters  
12 and available foster care placements, including collabora-  
13 tion with state child welfare providers; influx facilities  
14 being assessed for possible use; costs and services to be  
15 provided for legal services, child advocates, and post re-  
16 lease services; program administration; and the average  
17 number of weekly referrals and discharge rate assumed  
18 in the spend plan: *Provided*, That such plan shall be up-  
19 dated to reflect changes and expenditures and submitted  
20 to the Committees on Appropriations of the House of Rep-  
21 resentatives and the Senate every 60 days until all funds  
22 are expended or expire.

23       SEC. 310. The Office of Refugee Resettlement shall  
24 ensure that its grantees are aware of current law regard-

1 ing the use of information collected as part of the sponsor  
2 vetting process.

3 SEC. 311. The Secretary is directed to report the  
4 death of any unaccompanied alien child in Office of Ref-  
5 ugee Resettlement (ORR) custody or in the custody of any  
6 grantee on behalf of ORR within 24 hours, including rel-  
7 evant details regarding the circumstances of the fatality,  
8 to the Committees on Appropriations of the House of Rep-  
9 resentatives and the Senate.

10 SEC. 312. Notwithstanding any other provision of  
11 law, funds made available in this Act under the heading  
12 “Department of Health and Human Services—Adminis-  
13 tration for Children and Families—Refugee and Entrant  
14 Assistance” shall only be used for the purposes specifically  
15 described under that heading.

#### 16 TITLE IV

#### 17 GENERAL PROVISIONS—THIS ACT

18 SEC. 401. (a) FISCAL YEAR 2017.—Funds made  
19 available by the Department of State, Foreign Operations,  
20 and Related Programs Appropriations Act, 2017 (division  
21 J of Public Law 115–31) that were initially obligated for  
22 assistance for El Salvador, Guatemala, and Honduras may  
23 not be reprogrammed after the date of enactment of this  
24 Act for assistance for a country other than for which such  
25 funds were initially obligated: *Provided*, That if the Sec-

1   retary of State suspends assistance for the central govern-  
2   ment of El Salvador, Guatemala, or Honduras pursuant  
3   to section 7045(a)(5) of such Act, not less than 75 percent  
4   of the funds for such central government shall be repro-  
5   grammed for assistance through nongovernmental organi-  
6   zations or local government entities in such country: *Pro-*  
7   *vided further*, That the balance of such funds shall only  
8   be reprogrammed for assistance for countries in the West-  
9   ern Hemisphere.

10       (b) FISCAL YEAR 2018.—Section 7045(a) of the De-  
11   partment of State, Foreign Operations, and Related Pro-  
12   grams Appropriations Act, 2018 (division K of Public Law  
13   115–141) is amended by striking paragraph (4)(D) and  
14   inserting in lieu of paragraph (1) the following paragraph:

15           “(1) FUNDING.—Subject to the requirements of  
16   this subsection, of the funds appropriated under ti-  
17   tles III and IV of this Act, not less than  
18   \$615,000,000 shall be made available for assistance  
19   for countries in Central America, of which not less  
20   than \$452,000,000 shall be for assistance for El  
21   Salvador, Guatemala, and Honduras to implement  
22   the United States Strategy for Engagement in Cen-  
23   tral America (the Strategy): *Provided*, That such  
24   amounts shall be made available notwithstanding  
25   any provision of law permitting deviations below



1 such amounts: *Provided further*, That if the Sec-  
2 retary of State cannot make the certifications under  
3 paragraph (3), or makes a determination under  
4 paragraph (4)(A) or (4)(C) that the central govern-  
5 ment of El Salvador, Guatemala, or Honduras is not  
6 meeting the requirements of this subsection, not less  
7 than 75 percent of the funds for such central gov-  
8 ernment shall be reprogrammed for assistance  
9 through nongovernmental organizations or local gov-  
10 ernment entities in such country: *Provided further*,  
11 That the balance of such funds shall only be repro-  
12 grammed for assistance for countries in the Western  
13 Hemisphere.”.

14 (c) FISCAL YEAR 2019.—Section 7045(a) of the De-  
15 partment of State, Foreign Operations, and Related Pro-  
16 grams Appropriations Act, 2019 (division F of Public Law  
17 116–6) is amended by striking paragraph (2)(C) and in-  
18 serting at the end, between paragraph (4)(B) and sub-  
19 section (b), the following new paragraph:

20 “(5) FUNDING.—Subject to the requirements of  
21 this subsection, of the funds appropriated under ti-  
22 tles III and IV of this Act, not less than  
23 \$540,850,000 shall be made available for assistance  
24 for countries in Central America, of which not less  
25 than \$452,000,000 shall be made available for as-

1       sistance for El Salvador, Guatemala, and Honduras  
2       to implement the United States Strategy for En-  
3       gagement in Central America: *Provided*, That such  
4       amounts shall be made available notwithstanding  
5       any provision of law permitting deviations below  
6       such amounts: *Provided further*, That if the Sec-  
7       retary of State cannot make the certification under  
8       paragraph (1), or makes a determination under  
9       paragraph (2) that the central government of El  
10      Salvador, Guatemala, or Honduras is not meeting  
11      the requirements of this subsection, not less than 75  
12      percent of the funds for such central government  
13      shall be reprogrammed for assistance through non-  
14      governmental organizations or local government enti-  
15      ties in such country: *Provided further*, That the bal-  
16      ance of such funds shall only be reprogrammed for  
17      assistance for countries in the Western Hemi-  
18      sphere.”.

19      SEC. 402. Each amount appropriated or made avail-  
20      able by this Act is in addition to amounts otherwise appro-  
21      priated for the fiscal year involved.

22      SEC. 403. No part of any appropriation contained in  
23      this Act shall remain available for obligation beyond the  
24      current fiscal year unless expressly so provided herein.

1       SEC. 404. Unless otherwise provided for by this Act,  
2 the additional amounts appropriated by this Act to appro-  
3 priations accounts shall be available under the authorities  
4 and conditions applicable to such appropriations accounts  
5 for fiscal year 2019.

6       SEC. 405. Each amount designated in this Act by the  
7 Congress as being for an emergency requirement pursuant  
8 to section 251(b)(2)(A)(i) of the Balanced Budget and  
9 Emergency Deficit Control Act of 1985 shall be available  
10 (or rescinded or transferred, if applicable) only if the  
11 President subsequently so designates all such amounts  
12 and transmits such designations to the Congress.

13       SEC. 406. Any amount appropriated by this Act, des-  
14 igned by the Congress as being for an emergency re-  
15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-  
16 anced Budget and Emergency Deficit Control Act of 1985  
17 and subsequently so designated by the President, and  
18 transferred pursuant to transfer authorities provided by  
19 this Act shall retain such designation.

20       This Act may be cited as the “Emergency Supple-  
21 mental Appropriations for Humanitarian Assistance and  
22 Security at the Southern Border Act, 2019”.

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