

115TH CONGRESS  
2D SESSION

# H. R. 7396

To require the Secretary of Homeland Security to develop a strategy to implement policies and procedures, including the deployment of resources, to ensure the safety of children in CBP and ICE custody, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 2018

Mrs. TORRES (for herself, Mr. VARGAS, and Mr. MCGOVERN) 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

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## A BILL

To require the Secretary of Homeland Security to develop a strategy to implement policies and procedures, including the deployment of resources, to ensure the safety of children in CBP and ICE custody, 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.**

4 This Act may be cited as the “Border Security and  
5 Child Safety Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On December 8, 2018, Jakelin Caal, a 7-  
4 year-old child of Guatemalan origin, died after  
5 spending approximately 25 hours in U.S. Customs  
6 and Border Protection (CBP) care.

7 (2) CBP failed to report the death to Congress,  
8 despite statutory requirements that CBP report  
9 deaths in CBP custody to Congress within 24 hours,  
10 and did not publicly disclose the death until the  
11 Washington Post reported it.

12 (3) According to the Department of Homeland  
13 Security (DHS)'s December 14, 2018, statement,  
14 Jakelin Caal's father reported to CBP agents that  
15 she had become sick and was vomiting at 5 a.m. on  
16 December 7, 2018, but received no medical treat-  
17 ment until at least 6:30 a.m. on the same date. In-  
18 stead, she was transported via bus, with no medical  
19 personnel present, to the Lordsburg Border Patrol  
20 station, which was 90 minutes away.

21 (4) According to a 2016 DHS Inspector Gen-  
22 eral report, at least one forward operating base has  
23 experienced periodic issues with water contamina-  
24 tion.

25 (5) On May 10, 2018, Mariee Juarez, a toddler  
26 of Guatemalan origin, died shortly after being re-

1 leased from U.S. Immigration and Customs Enforce-  
2 ment (ICE) custody, where she had developed a res-  
3 piratory infection.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that all United States  
6 Government agencies, including those agencies tasked with  
7 enforcing immigration laws, should prioritize the health  
8 and safety of children within their care.

9 **SEC. 4. POLICY REVIEW.**

10 (a) IN GENERAL.—Not later than 90 days after the  
11 date of the enactment of this Act, the Secretary of Home-  
12 land Security shall submit to the appropriate congres-  
13 sional committees and make public on the website of the  
14 Department of Homeland Security a review of all policies  
15 and procedures impacting the safety and health of children  
16 in custody of CBP and ICE.

17 (b) MATTERS TO BE INCLUDED.—The review re-  
18 quired under subsection (a) shall include the following:

19 (1) An assessment of the suitability of forward  
20 operating bases of the Department of Homeland Se-  
21 curity for the temporary detention of children appre-  
22 hended by U.S. Border Patrol agents.

23 (2) A review of CBP's transport, escort, deten-  
24 tion, and search policies.

1 (3) An assessment CBP capacity to provide  
2 timely and adequate medical care to all children in  
3 its custody.

4 **SEC. 5. STRATEGY REQUIRED.**

5 (a) IN GENERAL.—Not later than 180 days after the  
6 date of the enactment of this Act, the Secretary of Home-  
7 land Security shall submit to the appropriate congress-  
8 sional committees a strategy to implement policies and  
9 procedures, including the deployment of resources, to en-  
10 sure the safety of children in CBP and ICE custody.

11 (b) REPORT.—Not later than 180 days after the date  
12 of the enactment of this Act, the Secretary of Homeland  
13 Security shall submit to the appropriate congressional  
14 committees a report on steps taken to implement the poli-  
15 cies and provisions described in subsection (a).

16 **SEC. 6. PRIORITIZATION OF MEDICAL PERSONNEL IN HIR-**  
17 **ING.**

18 In hiring U.S. Customs and Border Protection per-  
19 sonnel, the Secretary of Homeland Security shall prioritize  
20 the hiring of medical personnel until such time as the Sec-  
21 retary, in consultation with the Commissioner of CBP,  
22 certifies to Congress that CBP has sufficient medical per-  
23 sonnel to provide prompt and adequate medical care to  
24 all children in its custody.

1 **SEC. 7. DEFINITIONS.**

2       In this Act, the term “appropriate congressional com-  
3 mittees” means the Committee on Appropriations, the  
4 Committee on Homeland Security, and the Committee on  
5 the Judiciary of the House of Representatives and the  
6 Committee on Appropriations, the Committee on Home-  
7 land Security and Governmental Affairs, and the Com-  
8 mittee on the Judiciary of the Senate.

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