

117TH CONGRESS
1ST SESSION

H. R. 3174

To increase transparency and accountability with respect to establishing and operating temporary influx facilities of the Department of Health and Human Services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. PFLUGER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To increase transparency and accountability with respect to establishing and operating temporary influx facilities of the Department of Health and Human Services, 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 “Migrant Facility
5 Transparency Act of 2021”.

6 **SEC. 2. TRANSPARENCY RESPECTING TEMPORARY INFLUX**
7 **FACILITIES.**

8 (a) ESTABLISHMENT OF NEW FACILITIES.—

1 (1) IN GENERAL.—The Secretary of Health and
2 Human Services—

3 (A) before selecting any site for use as a
4 temporary influx facility of the Department of
5 Health and Human Services, shall—

6 (i) not fewer than 7 days before final-
7 izing such selection, give notice under
8 paragraph (2) of the proposed selection to
9 the relevant Federal, State, and local offi-
10 cials; and

11 (ii) coordinate with such officials to
12 evaluate the proposed selection; and

13 (B) if within 3 business days of receipt of
14 a notice under paragraph (2) the chief executive
15 official of the municipality or county that in-
16 cludes the location of the proposed temporary
17 influx facility transmits a notice to the Sec-
18 retary opposing the proposed location, shall not
19 select such location.

20 (2) NOTICE.—A notice under this paragraph
21 shall be in writing and include each of the following:

22 (A) An assurance of advanced notification
23 of the siting decision.

24 (B) The proposed scope of operations of
25 the temporary influx facility and any proposed

1 or anticipated deviation from the existing poli-
2 cies of the Office of Refugee Resettlement for
3 children entering the United States.

4 (C) A strategy for termination of oper-
5 ations of the proposed temporary influx facility.

6 (D) The date by which such operations are
7 planned to terminate.

8 (E) A strategy to report to the relevant
9 Federal, State, and local officials on a daily
10 basis—

11 (i) the number of migrants at the
12 temporary influx facility;

13 (ii) the number of migrants processed
14 in and out of the facility since the previous
15 report;

16 (iii) the ratio of supervising adults to
17 children at the facility; and

18 (iv) updates on health, security, and
19 other issues at or related to the facility.

20 (b) SCOPE OF OPERATIONS.—The Secretary of
21 Health and Human Services shall immediately notify the
22 relevant Federal, State, and local officials—

23 (1) at least 7 calendar days before making any
24 change in—

1 (A) the scope of operations of a temporary
2 influx facility;

3 (B) the strategy for termination of oper-
4 ations of such a facility; or

5 (C) the date by which operations at such
6 a facility are planned to terminate; and

7 (2) upon the occurrence of any major security
8 or safety incident at such a facility.

9 (c) DEFINITIONS.—In this subsection:

10 (1) The term “relevant Federal, State, and
11 local officials” means, with respect to the location,
12 or proposed location, of a temporary influx facility,
13 the following officials:

14 (A) The Governor of the State.

15 (B) The Attorney General of the State.

16 (C) Judges of the county.

17 (D) The mayor of any municipality that
18 includes such location.

19 (E) The chief prosecuting attorney for the
20 jurisdiction.

21 (F) Local law enforcement officials.

22 (G) Local health officials.

23 (H) Federal and State legislators elected
24 to represent the State or district including such
25 location.

1 (2) The term “temporary influx facility” in-
2 cludes any emergency intake site or influx care cen-
3 ter of the Office of Refugee Resettlement.

4 **SEC. 3. REPORT.**

5 (a) IN GENERAL.—Not later than 14 days after the
6 date of enactment of this Act, the Secretary of Health and
7 Human Services shall submit to the appropriate congres-
8 sional committees a report on all temporary influx facili-
9 ties of the Department of Health and Human Services.

10 (b) CONTENTS.—The report under subsection (a)
11 shall—

12 (1) address internal and external protocols, re-
13 quirements, and training (including cooperation with
14 local law enforcement) for serious crimes alleged or
15 found to have been committed at a temporary influx
16 facility, including sexual misconduct, sexual abuse,
17 and sexual assault; and

18 (2) include recommendations to ensure the safe-
19 ty of all visitors, staff, and migrants at a temporary
20 influx facility.

21 (c) FAILURE TO SUBMIT REPORT.—If the Secretary
22 of Health and Human Services fails to submit the report
23 required by subsection (a) by the deadline referred to in
24 such subsection, the Secretary shall immediately pause all
25 intake processing activities at all temporary influx facili-

1 ties of the Department of Health and Human Services
2 until such time as the report is submitted.

3 (d) DEFINITION.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” includes—

6 (A) the Committees on Energy and Com-
7 merce and Homeland Security of the House of
8 Representatives; and

9 (B) the Committees on Homeland Security
10 and Governmental Affairs and Judiciary of the
11 Senate.

12 (2) The term “temporary influx facility” has
13 the meaning given to such term in section 2.

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