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**AMENDMENT TO H.R. 1153**  
**OFFERED BY M<sup>S</sup>. Jackson Lee**

Strike section 10(2) and insert the following:

1           (2) by amending paragraph (3) to read as fol-  
2           lows:

3           “(3) TRANSFERS OF UNACCOMPANIED ALIEN  
4           CHILDREN.—

5           “(A) IN GENERAL.—Except in the case of  
6           exceptional circumstances, any department or  
7           agency of the Federal Government that has an  
8           unaccompanied alien child in custody shall  
9           transfer the custody of such child to the Sec-  
10          retary of Health and Human Services not later  
11          than 72 hours after determining that such child  
12          is an unaccompanied alien child.

13          “(B) MANDATORY TRAINING.—The Sec-  
14          retary of Homeland Security, in consultation  
15          with the Secretary of Health and Human Serv-  
16          ices and independent child welfare experts, shall  
17          mandate appropriate training of all personnel  
18          who come into contact with unaccompanied  
19          alien children in the relevant legal authorities,

1 policies, practices, and procedures pertaining to  
2 this vulnerable population.

3 “(C) CARE AND TRANSPORTATION.—Not-  
4 withstanding any other provision of law, the  
5 Secretary of Homeland Security shall ensure  
6 that all unaccompanied alien children who will  
7 undergo any immigration proceedings before  
8 the Secretary or the Executive Office for Immi-  
9 gration Review are duly transported and placed  
10 in the care and legal and physical custody of  
11 the Director of the Office of Refugee Resettle-  
12 ment not later than 72 hours after their appre-  
13 hension absent exceptional circumstances. In  
14 exceptional circumstances, such as an influx of  
15 children or a natural disaster, the Secretary  
16 shall make emergency funds available to the Di-  
17 rector of the Office of Refugee Resettlement for  
18 the operation of emergency shelters. The Sec-  
19 retary of Homeland Security, to the extent  
20 practicable, shall ensure that female officers are  
21 continuously present during the transfer and  
22 transport of female detainees who are in the  
23 custody of the Secretary.

24 “(D) QUALIFIED RESOURCES.—The Sec-  
25 retary of Homeland Security shall provide ade-

1 quately trained and qualified staff and re-  
2 sources, including the accommodation of child  
3 welfare officials, at U.S. Customs and Border  
4 Protection ports of entry and stations.

5 “(E) CHILD WELFARE PROFESSIONALS.—

6 “(i) IN GENERAL.—The Secretary of  
7 Homeland Security, in consultation with  
8 the Secretary of Health and Human Serv-  
9 ices, shall hire or contract with inde-  
10 pendent contractors for, on a full- or part-  
11 time basis, child welfare professionals who  
12 will provide assistance in the U.S. Customs  
13 and Border Protection offices or stations  
14 having in its custody an average of 25 or  
15 more children per day in the past fiscal  
16 year, and subject to review based upon the  
17 current fiscal year’s monthly statistical re-  
18 ports.

19 “(ii) QUALIFICATIONS.—The Sec-  
20 retary of Homeland Security, in consulta-  
21 tion with the Secretary of Health and  
22 Human Services, shall ensure that quali-  
23 fied child welfare professionals, licensed in  
24 social work, and with expertise in cul-  
25 turally-competent, trauma-centered, and

1           developmentally appropriate interviewing  
2           skills are available at ports of entry. Child  
3           welfare professionals shall be proficient in  
4           the most common language(s) spoken by  
5           children apprehended at such ports of  
6           entry.

7           “(iii) DUTIES.—Child welfare profes-  
8           sionals described in clause (i) shall—

9                   “(I) develop guidelines for treat-  
10                   ment of unaccompanied alien children  
11                   in the custody of the Commissioner of  
12                   U.S. Customs and Border Protection;

13                   “(II) ensure allegations of abuse  
14                   or mistreatment are referred to the  
15                   appropriate State and Federal child  
16                   protection authorities and that the Di-  
17                   rector of U.S. Customs and Border  
18                   Protection and the Director of the Of-  
19                   fice of Refugee Resettlement satisfy  
20                   their obligations under applicable  
21                   child abuse reporting laws by—

22                           “(aa) ensuring that children  
23                           can avail themselves of relevant  
24                           complaint mechanisms to report  
25                           abuse or misconduct;

1           “(bb) reporting abuse or  
2           mistreatment to State or Federal  
3           child protection authorities as re-  
4           quired, as well as Department of  
5           Homeland Security Office of the  
6           Inspector General, Office of Civil  
7           Rights and Civil Liberties, Cus-  
8           toms and Border Protection In-  
9           ternal Affairs Office, and the Di-  
10          rector of the Office of Refugee  
11          Resettlement; and

12           “(cc) providing notice to  
13          area government subcontracted  
14          legal service providers regarding  
15          a child who has made an allega-  
16          tion of abuse and directing pro-  
17          vider to relevant authorities re-  
18          garding availability of immigra-  
19          tion and/or administrative relief  
20          for individuals with pending civil  
21          rights complaints;

22           “(III) conduct screening of all  
23          unaccompanied alien children in ac-  
24          cordance with subsection (a)(4) and  
25          refrain from screening children from

1 non-contiguous countries who will un-  
2 dergo screening at the Office of Ref-  
3 ugee Resettlement;

4 “(IV) notify the Secretary of  
5 Homeland Security and the Director  
6 of the Office of Refugee Resettlement  
7 of children that potentially meet the  
8 notification and transfer require-  
9 ments; including children for whom a  
10 determination cannot be made, as set  
11 forth in subsection (a) and this sub-  
12 section;

13 “(V) provide a best interest  
14 placement recommendation for accom-  
15 panied children and families to the  
16 Director of U.S. Immigration and  
17 Customs Enforcement that takes into  
18 consideration the best interests of the  
19 child and applicable law, favoring a  
20 policy of release;

21 “(VI) interview adult relatives ac-  
22 companying unaccompanied alien chil-  
23 dren;

24 “(VII) provide an initial family  
25 relationship and trafficking assess-

1 ment and recommendations regarding  
2 unaccompanied alien children's initial  
3 placements to the Director of the Of-  
4 fice of Refugee Resettlement, which  
5 shall be conducted in accordance with  
6 the time frame set forth in subsection  
7 (a)(4) and this paragraph;

8 “(VIII) ensure that each unac-  
9 companied alien child in the custody  
10 of the Commissioner of U.S. Customs  
11 and Border Protection—

12 “(aa) receives emergency  
13 medical care when necessary;

14 “(bb) receives emergency  
15 medical and mental health care  
16 that complies with the standards  
17 adopted pursuant to section 8(c)  
18 of the Prison Rape Elimination  
19 Act of 2003 (42 U.S.C.  
20 15607(c)) whenever necessary,  
21 including in cases in which a  
22 child is at risk to harm himself,  
23 herself, or others;

24 “(cc) is provided with cli-  
25 mate appropriate clothing, shoes,

1 basic personal hygiene and sani-  
2 tary products, a pillow, linens,  
3 and sufficient blankets to rest at  
4 a comfortable temperature;  
5 “(dd) receives adequate nu-  
6 trition;  
7 “(ee) enjoys a safe and sani-  
8 tary living environment;  
9 “(ff) has access to daily rec-  
10 reational programs and activities  
11 if held for a period longer than  
12 24 hours;  
13 “(gg) has access to legal  
14 services and consular officials;  
15 and  
16 “(hh) is permitted to make  
17 supervised phone calls to family  
18 members.  
19 “(IX) develop procedures to  
20 maintain the best interests of the  
21 child in any migration deterrence pro-  
22 grams for family units carried out at  
23 a border, including—

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“(aa) inquiring whether a child is traveling with a parent or legal guardian;

“(bb) ascertaining whether the removal location of an apprehended parent or legal guardian of the child presents any humanitarian concern or concern related to such apprehended individual’s physical safety; and

“(cc) ensuring that, with respect to a decision related to the removal or referral for prosecution of such apprehended individual, due consideration is given to—

“(AA) the best interests of such apprehended individual’s child, if any;

“(BB) family unity whenever possible; and

“(CC) other public interest factors, including humanitarian concerns and concerns related to such ap-



1           “(iii) includes data on all unaccom-  
2           panied alien children who were screened by  
3           child welfare professionals;

4           “(H) OTHER POLICIES AND PROCE-  
5           DURES.—The Secretary shall adopt funda-  
6           mental child protection policies and proce-  
7           dures—

8                   “(i) for reliable age determinations of  
9                   children, developed in consultation with  
10                  medical and child welfare experts, which  
11                  exclude the use of fallible forensic testing  
12                  of children’s bone and teeth;

13                  “(ii) to utilize all legal authorities to  
14                  defer the child’s removal if the child faces  
15                  a risk of life-threatening harm upon return  
16                  including due to the child’s mental health  
17                  or medical condition; and

18                  “(iii) to ensure, in accordance with  
19                  the Juvenile Justice and Delinquency Pre-  
20                  vention Act of 1974 (42 U.S.C. 5601 et  
21                  seq.), that unaccompanied alien children,  
22                  while in detention, are—

23                   “(I) physically separated from  
24                   any adult who is not an immediate  
25                   family member; and

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“(II) separated from—

“(aa) immigration detainees  
and inmates with criminal convictions;

“(bb) pretrial inmates facing  
criminal prosecution; and

“(cc) inmates exhibiting violent behavior.”.

