

AMENDMENTS ADOPTED TO THE LABOR/HHS/EDUCATION
APPROPRIATIONS BILL FOR FY 2019

PART 2

Full Committee Markup
House Appropriations Committee
Wednesday, July 11, 2018

Amend # 7 offered.

CLARK

#1

adopted v.v.

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL, 2019**

OFFERED BY MS. CLARK OF MASSACHUSETTS

And Ms. McCollum

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. ____ . Except in the case of a medical emer-
2 gency, none of the funds made available by this Act may
3 be used by a health care provider to administer any medi-
4 cation to an unaccompanied alien child (as defined in sec-
5 tion 462(g)(2) of the Homeland Security Act of 2002 (6
6 U.S.C. 279(g)(2))) in the care of the Office of Refugee
7 Resettlement of the Administration for Children and Fam-
8 ilies, unless such minor has received a physical and mental
9 health evaluation, including a trauma assessment and an
10 assessment for comorbidities, while in such care.

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Amend # 9 offered

Pocan # 1

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adopted vv

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL
OFFERED BY MR. POCAN OF WISCONSIN**

At the end of the bill (before the spending reduction account), insert the following:

- 1 SEC. ____ . It is the sense of Congress that immigrant
- 2 children should not be separated from their parents and
- 3 that families should be reunited immediately.



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Amend #10 offered

adopted v.v.

AMENDMENT TO LABOR, HHS, EDUCATION

APPROPRIATIONS BILL, 2019

OFFERED BY MS. WASSERMAN SCHULTZ OF

FLORIDA

On page 99 of the Committee Report, under the heading "REFUGEE AND ENTRANT ASSISTANCE," insert the following language directly after the table:

"Within 30 days of enactment, the Inspector General shall report to the Committee on the implementation of and any interagency coordination associated with the previous policy of separating migrant families, the Executive Order issued on June 20, 2018 entitled 'Affording Congress an Opportunity to Address Family Separation,' and efforts made to reunify families separated under the previous family separation policy."

Amend #13 offered

Ruppersberger #2
Adopted V.V.

**Amendment to Labor, Health and Human Services, Education and Related Agencies
Appropriations Bill, 2019**

Offered by Mr. Ruppersberger of Maryland

On page 99 of the Committee Report, under the heading "Refugee and Entrant Assistance" insert the following language directly after the table:

"Unaccompanied Children.—The Committee supports oversight efforts relating to forced family separation and efforts to mitigate the trauma experienced by separated children.

The Committee directs the Office of Refugee Resettlement (ORR) to comply with its legally mandated duties as outlined in Section 462 of the Homeland Security Act of 2002, Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the 1997 *Flores* settlement agreement."

Amend # 14 offered

DeLauro #2
revised

adopted v.v.

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL
OFFERED BY MS. DELAURO OF CONNECTICUT**

~~Page 68, line 25, after the dollar amount, increase
the dollar amount by \$10,000,000.~~

Page 70, line 6, before the period at the end, insert the following: “: *Provided further*, That of the funds made available under this heading, \$63,887,000 shall be for the National Child Traumatic Stress Initiative, of which \$10,000,000 shall be available for grants to partners in the National Child Traumatic Stress Network for behavioral health services and counseling for minors who were separated from their parents or family units and subsequently classified as unaccompanied alien children and transferred to the custody of the Department of Health and Human Services’ Office of Refugee Resettlement: *Provided further*, That pursuant to the preceding proviso, the Department of Health and Human Services shall not share with any other Federal agency any personally identifiable information or data relating to such minors receiving such services and counseling from partners receiving such grants: *Provided further*, That the Department of Health and Human Services may agree to

a memorandum of understanding with the Department of Homeland Security to allow grantees to provide behavioral health services and counseling to families in the custody of the Department of Homeland Security”.



Amend #16 offered

CLARK
#2

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adopted v.v.

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL, 2019
OFFERED BY Ms. CLARK OF MASSACHUSETTS**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. None of the funds made available by
2 this Act may be used by the Office of Refugee Resettle-
3 ment of the Administration for Children and Families, or
4 any contractor employed by such Office of Refugee Reset-
5 tlement, to ask any question relating to religion, the prac-
6 tice of religion, or the frequency of religious observation
7 as part of an assessment or requirement for any potential
8 sponsor or adoptive or foster parent of an unaccompanied
9 alien child (as defined in section 462(g) of the Homeland
10 Security Act of 2002 (6 U.S.C. 279(g))) in the custody
11 of such Office of Refugee Resettlement, or during the
12 process of reunifying such a child with a parent.

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Amend #17 offered

*CLARK
#4*

Adopted v.v.

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL, 2019
OFFERED BY MS. CLARK OF MASSACHUSETTS**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. _____. Not later than 30 days after the date of
2 the enactment of this Act, the Secretary of Health and
3 Human Services shall submit to the Committee on Appro-
4 priations of both Houses of Congress a report that details
5 the following:

6 (1) The number of pre-literate children who
7 were in the custody of the Office of Refugee Reset-
8 tlement of the Administration for Children and
9 Families during fiscal year 2018.

10 (2) A list of languages that were spoken by
11 such children and the number of translators that
12 were needed with respect to each such language.

13 (3) Any additional resources that were needed
14 by such Office of Refugee Resettlement to ensure
15 that such children were able to communicate with
16 the staff of such Office of Refugee Resettlement.



Amend #18 offered

LHHS-ED: KAPTUR #2

adopted v.v.

Revised

**AMENDMENT TO LABOR HEALTH AND
HUMAN SERVICES EDUCATION AND
RELATED AGENCIES APPROPRIATIONS
BILL**

**OFFERED BY MS. KAPTUR OF OHIO AND
MS. CLARK OF MASSACHUSETTS**

On page 99 of the Committee Report, under the heading "Refugee and Entrant Assistance," insert the following language directly after the table:

Protection of DNA – The Committee understands that DNA testing is being used for the purpose of reunifying families that were separated by the Department of Homeland Security. The Committee directs the Office of Refugee Resettlement (ORR) to ensure the protection of privacy and genetic material, data, or information of children, parents, and of all individuals being tested and their relatives. The Committee prohibits any governmental agency or private entity from accessing, using, or storing any genetic material, data, or information collected in this reunification effort, including for the purpose of criminal or immigration enforcement. Any genetic material, data, and information obtained should be fully destroyed after testing and the probability of a genetic relationship is calculated. The entities conducting the DNA testing shall obtain the consent of any individual over age 18 prior to testing, and shall make every effort to obtain the consent of a guardian prior to testing on anyone under age 18.

Amend #20 offered

CLARK
#3

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adopted v.v.

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL, 2019**

OFFERED BY MS. CLARK OF MASSACHUSETTS

And Mr. Cuellar of Texas

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. ____ . Not later than 30 days after the date of
2 the enactment of this Act, the Secretary of Health and
3 Human Services shall submit to the Committee on Appro-
4 priations of both Houses of Congress a report that details
5 the following:

6 (1) What guidance, if any, the Office of Ref-
7 ugee Resettlement of the Administration for Chil-
8 dren and Families provides to the shelters and staff
9 of such Office of Refugee Resettlement regarding
10 the unique medical and mental health needs of chil-
11 dren who have been separated from their parents.

12 (2) What resources, if any, the Department of
13 Health and Human Services provides to children
14 who have been separated from their parents to ad-
15 dress the mental health and trauma such children
16 have experienced and may continue to experience.

17 (3) How the Department of Health and Human
18 Services ensures that children who have been sepa-

1 rated from their parents have timely access to treat-
2 ment from qualified health professionals.

3 (4) The average period of time that children
4 separated from their parents stay in the care of the
5 Office of Refugee Resettlement of the Administra-
6 tion for Children and Families.



Amend # 28 offered

McCollum # 2

adopted v.v.

**AMENDMENT TO LABOR, HHS, EDUCATION
APPROPRIATIONS BILL
OFFERED BY MS. MCCOLLUM OF MINNESOTA**

At the end of title III (before the short title) insert
the following:

1 SEC. _____. (a) Section 455(f) of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1087e(f)) is amended—

3 (1) by redesignating paragraphs (3) and (4) as
4 paragraphs (4) and (5), respectively; and

5 (2) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) DEFERMENT FOR BORROWERS RECEIVING
8 CANCER TREATMENT.—

9 “(A) EFFECT ON PRINCIPAL AND INTER-
10 EST.—A borrower of a loan made under this
11 part who meets the requirements of subpara-
12 graph (B) shall be eligible for a deferment, dur-
13 ing which periodic installments of principal
14 need not be paid, and interest shall not acerue.

15 “(B) ELIGIBILITY.—A borrower of a loan
16 made under this part shall be eligible for a
17 deferment during—

1 “(i) any period in which such bor-
2 rower is receiving treatment for cancer;
3 and

4 “(ii) the 6 months after such period.

5 “(C) APPLICABILITY.—This paragraph
6 shall apply with respect to loans—

7 “(i) made on or after the date of the
8 enactment of this paragraph; or

9 “(ii) in repayment on the date of the
10 enactment of this paragraph.”.

11 (b) Section 427(a)(2)(C) of the Higher Education
12 Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended—

13 (1) in clause (ii), by striking “; or” and insert-
14 ing a semicolon;

15 (2) in clause (iii), by inserting “or” after the
16 semicolon; and

17 (3) by inserting after clause (iii) the following:

18 “(iv) in which the borrower is receiv-
19 ing treatment for cancer and the 6 months
20 after such period.”.

21 (c) Section 428(b)(1)(M) of the Higher Education
22 Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

23 (1) in clause (iii), by striking “or (II); or” and
24 inserting a “or (II);”;

1 (2) in clause (iv), by inserting “or” after the
2 semicolon; and

3 (3) by adding at the end the following:

4 “(v) during which the borrower is re-
5 ceiving treatment for cancer and the 6
6 months after such period;”.

7 (d) Section 464(c)(2) of the Higher Education Act
8 of 1965 (20 U.S.C. 1087dd(c)(2)) is amended—

9 (1) in subparagraph (A)—

10 (A) in clause (iv), by striking “; or” and
11 inserting a semicolon;

12 (B) in clause (v), by inserting “or” after
13 the semicolon; and

14 (C) by inserting after clause (v) the fol-
15 lowing:

16 “(vi) during which the borrower is receiv-
17 ing treatment for cancer and the 6 months
18 after such period;”.

19 (e) Section 428H(e)(2) of the Higher Education Act
20 of 1965 (20 U.S.C. 1078–8(e)(2)) is amended—

21 (1) in subparagraph (A), by striking “Interest”
22 and inserting, “Except as provided in subparagraph
23 (C), interest”; and

24 (2) by adding at the end the following:

1 “(C) Interest shall not accrue on a loan de-
2 ferred under section 428(b)(1)(M)(v) or
3 427(a)(2)(C)(iv).”.

4 (f) The amendments made by this Act shall apply
5 with respect to loans—

6 (1) made on or after the date of the enactment
7 of this Act; or

8 (2) in repayment on the date of the enactment
9 of this Act.



Amend # 33 offered

LHHS-ED: KAPTUR #1

adopted r.c. 26-25

**AMENDMENT TO LABOR HEALTH AND
HUMAN SERVICES EDUCATION AND
RELATED AGENCIES APPROPRIATIONS
BILL**

OFFERED BY MS. KAPTUR OF OHIO

On page 86 of the Committee Report, under the heading "Centers for Medicare and Medicaid Services," under the account "Program Management," insert the following language directly after the table:

Drug Pricing Report – The Committee directs the Secretary of Health and Human Services to submit a report to the Committee on Appropriations of the House of Representatives not later than 120 days after the date of the enactment of the Bill to which this Committee Report pertains regarding price changes of prescription drugs since 2008. The report should include comparative prescription drug prices (net of rebates) paid by the following programs for the 10 most frequently prescribed drugs and the 10 highest-cost drugs for each of the following:

(1) The Medicare program under part B of title XVIII of the Social Security Act.

(2) The Medicare prescription drug program under part D of title XVIII of the Social Security Act.

(3) The Medicaid program under title XIX of the Social Security Act.

(4) The Department of Veterans Affairs

#30

LHHS-ED: KAPTUR #1

The report should also provide a breakdown of the comparative prices (net of rebates) for each of the 10 most frequently prescribed drugs and the 10 highest-cost drugs between ambulatory settings and retail settings.

Under Medicare Part D, the report should detail gross Part D drug costs and net Part D drug costs and the Direct and Indirect Remuneration for the 10 most frequently prescribed drugs and the 10 highest-cost drugs.

In addition, the report should include total annual costs due to prescription drugs to the Medicare program under part B of title XVIII of the Social Security Act, the Medicare prescription drug program under part D of title XVIII of such Act, and the Medicaid program under title XIX of such Act.

Finally, the report should list the drugs that have been registered for sale by the Food and Drug Administration (FDA) in the past five years that have benefited significantly from government grants or research subsidies in either the pre-clinical or clinical stages of development, as well as the price (net of rebates) and total spending in Medicare and Medicaid for each of those drugs.

Amend # 38 offered

adopted r.c. 30-20

Cole #3

Amendment to Labor, HHS, Education Appropriations Bill

Offered by Mr. Cole of Oklahoma

At the end of the bill (before the short title), insert the following:

SEC. 309. (a) No performance bonus shall be paid to an employee of the Office of Federal Student Aid of the Department of Education unless the employee meets the performance targets established by the Secretary of Education under subsection (b).

(b) The Secretary of Education shall establish performance targets for employees of the Office of Federal Student Aid of the Department of Education. The performance targets shall be based on the following factors:

(1) Customer service, contractor compliance with applicable Federal consumer protection laws, minimizing improper payments, portfolio resolution, collection rates, and overall current repayment status of the portfolio of Federal student loans; and

(2) the optimal use of qualified large and small business contractors to help the Office achieve, at minimum, the average portfolio resolution percentage achieved by the Office for the period of fiscal years 2015 through 2018.

(c) Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall submit to the appropriate congressional committees a report that includes—

(1) the performance targets established by the Secretary under subsection (b);

(2) the rationale for such targets; and

(3) the Office of Federal Student Aid's historical performance in meeting such targets, if known.

(d) Not later than 180 days after the date of the enactment of this Act, the Secretary of Education shall submit to the appropriate congressional committees a report that assesses the performance of the Office of Federal Student Aid in meeting the performance targets established by the Secretary under subsection (b).

(e) In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committees on Appropriations of the House of Representatives and the Senate; and

(B) each committee of the House of Representatives or the Senate with jurisdiction over the Office of Federal Student Aid of the Department of Education.

(2) The term “Federal student loan” means a loan made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.).

(3) The term “portfolio resolution” means the proportion of the total value of recoveries from defaulted Federal student loans, not including consolidations, compared with the total value of newly defaulted Federal student loans for each fiscal quarter.

Amend #39 offered
adopted v.v.

Price #2

Amendment to Labor, Health and Human Services, Education and Related Agencies
Appropriations Bill, 2019

Offered by Mr. Price of North Carolina, Ms. Lowey of New York, Mr. Cuellar of Texas,
and Ms. Katherine Clark of Massachusetts

On page 110 of the bill, after the final section (before the short title) insert the following at the appropriate place:

“Sec. -- Beginning with April 2018, the Secretary shall submit to Congress a monthly report on, with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security and subsequently classified as unaccompanied alien children and transferred to the custody of the HHS’ Office of Refugee Resettlement—

- (1) the number and ages of children so separated at or between ports of entry;
- (2) the length of any such separation;
- (3) the status of any efforts undertaken by the Secretary to reunify such children with a parent or legal guardian; and
- (4) the number of any such reunifications, and whether the reunified families were placed in family detention.”

On page 99 of the Committee Report, under the heading “REFUGEE AND ENTRANT ASSISTANCE,” insert the following language directly after the table:

“Unaccompanied Children

The Committee directs that in cases of separation, within 24 hours, parents, legal guardians, or other relatives shall be informed of the whereabouts of their children and children shall be informed of the whereabouts of their parents, legal guardians, or other relatives, except in cases of suspected abuse or trafficking.

The Committee also directs the Secretary of HHS to work in collaboration with the Secretary of DHS to submit a report to the Committees on Appropriations of the House of Representatives and of the Senate within 60 days of this bill’s enactment detailing actions it has taken and will take and policies it has implemented and will implement to facilitate: 1) the ability of separated children to make contact and maintain communication with their separated parents, relatives, legal guardians, or primary caregivers (for tender-age and non-verbal children, this should include methods to facilitate in-person visits and video chats); 2) the ability of family members residing abroad to utilize the hotline to receive

information on the status and location of separated children; and 3) the coordinated reunification and post-release support of a separated child and adult family member, when it is in the best interest of the child.”