

Congressman Cuellar's FY19 Homeland Security Appropriations Language

1. *The Department is directed to provide a report to the Committee, not later than 30 days after the date of enactment of this Act, on its policies related to the separation of minor children from their parents or legal guardians while in DHS custody. The report should discuss policies in effect both prior and subsequent to the implementation of Executive Order 13841, and shall include a description of any guidance to field personnel on implementation of such policies; a description of the process for reuniting families that are separated as a result of the prosecution of an adult family member; data on the number of separations during fiscal year 2018 as a result of the prosecution of a parent or legal guardian due to medical necessity, in the interest of the immediate safety of the child, or due to fraudulent family relationship or guardianship claims; a description of how DHS determines the validity of family relationship or guardianship claims; and an assessment of how that process could be improved, including the feasibility of using rapid-DNA testing with appropriate privacy protections. DHS is directed to ensure, when appropriate and feasible, that separated family units are reunited and transferred together prior to removal, release from CBP custody, or transfer to Ice custody. ICE is expected to ensure that individuals being transferred from CBP to ICE custody, in ICE custody, or under ICE supervision have opportunities to report family separations and to verify the status, location, and disposition of family members, and to regularly communicate with one another by phone or video conference. Recent developments in contactless fingerprinting enable rapid capture of fingerprints that can be shared interoperably with legacy fingerprinting systems. The Committee directs the Department to provide, within 60 days of the date of enactment of this Act, a briefing on the cost and feasibility of using a contactless fingerprint technology as part of the exit tracking system, including a comparison of those costs to other options for gathering the same type of biometric information.”*

“ICE shall continue to report and/or make public the following, as detailed in House Report 115-239, and shall follow the previously directed timeframes unless otherwise specified:

--Semi-annual update on UACs who age out while in ORR custody.

--Secure Communities report.

--Requirements related to detention facility inspections; death in custody reporting, with subsequent reporting to be released within 90 days of the initial report unless additional time is required for redacting personally identifiable information; access to facilities; detainee locator information; changes to the current detention facility category and inspection framework; and compliance with the 2011 Performance Based National Detention Standards (PBNDS 2011) and Prison Rape Elimination act requirements.”

2. *\$213,142,000 for Alternatives to Detention (ATD).*

“\$28,000,000 for 19,000 more daily ATD participants.

3. *ICE is directed to continue to provide performance reports to the Committee on the ATD program, as described in House Report 114-668. The analysis should also include ATD enrollment by field office, type of supervision, and arresting agency, as well as the*

average length of enrollment by type of supervision. In addition, the report shall include ICE guidance for referral, placement, escalation, and de-escalation decision in ATD programs.

- 4. The Committee directs ICE's Office of Detention Oversight to conduct unannounced inspections of all ICE family residential centers at least twice per year, with the results of each inspection promptly published on ICE's website.
The Committee directs the Department to make any form required to be signed by a detained person to be written in both English and Spanish.*