

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000116TH CONGRESS
1ST SESSION**S. 0000****[Report No. 116-000]**

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

IN THE SENATE OF THE UNITED STATES

JUNE _____, 2019

Mr. SHELBY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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

1 fiscal year ending September 30, 2019, and for other pur-
2 poses, namely:

3 TITLE I

4 DEPARTMENT OF JUSTICE

5 GENERAL ADMINISTRATION

6 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

7 For an additional amount for “Executive Office for
8 Immigration Review”, \$65,000,000, of which \$45,000,000
9 shall be for the hiring of 30 additional Immigration Judge
10 Teams, of which \$10,000,000 shall be used for the pur-
11 chase or lease of immigration judge courtroom space and
12 equipment, and of which \$10,000,000 shall be used only
13 for services and activities provided by the Legal Orienta-
14 tion Program: *Provided*, That Immigration Judge Teams
15 shall include appropriate attorneys, law clerks, paralegals,
16 court administrators, and other support staff: *Provided*
17 *further*, That such amount is designated by the Congress
18 as being for an emergency requirement pursuant to sec-
19 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985.

21 UNITED STATES MARSHALS SERVICE

22 FEDERAL PRISONER DETENTION

23 For an additional amount for “Federal Prisoner De-
24 tention”, for necessary expenses related to United States
25 prisoners in the custody of the United States Marshals

1 Service, to be used only as authorized by section 4013 of
2 title 18, United States Code, \$155,000,000, to remain
3 available until expended: *Provided*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and 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 Main-
6 tenance, Army”, \$92,800,000, for necessary expenses to
7 respond to the significant rise in unaccompanied minors
8 and family unit aliens at the southwest border and related
9 activities: *Provided*, That such amount is designated by
10 the Congress as being for an emergency requirement pur-
11 suant to section 251(b)(2)(A)(i) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

13 OPERATION AND MAINTENANCE, MARINE CORPS

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

22 OPERATION AND MAINTENANCE, AIR FORCE

23 For an additional amount for “Operation and Main-
24 tenance, Air Force”, \$18,000,000, for necessary expenses
25 to 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
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 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

7 For an additional amount for “Operation and Main-
8 tenance, Army National Guard”, \$21,024,000, for nec-
9 essary expenses to respond to the significant rise in unac-
10 companied minors and family unit aliens at the southwest
11 border and related activities: *Provided*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

1 TITLE III
2 DEPARTMENT OF HOMELAND SECURITY
3 U.S. CUSTOMS AND BORDER PROTECTION
4 OPERATIONS AND SUPPORT

5 For an additional amount for “Operations and Sup-
6 port” for necessary expenses to respond to the significant
7 rise in aliens at the southwest border and related activi-
8 ties, \$1,015,431,000; of which \$819,950,000 shall be
9 available until September 30, 2020: *Provided*, That of the
10 amounts provided under this heading, \$708,000,000 is for
11 establishing and operating migrant care and processing fa-
12 cilities, \$111,950,000 is for consumables and medical
13 care, \$35,000,000 is for transportation, \$110,481,000 is
14 for temporary duty and overtime costs including reim-
15 bursements, and \$50,000,000 is for mission support data
16 systems and analysis: *Provided further*, That such amount
17 is designated by the Congress as being for an emergency
18 requirement pursuant to section 251(b)(2)(A)(i) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985.

21 PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

22 For an additional amount for “Procurement, Con-
23 struction, and Improvements” for migrant care and proc-
24 essing facilities, \$85,000,000, to remain available until
25 September 30, 2023: *Provided*, That such amount is des-

1 ignated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
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, \$208,945,000: *Provided*, That of the amounts pro-
10 vided under this heading, \$35,943,000 is for transpor-
11 tation of unaccompanied alien children, \$11,981,000 is for
12 detainee transportation for medical needs, court pro-
13 ceedings, or relocation from U.S. Customs and Border
14 Protection custody, \$20,000,000 is for alternatives to de-
15 tention, \$45,000,000 is for detainee medical care,
16 \$69,735,000 is for temporary duty, overtime, and other
17 on-board personnel costs including reimbursements,
18 \$5,000,000 is for the Office of Professional Responsibility
19 for background investigations and facility inspections, and
20 \$21,286,000 is for Homeland Security Investigations
21 human trafficking investigations: *Provided further*, That
22 such amount is designated by the Congress as being for
23 an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 FEDERAL EMERGENCY MANAGEMENT AGENCY

2 FEDERAL ASSISTANCE

3 For an additional amount for “Federal Assistance”,
4 \$30,000,000, 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 become 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. 301. 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. 302. 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. 303. None of the funds provided in this Act
2 under “U.S. Customs and Border Protection—Operations
3 and Support” for facilities shall be available until U.S.
4 Customs and Border Protection establishes policies (via
5 directive, procedures, guidance, and/or memorandum) and
6 training programs to ensure that such facilities adhere to
7 the National Standards on Transport, Escort, Detention,
8 and Search, published in October of 2015: *Provided*, That
9 not later than 90 days after the date of enactment of this
10 Act, U.S. Customs and Border Protection shall provide
11 a detailed report to the Committees on Appropriations of
12 the Senate and the House of Representatives, the Com-
13 mittee on the Judiciary of the Senate, and the House Ju-
14 diciary Committee regarding the establishment and imple-
15 mentation of such policies and training programs.

16 SEC. 304. No later than 30 days after the date of
17 enactment of this Act, the Secretary of Homeland Security
18 shall provide a report on the number of U.S. Customs and
19 Border Protection Officers assigned to northern border
20 land ports of entry and temporarily assigned to the ongo-
21 ing humanitarian crisis: *Provided*, That the report shall
22 outline what resources and conditions would allow a return
23 to northern border staffing levels that are no less than
24 the number committed in the June 12, 2018 Department
25 of Homeland Security Northern Border Strategy: *Pro-*

1 *vided further*, That the report shall include the number
2 of officers temporarily assigned to the southwest border
3 in response to the ongoing humanitarian crisis, the num-
4 ber of days the officers will be away from their northern
5 border assignment, the northern border ports from which
6 officers are being assigned to the southwest border, and
7 efforts being made to limit the impact on operations at
8 each northern border land port of entry where officers
9 have been temporarily assigned to the southwest border.

10 SEC. 305. None of the funds appropriated or other-
11 wise made available by this Act or division A of the Con-
12 solidated Appropriations Act, 2019 (Public Law 116–6)
13 for the Department of Homeland Security may be used
14 to relocate to the National Targeting Center the vetting
15 of Trusted Traveler Program applications and operations
16 currently carried out at existing locations unless specifi-
17 cally authorized by a statute enacted after the date of en-
18 actment of this Act.

19 SEC. 306. The personnel, supplies, or equipment of
20 any component of the Department of Homeland Security
21 may be deployed to support activities of the Department
22 of Homeland Security related to the significant rise in
23 aliens at the southwest border and related activities, and
24 for the enforcement of immigration and customs laws, de-
25 tention and removals of aliens crossing the border unlaw-

- 1 fully, and investigations without reimbursement as jointly
- 2 agreed by the detailing components.

1 TITLE IV
2 DEPARTMENT OF HEALTH AND HUMAN
3 SERVICES
4 ADMINISTRATION FOR CHILDREN AND FAMILIES
5 REFUGEE AND ENTRANT ASSISTANCE

6 For an additional amount for “Refugee and Entrant
7 Assistance”, \$2,881,552,000, to be merged with and avail-
8 able for the same period as funds appropriated in Public
9 Law 115–245 “for carrying out such sections 414, 501,
10 462, and 235”, which shall be available for any purpose
11 funded under such heading in such law: *Provided*, That
12 if any part of the reprogramming described in the notifica-
13 tion submitted by the Secretary of Health and Human
14 Services (the “Secretary”) to the Committees on Appro-
15 priations of the House of Representatives and the Senate
16 on May 16, 2019 has been executed, such amounts pro-
17 vided by this Act as are necessary shall be used to reverse
18 such reprogramming: *Provided further*, That amounts allo-
19 cated by the Secretary for costs of leases of property that
20 include facilities to be used as hard-sided dormitories for
21 which the Secretary intends to seek State licensure for the
22 care of unaccompanied alien children, and that are exe-
23 cuted under authorities transferred to the Director of the
24 Office of Refugee Resettlement (ORR) under section 462
25 of the Homeland Security Act of 2002, shall remain avail-

1 able until expended: *Provided further*, That ORR shall no-
2 tify the Committees on Appropriations of the House of
3 Representatives and the Senate within 72 hours of con-
4 ducting a formal assessment of a facility for possible lease
5 or acquisition and within 7 days of any acquisition or lease
6 of real property: *Provided further*, That not less than
7 \$866,000,000 of amounts provided under this heading
8 shall be used for the provision of care in licensed shelters
9 and for expanding the supply of shelters for which State
10 licensure will be sought, of which not less than
11 \$27,000,000 shall be available for the purposes of adding
12 shelter beds in State-licensed facilities in response to fund-
13 ing opportunity HHS-2017-ACF-ORR-ZU-1132, and of
14 which not less than \$185,000,000 shall be available for
15 expansion grants to add beds in State-licensed facilities
16 and open new State-licensed facilities, and for contract
17 costs to acquire, activate, and operate facilities that will
18 include small- and medium-scale hard-sided facilities for
19 which the Secretary intends to seek State licensure in an
20 effort to phase out the need for shelter beds in unlicensed
21 facilities: *Provided further*, That not less than
22 \$100,000,000 of amounts provided under this heading
23 shall be used for post-release services, child advocates, and
24 legal services: *Provided further*, That not less than
25 \$8,000,000 of amounts provided under this heading shall

1 be used for the purposes of hiring additional Federal Field
2 Specialists and for increasing case management and case
3 coordination services, with the goal of more expeditiously
4 placing unaccompanied alien children with sponsors and
5 reducing the length of stay in ORR custody: *Provided fur-*
6 *ther*, That not less than \$1,000,000 of amounts provided
7 under this heading shall be used for the purposes of hiring
8 project officers and program monitor staff dedicated to
9 pursuing strategic improvements to the Unaccompanied
10 Alien Children program and for the development of a dis-
11 charge rate improvement plan which shall be submitted
12 to the Committees on Appropriations of the House of Rep-
13 resentatives and the Senate within 120 days of enactment
14 of this Act: *Provided further*, That of the amounts pro-
15 vided under this heading, \$5,000,000 shall be transferred
16 to “Office of the Secretary—Office of Inspector General”
17 and shall remain available until expended for oversight of
18 activities supported with funds appropriated under this
19 heading: *Provided further*, That such amount is designated
20 by the Congress as being for an emergency requirement
21 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
22 et and Emergency Deficit Control Act of 1985.

23 GENERAL PROVISIONS—THIS TITLE

24 SEC. 401. The Secretary of Health and Human Serv-
25 ices (the “Secretary”) shall prioritize use of community-

1 based residential care (including long-term and transi-
2 tional foster care and small group homes) and shelter care
3 other than large-scale institutional shelter facilities to
4 house unaccompanied alien children in its custody. The
5 Secretary shall prioritize State-licensed and hard-sided
6 dormitories.

7 SEC. 402. The Office of Refugee Resettlement shall
8 ensure that its grantees and, to the greatest extent prac-
9 ticable, potential sponsors of unaccompanied alien children
10 are aware of current law regarding the use of information
11 collected as part of the sponsor suitability determination
12 process.

13 SEC. 403. (a) None of the funds provided by this or
14 any prior appropriations Act may be used to reverse
15 changes in procedures made by operational directives
16 issued to providers by the Office of Refugee Resettlement
17 on December 18, 2018, March 23, 2019, and June 10,
18 2019 regarding the Memorandum of Agreement on Infor-
19 mation Sharing executed April 13, 2018.

20 (b) Notwithstanding subsection (a), the Secretary
21 may make changes to such operational directives upon
22 making a determination that such changes are necessary
23 to prevent unaccompanied alien children from being placed
24 in danger, and the Secretary shall provide a written jus-
25 tification to Congress and the Inspector General of the

1 Department of Health and Human Services in advance of
2 implementing such changes.

3 (c) Within 15 days of the Secretary's communication
4 of the justification, the Inspector General of the Depart-
5 ment of Health and Human Services shall provide an as-
6 sessment, in writing, to the Secretary and to Committees
7 on Appropriations of the House of Representatives and the
8 Senate of whether such changes to operational directives
9 are necessary to prevent unaccompanied children from
10 being placed in danger.

11 SEC. 404. None of the funds made available in this
12 Act under the heading "Department of Health and
13 Human Services—Administration for Children and Fami-
14 lies—Refugee and Entrant Assistance" may be obligated
15 to a grantee or contractor to house unaccompanied alien
16 children (as such term is defined in section 462(g)(2) of
17 the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))
18 in any facility that is not State-licensed for the care of
19 unaccompanied alien children, except in the case that the
20 Secretary determines that housing unaccompanied alien
21 children in such a facility is necessary on a temporary
22 basis due to an influx of such children or an emergency,
23 provided that—

24 (1) the terms of the grant or contract for the
25 operations of any such facility that remains in oper-

1 ation for more than six consecutive months shall re-
2 quire compliance with—

3 (A) the same requirements as licensed
4 placements, as listed in Exhibit 1 of the Flores
5 Settlement Agreement that the Secretary deter-
6 mines are applicable to non-State licensed facili-
7 ties; and

8 (B) staffing ratios of one (1) on-duty
9 Youth Care Worker for every eight (8) children
10 or youth during waking hours, one (1) on-duty
11 Youth Care Worker for every sixteen (16) chil-
12 dren or youth during sleeping hours, and clini-
13 cian ratios to children (including mental health
14 providers) as required in grantee cooperative
15 agreements;

16 (2) the Secretary may grant a 60-day waiver
17 for a contractor's or grantee's non-compliance with
18 paragraph (1) if the Secretary certifies and provides
19 a report to Congress on the contractor's or grantee's
20 good-faith efforts and progress towards compliance;

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

24 (4) ORR shall ensure full adherence to the
25 monitoring requirements set forth in section 5.5 of

1 its Policies and Procedures Guide as of May 15,
2 2019;

3 (5) for any such unlicensed facility in operation
4 for more than three consecutive months, ORR shall
5 conduct a minimum of one comprehensive moni-
6 toring visit during the first three months of oper-
7 ation, with quarterly monitoring visits thereafter;
8 and

9 (6) not later than 60 days after the date of en-
10 actment of this Act, ORR shall brief the Committees
11 on Appropriations of the House of Representatives
12 and the Senate outlining the requirements of ORR
13 for influx facilities including any requirement listed
14 in paragraph (1)(A) that the Secretary has deter-
15 mined are not applicable to non-State licensed facili-
16 ties.

17 SEC. 405. In addition to the existing Congressional
18 notification for formal site assessments of potential influx
19 facilities, the Secretary shall notify the Committees on Ap-
20 propriations of the House of Representatives and the Sen-
21 ate at least 15 days before operationalizing an unlicensed
22 facility, and shall (1) specify whether the facility is hard-
23 sided or soft-sided, and (2) provide analysis that indicates
24 that, in the absence of the influx facility, the likely out-
25 come is that unaccompanied alien children will remain in

1 the custody of the Department of Homeland Security for
2 longer than 72 hours or that unaccompanied alien children
3 will be otherwise placed in danger. Within 60 days of
4 bringing such a facility online, and monthly thereafter, the
5 Secretary shall provide to the Committees on Appropria-
6 tions of the House of Representatives and the Senate a
7 report detailing the total number of children in care at
8 the facility, the average length of stay and average length
9 of care of children at the facility, and, for any child that
10 has been at the facility for more than 60 days, their length
11 of stay and reason for delay in release.

12 SEC. 406. (a) The Secretary shall ensure that, when
13 feasible, no unaccompanied alien child is at an unlicensed
14 facility if the child—

15 (1) is not expected to be placed with a sponsor
16 within 30 days;

17 (2) is under the age of 13;

18 (3) does not speak English or Spanish as his or
19 her preferred language;

20 (4) has known special needs, behavioral health
21 issues, or medical issues that would be better served
22 at an alternative facility;

23 (5) is a pregnant or parenting teen; or

1 (6) would have a diminution of legal services as
2 a result of the transfer to such an unlicensed facil-
3 ity.

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

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

19 SEC. 408. Not later than 14 days after the date of
20 enactment of this Act, and monthly thereafter, the Sec-
21 retary shall submit to the Committees on Appropriations
22 of the House of Representatives and the Senate, and make
23 publicly available online, a report with respect to children
24 who were separated from their parents or legal guardians
25 by the Department of Homeland Security (DHS) (regard-

1 less of whether or not such separation was pursuant to
2 an option selected by the children, parents, or guardians),
3 subsequently classified as unaccompanied alien children,
4 and transferred to the care and custody of ORR during
5 the previous month. Each report shall contain the fol-
6 lowing information:

7 (1) the number and ages of children so sepa-
8 rated subsequent to apprehension at or between
9 ports of entry, to be reported by sector where sepa-
10 ration occurred; and

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

13 SEC. 409. Funds made available in this Act under
14 the heading “Department of Health and Human Serv-
15 ices—Administration for Children and Families—Refugee
16 and Entrant Assistance” shall be subject to the authorities
17 and conditions of section 224 of division A of the Consoli-
18 dated Appropriations Act, 2019 (Public Law 116–6).

19 SEC. 410. Not later than 30 days after the date of
20 enactment of this Act, the Secretary shall submit to the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate a detailed spend plan of anticipated
23 uses of funds made available in this account, including the
24 following: a list of existing grants and contracts for both
25 permanent and influx facilities, including their costs, ca-

1 capacity, and timelines; costs for expanding capacity through
2 the use of community-based residential care placements
3 (including long-term and transitional foster care and small
4 group homes) through new or modified grants and con-
5 tracts; current and planned efforts to expand small-scale
6 shelters and available foster care placements, including
7 collaboration with state child welfare providers; influx fa-
8 cilities being assessed for possible use, costs and services
9 to be provided for legal services, child advocates, and post
10 release services; program administration; and the average
11 number of weekly referrals and discharge rate assumed
12 in the spend plan: *Provided*, That such plan shall be up-
13 dated to reflect changes and expenditures and submitted
14 to the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate every 60 days until all funds
16 are expended or expired.

1 TITLE V

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 501. Each amount appropriated or made avail-
4 able by this Act is in addition to amounts otherwise appro-
5 priated for the fiscal year involved.

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

9 SEC. 503. Unless otherwise provided for by this Act,
10 the additional amounts appropriated by this Act to appro-
11 priations accounts shall be available under the authorities
12 and conditions applicable to such appropriations accounts
13 for fiscal year 2019.

14 SEC. 504. Each amount designated in this Act by the
15 Congress as being for an emergency requirement pursuant
16 to section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985 shall be available
18 (or rescinded or transferred, if applicable) only if the
19 President subsequently so designates all such amounts
20 and transmits such designations to the Congress.

21 SEC. 505. Any amount appropriated by this Act, des-
22 ignated by the Congress as an emergency requirement
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
24 et and Emergency Deficit Control Act of 1985 and subse-
25 quently so designated by the President, and transferred

1 pursuant to transfer authorities provided by this Act shall
2 retain such 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 determina-
14 tion and asylum interview is completed not later
15 than 20 days after the date on which a family unit
16 is apprehended; 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
23 needed 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”.

[COMMITTEE PRINT]

Calendar No. 000

116TH CONGRESS
1st Session

S. 0000

[Report No. 116-000]

A BILL

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

JUNE 00, 2019

Read twice and placed on the calendar