
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2553 Session of
2014

INTRODUCED BY METCALFE AND SWANGER, OCTOBER 28, 2014

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, OCTOBER 28, 2014

AN ACT

1 Providing for certain limitations on residential care provider
2 contracts; and prohibiting Commonwealth agencies from
3 entering into agreements that provide housing at State-owned
4 facilities to unaccompanied alien children.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Unaccompanied
9 Alien Children Housing Act.

10 Section 2. Declaration of purpose.

11 The General Assembly finds and declares as follows:

12 (1) Between October of 2013 and June of 2014,
13 approximately 60,000 unaccompanied alien children have
14 entered the country by way of the United States' southern
15 border.

16 (2) The Department of Health and Human Services' Office
17 of Refugee Resettlement (HHS-ORR) has made few attempts to
18 keep State public officials informed of who is coming in this
19 Commonwealth via the Unaccompanied Alien Children Program

1 serviced through HHS-ORR.

2 (3) State-licensed care facilities in Pennsylvania are
3 contracting with HHS-ORR to provide temporary housing,
4 education and medical care to unaccompanied alien children.

5 (4) When unaccompanied alien children are housed in
6 residential care facilities licensed or owned by the
7 Commonwealth, the Commonwealth has a vested interest in
8 monitoring contracts entered into by those facilities.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Commonwealth agency." The Commonwealth, including any
14 agency, department, board, commission or office of the executive
15 branch, judicial branch or legislative branch. The term includes
16 a political subdivision and municipal authority.

17 "HHS-ORR." The Department of Health and Human Services'
18 Office of Refugee Resettlement.

19 "License." A document issued by the Commonwealth that grants
20 permission to one of the following entities to provide housing
21 to minors in basic shelters, group homes, staff secure, secure
22 and other specialized types of care:

23 (1) Community home services agency.

24 (2) Community home services agency large home.

25 (3) Long-term structured residence.

26 (4) Family based services.

27 (5) Personal care homes.

28 (6) Foster family care.

29 (7) Family living home services agency.

30 (8) Intermediate care facility for persons with

1 disabilities.

2 (9) Residential services.

3 (10) Secure care.

4 (11) Secure detention.

5 (12) Transitional living.

6 (13) Intermediate care facility for mental health.

7 (14) Any other type of residential care facility that
8 maintains licenses issued by the Commonwealth.

9 "Program." HHS-ORR's Unaccompanied Refugee Minors Program
10 that facilitates housing for unaccompanied alien children.

11 "Residential care provider." An entity that holds a license.

12 "State-owned facility." A facility owned by the Commonwealth
13 that meets existing or future requirements to house
14 unaccompanied alien children.

15 "Unaccompanied alien children." A child who:

16 (1) is an alien who is not lawfully present in the
17 United States;

18 (2) has not attained 18 years of age; and

19 (3) with respect to whom:

20 (i) there is no parent or legal guardian in the
21 United States; or

22 (ii) no parent or legal guardian in the United
23 States is available to provide care and physical custody.

24 Section 4. Limitations of residential care provider contracts.

25 The Commonwealth shall revoke the license of any residential
26 care provider that enters into an agreement with HHS-ORR, after
27 the effective date of this section, to provide housing to
28 unaccompanied alien children.

29 Section 5. Prohibition.

30 No Commonwealth agency may enter into an agreement with HHS-

1 ORR or any other division of the Federal Government to provide
2 housing to unaccompanied alien children within a State-owned
3 facility.

4 Section 6. Applicability.

5 An agreement entered into prior to the effective date of this
6 section between a residential care provider and HHS-ORR shall
7 not result in license revocation for the remaining term of that
8 contract, unless the contract is renewed or extended.

9 Section 7. Effective date.

10 This act shall take effect in 60 days.