

116TH CONGRESS  
1ST SESSION

# S. 2420

To amend the Immigration and Nationality Act to require a DNA test to determine the familial relationship between an alien and an accompanying minor, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2019

Mrs. BLACKBURN (for herself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to require a DNA test to determine the familial relationship between an alien and an accompanying minor, 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 “End Child Trafficking  
5 Now Act”.

1 **SEC. 2. DNA TESTING.**

2 The Immigration and Nationality Act (8 U.S.C. 1101  
3 et seq.) is amended by inserting after section 211 the fol-  
4 lowing:

5 **“SEC. 211A. FAMILIAL RELATIONSHIP DOCUMENTARY RE-**  
6 **QUIREMENTS.**

7 “(a) IN GENERAL.—Except as provided in subsection  
8 (b), an alien who has attained 18 years of age may not  
9 be admitted into the United States with a minor.

10 “(b) EXCEPTIONS.—An alien described in subsection  
11 (a) may be admitted into the United States with a minor  
12 if—

13 “(1) the alien presents to the Secretary of  
14 Homeland Security—

15 “(A) one or more documents that prove  
16 that the alien is a relative or guardian of the  
17 minor; and

18 “(B) a witness that testifies that the alien  
19 is a relative or guardian of the minor; or

20 “(2) a DNA test administered by the Secretary  
21 of Health and Human Services proves that the alien  
22 is a relative of the minor.

23 “(c) ADMINISTRATION OF DNA TEST.—The Sec-  
24 retary of Homeland Security shall request, and the Sec-  
25 retary of Health and Human Services shall administer, a  
26 DNA test only in a case in which the Secretary of Home-

1 land Security is unable to determine, based on the evi-  
2 dence presented under paragraphs (1) and (2) of sub-  
3 section (b), that the alien is a relative or guardian of the  
4 minor accompanying the alien.

5 “(d) DENIAL OF CONSENT.—

6 “(1) ALIEN.—An alien described in subsection  
7 (a) is inadmissible if—

8 “(A) the Secretary of Homeland Security  
9 determines that the alien has presented insuffi-  
10 cient evidence under subsection (b)(1) to prove  
11 that the alien is a relative of the minor; and

12 “(B) the alien refuses to consent to a DNA  
13 test.

14 “(2) MINOR.—A minor accompanying an alien  
15 who is inadmissible under paragraph (1) shall be  
16 treated as an unaccompanied alien child (as defined  
17 in section 462(g) of the Homeland Security Act of  
18 2002 (6 U.S.C. 279(g))).

19 “(e) DNA TEST RESULTS.—In a case in which the  
20 results of the DNA test fail to prove that the alien de-  
21 scribed in subsection (a) is a relative of a minor accom-  
22 panying the alien, an immigration officer shall conduct  
23 interviews as necessary to determine whether the alien is  
24 a relative or guardian of the minor.

1       “(f) ARREST.—An immigration officer may arrest,  
 2 pursuant to section 287, an alien described in subsection  
 3 (a) if the immigration officer—

4           “(1) determines, after conducting interviews  
 5 pursuant to subsection (d), that the alien is not re-  
 6 lated to the minor accompanying the alien; and

7           “(2) has reason to believe that the alien is  
 8 guilty of a felony offense, including the offenses of  
 9 human trafficking, recycling of a minor, and alien  
 10 smuggling.

11       “(g) DEFINITIONS.—In this section—

12           “(1) MINOR.—The term ‘minor’ means an alien  
 13 who has not attained 18 years of age.

14           “(2) RECYCLING.—the term ‘recycling’ means,  
 15 with respect to a minor, that the minor is being used  
 16 to enter the United States on more than 1 occasion,  
 17 by an alien who has attained 18 years of age and  
 18 is not the relative or the guardian of the minor.

19           “(3) RELATIVE.—the term ‘relative’ means an  
 20 individual related by consanguinity within the second  
 21 degree, as determined by common law.”.

22 **SEC. 3. CRIMINALIZING RECYCLING OF MINORS.**

23       (a) IN GENERAL.—Chapter 69 of title 18, United  
 24 States Code, is amended by adding at the end the fol-  
 25 lowing:

1 **“§ 1430. Recycling of minors**

2       “(a) IN GENERAL.—Whoever, being 18 years of age  
3 or over, knowingly uses, for the purpose of entering the  
4 United States, a minor to whom the individual is not a  
5 relative or guardian, shall be fined under this title, impris-  
6 oned not more than 10 years, or both.

7       “(b) RELATIVE.—In this section, the term ‘relative’  
8 means an individual related by consanguinity within the  
9 second degree as determined by common law.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 69 of title 18, United States Code, is amended  
12 by adding at the end the following new item:

“1430. Recycling of minors.”.

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