

# Union Calendar No. 121

116TH CONGRESS  
1ST SESSION

# H. R. 3239

**[Report No. 116–162, Part I]**

To require U.S. Customs and Border Protection to perform an initial health screening on detainees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2019

Mr. RUIZ (for himself, Mr. CASTRO of Texas, Ms. ROYBAL-ALLARD, Mr. LUJÁN, Mr. NADLER, Ms. LOFGREN, Ms. ESCOBAR, Mr. CISNEROS, Mr. ESPAILLAT, Mrs. NAPOLITANO, Ms. MUCARSEL-POWELL, Mr. SOTO, Mr. GOMEZ, Ms. NORTON, Ms. OMAR, Mr. TED LIEU of California, Ms. OCASIO-CORTEZ, Mr. SIRES, Mr. LEVIN of California, Mr. BROWN of Maryland, Ms. JAYAPAL, Mr. JEFFRIES, Mr. AGUILAR, Mr. RICHMOND, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. CLEAVER, Mr. GALLEGO, Ms. VELÁZQUEZ, Mr. CARBAJAL, Mr. CÁRDENAS, Ms. LEE of California, Ms. TORRES SMALL of New Mexico, Mr. COSTA, Mr. VARGAS, Mr. VEASEY, Ms. CLARKE of New York, Ms. KELLY of Illinois, Mr. PAYNE, Mr. TAKANO, Mr. KILDEE, Mr. SUOZZI, Mr. MOULTON, Mr. GREEN of Texas, Mr. PETERS, Mr. SEAN PATRICK MALONEY of New York, Ms. HAALAND, Ms. SPEIER, Mrs. DINGELL, Ms. PINGREE, Ms. TITUS, Mr. CONNOLLY, Ms. BASS, Ms. MOORE, Mr. LAWSON of Florida, Ms. JACKSON LEE, Mr. NEAL, Ms. KAPTUR, Mr. PERLMUTTER, Mrs. KIRKPATRICK, Mr. SWALWELL of California, Mr. SCHRADER, Mr. CASTEN of Illinois, Mr. GONZALEZ of Texas, Ms. BROWNLEY of California, Mr. PAPPAS, Mr. ENGEL, Mr. KENNEDY, Mr. RUSH, Mr. BLUMENAUER, Ms. MATSUI, Mr. THOMPSON of California, Ms. HILL of California, Mr. ROUDA, Mr. PETERSON, Mr. VELA, Mr. MEEKS, Mr. GARAMENDI, Mr. POCAN, Mr. CASE, Mr. COX of California, Ms. BARRAGÁN, Mr. KEATING, Mr. GARCÍA of Illinois, Mr. LOWENTHAL, Mr. MCGOVERN, Ms. JUDY CHU of California, Mr. KRISHNAMOORTHY, Mr. HECK, Mrs. BEATTY, Mr. LEVIN of Michigan, Mr. RASKIN, Mrs. TRAHAN, Ms. CASTOR of Florida, Ms. SCHAKOWSKY, Mr. SARBANES, Mr. TONKO, Mr. O'HALLERAN, Ms. DEGETTE, Ms. STEVENS, Mr. MCNERNEY, Ms. CLARK of Massachusetts, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. DEAN, Mr. LARSON of Connecticut, Mr. DEUTCH, Mr. HARD-

ER of California, Mr. GRIJALVA, Mr. CICILLINE, Mr. STANTON, Mr. PANNETTA, Mr. KILMER, and Ms. DELBENE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

JULY 19, 2019

Additional sponsors: Ms. SÁNCHEZ, Mr. WELCH, Mrs. TORRES of California, Mr. HIMES, Ms. DAVIDS of Kansas, Mrs. LOWEY, Mr. COHEN, Mr. DEFAZIO, Ms. TLAIB, Mr. NEGUSE, Ms. SCHRIER, Mr. KHANNA, Ms. MENG, Mr. BERA, Mrs. BUSTOS, Ms. MCCOLLUM, Mr. HIGGINS of New York, Mrs. WATSON COLEMAN, Ms. WASSERMAN SCHULTZ, Mr. MALINOWSKI, Ms. WILSON of Florida, Miss RICE of New York, Mr. COURTNEY, Ms. WEXTON, Mrs. FLETCHER, Mr. QUIGLEY, Ms. SHALALA, Mr. NORCROSS, Ms. KUSTER of New Hampshire, Ms. BLUNT ROCHESTER, Ms. DELAURO, Mr. LARSEN of Washington, Mr. COOPER, Mr. CUMMINGS, Mr. SMITH of Washington, Mr. TRONE, Ms. HOULAHAN, Mr. CORREA, Ms. ESHOO, Mr. KIND, Mr. CRIST, Mr. EVANS, Ms. SCANLON, Ms. SEWELL of Alabama, Ms. GARCIA of Texas, Mr. BEYER, Mrs. MCBATH, and Mrs. DAVIS of California

JULY 19, 2019

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

JULY 19, 2019

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on June 12, 2019]

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## A BILL

To require U.S. Customs and Border Protection to perform an initial health screening on detainees, 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 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the “Hu-*  
 5 *manitarian Standards for Individuals in Customs and*  
 6 *Border Protection Custody Act”.*

7        (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 8 *Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Initial health screening protocol.*
- Sec. 3. Water, sanitation and hygiene.*
- Sec. 4. Food and nutrition.*
- Sec. 5. Shelter.*
- Sec. 6. Coordination and Surge capacity.*
- Sec. 7. Training.*
- Sec. 8. Interfacility transfer of care.*
- Sec. 9. Planning and initial implementation.*
- Sec. 10. Contractor compliance.*
- Sec. 11. Inspections.*
- Sec. 12. GAO report.*
- Sec. 13. Rule of construction.*
- Sec. 14. Definitions.*

9 **SEC. 2. INITIAL HEALTH SCREENING PROTOCOL.**

10        (a) *IN GENERAL.*—*The Commissioner of U.S. Customs*  
 11 *and Border Protection (referred to in this Act as the “Com-*  
 12 *missioner”), in consultation with the Secretary of Health*  
 13 *and Human Services, the Administrator of the Health Re-*  
 14 *sources and Services Administration, and nongovernmental*  
 15 *experts in the delivery of health care in humanitarian crises*  
 16 *and in the delivery of health care to children, shall develop*  
 17 *guidelines and protocols for the provision of health*  
 18 *screenings and appropriate medical care for individuals in*

1 *the custody of U.S. Customs and Border Protection (referred*  
2 *to in this Act as “CBP”), as required under this section.*

3 (b) *INITIAL SCREENING AND MEDICAL ASSESS-*  
4 *MENT.—The Commissioner shall ensure that any individual*  
5 *who is detained in the custody of CBP (referred to in this*  
6 *Act as a “detainee”) receives an initial in-person screening*  
7 *by a licensed medical professional in accordance with the*  
8 *standards described in subsection (c)—*

9 (1) *to assess and identify any illness, condition,*  
10 *or age-appropriate mental or physical symptoms that*  
11 *may have resulted from distressing or traumatic expe-*  
12 *riences;*

13 (2) *to identify acute conditions and high-risk*  
14 *vulnerabilities; and*

15 (3) *to ensure that appropriate healthcare is pro-*  
16 *vided to individuals as needed, including pediatric,*  
17 *obstetric, and geriatric care.*

18 (c) *STANDARDIZATION OF INITIAL SCREENING AND*  
19 *MEDICAL ASSESSMENT.—*

20 (1) *IN GENERAL.—The initial screening and*  
21 *medical assessment shall include—*

22 (A) *an interview and the use of a standard-*  
23 *ized medical intake questionnaire or the equiva-*  
24 *lent;*

1           (B) screening of vital signs, including pulse  
2           rate, body temperature, blood pressure, oxygen  
3           saturation, and respiration rate;

4           (C) screening for blood glucose for known or  
5           suspected diabetics;

6           (D) weight assessment of detainees under 12  
7           years of age;

8           (E) a physical examination; and

9           (F) a risk-assessment and the development  
10          of a plan for monitoring and care, when appro-  
11          priate.

12          (2) *PRESCRIPTION MEDICATION.*—*The medical*  
13          *professional shall review any prescribed medication*  
14          *that is in the detainee’s possession or that was con-*  
15          *fiscated by CBP upon arrival and determine if the*  
16          *medication may be kept by the detainee for use dur-*  
17          *ing detention, properly stored by CBP with appro-*  
18          *priate access for use during detention, or maintained*  
19          *with the detained individual’s personal property. A*  
20          *detainee may not be denied the use of necessary and*  
21          *appropriate medication for the management of the de-*  
22          *tainee’s illness.*

23          (3) *RULE OF CONSTRUCTION.*—*Nothing in this*  
24          *subsection shall be construed as requiring detainees to*  
25          *disclose their medical status or history.*

1       (d) *TIMING.*—

2           (1) *IN GENERAL.*—*Except as provided in para-*  
3 *graph (2), the initial screening and medical assess-*  
4 *ment described in subsections (b) and (c) shall take*  
5 *place as soon as practicable, but not later than 12*  
6 *hours after a detainee’s arrival at a CBP facility.*

7           (2) *HIGH PRIORITY INDIVIDUALS.*—*The initial*  
8 *screening and medical assessment described in sub-*  
9 *sections (b) and (c) shall take place as soon as prac-*  
10 *ticable, but not later than 6 hours after a detainee’s*  
11 *arrival at a CBP facility if the individual reasonably*  
12 *self-identifies as having a medical condition that re-*  
13 *quires prompt medical attention or is—*

14           (A) *exhibiting signs of acute or potentially*  
15 *severe physical or mental illness, or otherwise*  
16 *has an acute or chronic physical or mental dis-*  
17 *ability or illness;*

18           (B) *pregnant;*

19           (C) *a child (with priority given, as appro-*  
20 *priate, to the youngest children); or*

21           (D) *elderly.*

22       (e) *FURTHER CARE.*—

23           (1) *IN GENERAL.*—*If, as a result of the initial*  
24 *health screening and medical assessment, the licensed*  
25 *medical professional conducting the screening or as-*

1        *assessment determines that one or more of the detainee's*  
2        *vital sign measurements are significantly outside nor-*  
3        *mal ranges in accordance with the National Emer-*  
4        *gency Services Education Standards, or if the de-*  
5        *tainee is identified as high-risk or in need of medical*  
6        *intervention, the detainee shall be provided, as expedi-*  
7        *tiously as possible, with an in-person or technology-*  
8        *facilitated medical consultation with a licensed emer-*  
9        *gency care professional.*

10            (2) *RE-EVALUATION.*—

11            (A) *IN GENERAL.*—*Detainees described in*  
12        *paragraph (1) shall be re-evaluated within 24*  
13        *hours and monitored thereafter as determined by*  
14        *an emergency care professional (and in the care*  
15        *of a consultation provided to a child, with a li-*  
16        *icensed emergency care professional with a back-*  
17        *ground in pediatric care).*

18            (B) *REEVALUATION PRIOR TO TRANSPOR-*  
19        *TATION.*—*In addition to the re-evaluations under*  
20        *subparagraph (A), detainees shall have all vital*  
21        *signs re-evaluated and be cleared as safe to travel*  
22        *by a medical professional prior to transpor-*  
23        *tation.*

24            (3) *PYSCHOLOGICAL AND MENTAL CARE.*—*The*  
25        *Commissioner shall ensure that detainees who have*

1        *experienced physical or sexual violence or who have*  
2        *experienced events that may cause severe trauma or*  
3        *toxic stress, are provided access to basic, humane, and*  
4        *supportive psychological assistance.*

5        *(f) INTERPRETERS.—To ensure that health screenings*  
6        *and medical care required under this section are carried*  
7        *out in the best interests of the detainee, the Commissioner*  
8        *shall ensure that language-appropriate interpretation serv-*  
9        *ices, including indigenous languages, are provided to each*  
10       *detainee and that each detainee is informed of the avail-*  
11       *ability of interpretation services.*

12       *(g) CHAPERONES.—To ensure that health screenings*  
13       *and medical care required under this section are carried*  
14       *out in the best interests of the detainee—*

15                *(1) the Commissioner shall establish guidelines*  
16        *for and ensure the presence of chaperones for all de-*  
17        *tainees during medical screenings and examinations*  
18        *consistent with relevant guidelines in the American*  
19        *Medical Association Code of Medical Ethics, and rec-*  
20        *ommendations of the American Academy of Pediat-*  
21        *rics; and*

22                *(2) to the extent practicable, the physical exam-*  
23        *ination of a child shall always be performed in the*  
24        *presence of a parent or legal guardian or in the pres-*



1       ence of the detainee's closest present adult relative if  
2       a parent or legal guardian is unavailable.

3       (h) *DOCUMENTATION.*—The Commissioner shall ensure  
4       that the health screenings and medical care required under  
5       this section, along with any other medical evaluations and  
6       interventions for detainees, are documented in accordance  
7       with commonly accepted standards in the United States for  
8       medical record documentation. Such documentation shall be  
9       provided to any individual who received a health screening  
10      and subsequent medical treatment upon release from CBP  
11      custody.

12      (i) *INFRASTRUCTURE AND EQUIPMENT.*—The Com-  
13      missioner or the Administrator of General Services shall en-  
14      sure that each location to which detainees are first trans-  
15      ported after an initial encounter with an agent or officer  
16      of CBP has the following:

17           (1) *A private space that provides a comfortable*  
18           *and considerate atmosphere for the patient and that*  
19           *ensures the patient's dignity and right to privacy*  
20           *during the health screening and medical assessment*  
21           *and any necessary follow-up care.*

22           (2) *All necessary and appropriate medical equip-*  
23           *ment and facilities to conduct the health screenings*  
24           *and follow-up care required under this section, to*  
25           *treat trauma, to provide emergency care, including*

1        *resuscitation of individuals of all ages, and to prevent*  
2        *the spread of communicable diseases.*

3            (3) *Basic over-the-counter medications appro-*  
4        *priate for all age groups.*

5            (4) *Appropriate transportation to medical facili-*  
6        *ties in the case of a medical emergency, or an on-call*  
7        *service with the ability to arrive at the CBP facility*  
8        *within 30 minutes.*

9            (j) *PERSONNEL.—The Commissioner or the Adminis-*  
10       *trator of General Services shall ensure that each location*  
11       *to which detainees are first transported after an initial en-*  
12       *counter has onsite at least one licensed medical professional*  
13       *to conduct health screenings. Other personnel that are or*  
14       *may be necessary for carrying out the functions described*  
15       *in subsection (e), such as licensed emergency care profes-*  
16       *sionals, specialty physicians (including physicians special-*  
17       *izing in pediatrics, family medicine, obstetrics and gyne-*  
18       *cology, geriatric medicine, internal medicine, and infectious*  
19       *diseases), nurse practitioners, other nurses, physician as-*  
20       *sistants, licensed social workers, mental health profes-*  
21       *sionals, public health professionals, dieticians, interpreters,*  
22       *and chaperones, shall be located on site to the extent prac-*  
23       *ticable, or if not practicable, shall be available on call.*

24            (k) *ETHICAL GUIDELINES.—The Commissioner shall*  
25       *ensure that all medical assessments and procedures con-*

1 ducted pursuant to this section are conducted in accordance  
2 with ethical guidelines in the applicable medical field, and  
3 respect human dignity.

4 **SEC. 3. WATER, SANITATION AND HYGIENE.**

5 *The Commissioner shall ensure that detainees have ac-*  
6 *cess to—*

7 (1) *not less than one gallon of drinking water*  
8 *per person per day, and age-appropriate fluids as*  
9 *needed;*

10 (2) *a private, safe, clean, and reliable permanent*  
11 *or portable toilet with proper waste disposal and a*  
12 *hand washing station, with not less than one toilet*  
13 *available for every 12 male detainees, and 1 toilet for*  
14 *every 8 female detainees;*

15 (3) *a clean diaper changing facility, which in-*  
16 *cludes proper waste disposal, a hand washing station,*  
17 *and unrestricted access to diapers;*

18 (4) *the opportunity to bathe daily in a perma-*  
19 *nent or portable shower that is private and secure;*  
20 *and*

21 (5) *products for individuals of all age groups*  
22 *and with disabilities to maintain basic personal hy-*  
23 *giene, including soap, a toothbrush, toothpaste, adult*  
24 *diapers, and feminine hygiene products, as well as re-*

1        *ceptacles for the proper storage and disposal of such*  
2        *products.*

3        **SEC. 4. FOOD AND NUTRITION.**

4        *The Commissioner shall ensure that detainees have ac-*  
5        *cess to—*

6                *(1) three meals per day including—*

7                        *(A) in the case of an individual age 12 or*  
8                        *older, a diet that contains not less than 2,000*  
9                        *calories per day; and*

10                      *(B) in the case of a child who is under the*  
11                      *age of 12, a diet that contains an appropriate*  
12                      *number of calories per day based on the child's*  
13                      *age and weight;*

14                *(2) accommodations for any dietary needs or re-*  
15        *strictions; and*

16                *(3) access to food in a manner that follows ap-*  
17        *plicable food safety standards.*

18        **SEC. 5. SHELTER.**

19        *The Commissioner shall ensure that each facility at*  
20        *which a detainee is detained meets the following require-*  
21        *ments:*

22                *(1) Except as provided in paragraph (2), males*  
23        *and females shall be detained separately.*

24                *(2) In the case of a minor child arriving in the*  
25        *United States with an adult relative or legal guard-*

1        *ian, such child shall be detained with such relative or*  
2        *legal guardian unless such an arrangement poses safe-*  
3        *ty or security concerns. In no case shall a minor who*  
4        *is detained apart from an adult relative or legal*  
5        *guardian as a result of such safety or security con-*  
6        *cerns be detained with other adults.*

7                *(3) In the case of an unaccompanied minor ar-*  
8        *riving in the United States without an adult relative*  
9        *or legal guardian, such child shall be detained in an*  
10       *age-appropriate facility and shall not be detained*  
11       *with adults.*

12               *(4) A detainee with a temporary or permanent*  
13       *disability shall be held in an accessible location and*  
14       *in a manner that provides for his or her safety, com-*  
15       *fort, and security, with accommodations provided as*  
16       *needed.*

17               *(5) No detainee shall be placed in a room for*  
18       *any period of time if the detainee's placement would*  
19       *exceed the maximum occupancy level as determined*  
20       *by the appropriate building code, fire marshal, or*  
21       *other authority.*

22               *(6) Each detainee shall be provided with tem-*  
23       *perature appropriate clothing and bedding.*

24               *(7) The facility shall be well lit and well venti-*  
25       *lated, with the humidity and temperature kept at*

1        *comfortable levels (between 68 and 74 degrees Fahr-*  
2        *enheit).*

3            (8) *Detainees who are in custody for more than*  
4        *48 hours shall have access to the outdoors for not less*  
5        *than 1 hour during the daylight hours during each*  
6        *24-hour period.*

7            (9) *Detainees shall have the ability to practice*  
8        *their religion or not to practice a religion, as applica-*  
9        *ble.*

10           (10) *Detainees shall have access to lighting and*  
11        *noise levels that are safe and conducive for sleeping*  
12        *throughout the night between the hours of 10 p.m. and*  
13        *6 a.m.*

14           (11) *Officers, employees, and contracted per-*  
15        *sonnel of CBP shall—*

16                (A) *follow medical standards for the isola-*  
17        *tion and prevention of communicable diseases;*  
18        *and*

19                (B) *ensure the physical and mental safety of*  
20        *detainees who identify as lesbian, gay, bisexual,*  
21        *transgender, and intersex.*

22            (12) *The facility shall have video-monitoring to*  
23        *provide for the safety of the detained population and*  
24        *to prevent sexual abuse and physical harm of vulner-*  
25        *able detainees.*

1           (13) *The Commissioner shall ensure that lan-*  
2           *guage-appropriate “Detainee Bill of Rights”, includ-*  
3           *ing indigenous languages, are posted or otherwise*  
4           *made available in all areas where detainees are lo-*  
5           *cated. The “Detainee Bill of Rights” shall include all*  
6           *rights afforded to the detainee under this Act.*

7           (14) *Video from video-monitoring must be pre-*  
8           *served for 90 days and the detention facility must*  
9           *maintain certified records that the video-monitoring*  
10          *is properly working at all times.*

11 **SEC. 6. COORDINATION AND SURGE CAPACITY.**

12          *The Secretary of Homeland Security shall enter into*  
13          *memoranda of understanding with appropriate Federal*  
14          *agencies, such as the Department of Health and Human*  
15          *Services, and applicable emergency government relief serv-*  
16          *ices, as well as contracts with health care, public health,*  
17          *social work, and transportation professionals, for purposes*  
18          *of addressing surge capacity and ensuring compliance with*  
19          *this Act.*

20 **SEC. 7. TRAINING.**

21          *The Commissioner shall ensure that CBP personnel as-*  
22          *signed to each short-term custodial facility are profes-*  
23          *sionally trained, including continuing education as the*  
24          *Commissioner deems appropriate, in all subjects necessary*  
25          *to ensure compliance with this Act, including—*

1           (1) *humanitarian response protocols and stand-*  
2           *ards;*

3           (2) *indicators of physical and mental illness,*  
4           *and medical distress in children and adults;*

5           (3) *indicators of child sexual exploitation and ef-*  
6           *fective responses to missing migrant children; and*

7           (4) *procedures to report incidents of suspected*  
8           *child sexual abuse and exploitation directly to the Na-*  
9           *tional Center for Missing and Exploited Children.*

10 **SEC. 8. INTERFACILITY TRANSFER OF CARE.**

11           (a) *TRANSFER.*—*When a detainee is discharged from*  
12 *a medical facility or emergency department, the Commis-*  
13 *sioner shall ensure that responsibility of care is transferred*  
14 *from the medical facility or emergency department to an*  
15 *accepting licensed health care provider of CBP.*

16           (b) *RESPONSIBILITIES OF ACCEPTING PROVIDERS.*—  
17 *Such accepting licensed health care provider shall review*  
18 *the medical facility or emergency department’s evaluation,*  
19 *diagnosis, treatment, management, and discharge care in-*  
20 *structions to assess the safety of the discharge and transfer*  
21 *and to provide necessary follow-up care.*

22 **SEC. 9. PLANNING AND INITIAL IMPLEMENTATION.**

23           (a) *PLANNING.*—*Not later than 60 days after the date*  
24 *of enactment of this Act, the Secretary of Homeland Secu-*  
25 *rity shall submit to Congress a detailed plan delineating*



1 *the timeline, process, and challenges of carrying out the re-*  
2 *quirements of this Act.*

3 (b) *IMPLEMENTATION.*—*The Secretary of Homeland*  
4 *Security shall ensure that the requirements of this Act are*  
5 *implemented not later than 6 months after the date of enact-*  
6 *ment.*

7 **SEC. 10. CONTRACTOR COMPLIANCE.**

8 *The Secretary of Homeland Security shall ensure that*  
9 *all personnel contracted to carry out this Act do so in ac-*  
10 *cordance with the requirements of this Act.*

11 **SEC. 11. INSPECTIONS.**

12 (a) *IN GENERAL.*—*The Inspector General of the De-*  
13 *partment of Homeland Security shall—*

14 (1) *conduct unannounced inspections of ports of*  
15 *entry, border patrol stations, and detention facilities*  
16 *administered by CBP or contractors of CBP; and*

17 (2) *submit to Congress, reports on the results of*  
18 *such inspections as well as other reports of the Inspec-*  
19 *tor General related to custody operations.*

20 (b) *PARTICULAR ATTENTION.*—*In carrying out sub-*  
21 *section (a), the Inspector General of the Department of*  
22 *Homeland Security shall pay particular attention to—*

23 (1) *the degree of compliance by CBP with the re-*  
24 *quirements of this Act;*

25 (2) *remedial actions taken by CBP; and*

1           (3) *the health needs of detainees.*

2           (c) *ACCESS TO FACILITIES.—The Commissioner may*  
3 *not deny a Member of Congress entrance to any facility or*  
4 *building used, owned, or operated by CBP.*

5 **SEC. 12. GAO REPORT.**

6           (a) *IN GENERAL.—The Comptroller General of the*  
7 *United States shall—*

8                 (1) *not later than 6 months after the date of en-*  
9 *actment of this Act, commence a study on implemen-*  
10 *tation of, and compliance with, this Act; and*

11                 (2) *not later than 1 year after the date of enact-*  
12 *ment of this Act, submit a report to Congress on the*  
13 *results of such study.*

14           (b) *ISSUES TO BE STUDIED.—The study required by*  
15 *subsection (a) shall examine the management and oversight*  
16 *by CBP of ports of entry, border patrol stations, and other*  
17 *detention facilities, including the extent to which CBP and*  
18 *the Department of Homeland Security have effective proc-*  
19 *esses in place to comply with this Act. The study shall also*  
20 *examine the extent to which CBP personnel, in carrying*  
21 *out this Act, make abusive, derisive, profane, or harassing*  
22 *statements or gestures, or engage in any other conduct evi-*  
23 *dencing hatred or invidious prejudice to or about one per-*  
24 *son or group on account of race, color, religion, national*

1 *origin, sex, sexual orientation, age, or disability, including*  
2 *on social media.*

3 **SEC. 13. RULE OF CONSTRUCTION.**

4 *Nothing in this Act shall be construed to authorize*  
5 *CBP to detain individuals for longer than 72 hours.*

6 **SEC. 14. DEFINITIONS.**

7 *In this Act:*

8 (1) *INTERPRETATION SERVICES.*—*The term “in-*  
9 *terpretation services” includes translation services*  
10 *that are performed either in-person or through a tele-*  
11 *phone or video service.*

12 (2) *CHILD.*—*The term “child” has the meaning*  
13 *given the term in section 101(b)(1) of the Immigra-*  
14 *tion and Nationality Act (8 U.S.C. 1101(b)(1)).*

15 (3) *U.S. CUSTOMS AND BORDER PROTECTION FA-*  
16 *CILITY.*—*The term “U.S. Customs and Border Protec-*  
17 *tion Facility” includes—*

18 (A) *U.S. Border Patrol stations;*

19 (B) *ports of entry;*

20 (C) *checkpoints;*

21 (D) *forward operating bases;*

22 (E) *secondary inspection areas; and*

23 (F) *short-term custody facilities.*

24 (4) *FORWARD OPERATING BASE.*—*The term “for-*  
25 *ward operating base” means a permanent facility es-*

- 1 *tablished by CBP in forward or remote locations, and*
- 2 *designated as such by CBP.*



Union Calendar No. 121

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

**H. R. 3239**

[Report No. 116-162, Part I]

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## **A BILL**

To require U.S. Customs and Border Protection to perform an initial health screening on detainees, and for other purposes.

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JULY 19, 2019

Reported from the Committee on the Judiciary with an amendment

JULY 19, 2019

The Committee on Homeland Security discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed