

116TH CONGRESS
1ST SESSION

H. R. 3401

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

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

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 ignated 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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