H. R. 5415

To require the Federal Government to report on efforts to locate, establish contact with, conduct wellness checks on, and investigate any suspicion of human trafficking related to approximately 85,000 unaccompanied alien children who crossed the U.S. southern border, were released from Federal custody, and with whom subsequent contact has been lost.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2023

Mr. Smith of New Jersey (for himself, Mr. Aderholt, Mr. Ciscomani, Mr. Griffith, Mr. Harris, Mr. Hunt, Mr. Lamborn, Mrs. Miller of Illinois, Mr. Norman, Mr. Ogles, Mr. Sessions, Ms. Van Duyne, Mr. Weber of Texas, Mr. Diaz-Balart, Ms. Malliotakis, Mr. Walberg, Mr. Van Drew, Mr. Kelly of Pennsylvania, Mr. Bilirakis, Mr. Burgess, and Mr. Simpson) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Appropriations, 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

A BILL

To require the Federal Government to report on efforts to locate, establish contact with, conduct wellness checks on, and investigate any suspicion of human trafficking related to approximately 85,000 unaccompanied alien children who crossed the U.S. southern border, were released from Federal custody, and with whom subsequent contact has been lost.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safeguarding Endan-
gered Children, Unaccompanied and at Risk of Exploi-
tation Act of 2023” or as the “SECURE Act of 2023”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to statistics kept by U.S. Cus-
toms and Border Protection, at least 345,000 chil-
dren have crossed the United States southern border
unaccompanied since early 2021.

(2) Thousands of these children have been vic-
tims of child sex trafficking, forced child labor, or
child sexual exploitation and abuse, or some com-
bination of these crimes.

(3) The Department of Health and Human
Services, through its Office of Refugee Resettlement,
was and is responsible for the well-being of these
children up through repatriation or placement in
safe homes within the United States.

(4) The Department and the Office have lost
contact with as many as 85,000 of these migrant
children after placing them with sponsors in the
United States and their locations and well-being is currently unknown.

(5) The risk of child sex trafficking, forced child labor, and sexual exploitation and abuse of these children is immediate and grave.

SEC. 3. REPORTING REQUIREMENTS.

(a) In general.—Not later than 75 days after the date of enactment of this Act, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation shall jointly submit a status report to the Committee on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Government Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate on the status of all unaccompanied alien children that have been in the custody and care of the Office of Refugee Resettlement since January 1, 2021, and have been released to a parent, family-member, or sponsor within the United States.

(b) Contents of report.—Such status report shall include, at a minimum, all information known by the Secretaries and FBI concerning—
(1) the age, sex, and location (including the city
and State) for each child;

(2) the number of days the child was in the
custody and care of the Secretary of Health and
Human Services before placement with a sponsor
within the United States;

(3) whether they live with a non-relative or rel-
ative and the degree of kinship;

(4) the number of related and unrelated adults
living in the child’s home;

(5) the number of formerly unaccompanied
alien children in the home;

(6) an assessment (and the results thereof) of
the child’s cognitive, emotional, physical, and behav-
ioral well-being;

(7) an assessment (and the results thereof) of
whether the child is a victim of, or is at risk of being
a victim of child sexual exploitation and abuse or se-
vere forms of trafficking in persons as defined by
Public Law 106–386, including an explanation of
the methodology used in each assessment;

(8) whether all the adults in the home have
been subject to a fingerprint-based check of national
crime information databases (as defined in section
534(f)(3)(A) of title 28, United States Code);
(9) whether a fingerprint or other background check has revealed an adult in the home has a record of a conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, a felony drug-related offense or three or more misdemeanor drug offenses, or crimes of involving moral turpitude; and

(10) the number of children that the Office of Refugee Resettlement has tried to contact without success on at least three separate attempts.

(c) UPDATE AND RESUBMISSION OF REPORT.—The joint status report required by this section shall be updated and resubmitted every 60 days to the Committee on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Government Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate.

(d) TERMINATION DATE.—The reporting requirements under this section shall remain in effect until the
unaccompanied alien children described in subsection (a) have been adequately accounted for, or that three years have elapsed since the first report, whichever comes first.

SEC. 4. FUNDING CONDITIONS.

(a) IN GENERAL.—For each day the required status report is submitted late to the Committee on the Judiciary of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Government Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate, as determined by the relevant committee chairs and ranking members—

(1) $100,000 shall be rescinded from unobligated funds made available for the salaries and expenses of the Office of the Secretary for Health and Human Services;

(2) $100,000 shall be rescinded from unobligated funds made available for the salaries and expenses of the Office of the Secretary for Homeland Security; and

(3) $100,000 shall be rescinded from unobligated funds made available for the salaries and ex-
penses of the Office the Director of the Federal Bu-
reau of Investigation.

(b) LIMITATION ON RESCISSION.—The amount of
funds rescinded for each office shall not exceed
$10,000,000 per fiscal year.