

118TH CONGRESS  
1ST SESSION

# 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.

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## 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

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## 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.

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 “Safeguarding Endan-  
5 gered Children, Unaccompanied and at Risk of Exploi-  
6 tation Act of 2023” or as the “SECURE Act of 2023”.

7 **SEC. 2. FINDINGS.**

8        Congress finds the following:

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

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

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

22            (4) The Department and the Office have lost  
23 contact with as many as 85,000 of these migrant  
24 children after placing them with sponsors in the

1 United States and their locations and well-being is  
2 currently unknown.

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

6 **SEC. 3. REPORTING REQUIREMENTS.**

7 (a) IN GENERAL.—Not later than 75 days after the  
8 date of enactment of this Act, the Secretary of Health and  
9 Human Services, the Secretary of Homeland Security, and  
10 the Director of the Federal Bureau of Investigation shall  
11 jointly submit a status report to the Committee on the  
12 Judiciary of the House of Representatives, the Committee  
13 on Energy and Commerce of the House of Representa-  
14 tives, the Committee on Homeland Security of the House  
15 of Representatives, the Committee on Homeland Security  
16 and Government Affairs of the Senate, the Committee on  
17 the Judiciary of the Senate, and the Committee on Health,  
18 Education, Labor, and Pensions of the Senate on the sta-  
19 tus of all unaccompanied alien children that have been in  
20 the custody and care of the Office of Refugee Resettlement  
21 since January 1, 2021, and have been released to a parent,  
22 family-member, or sponsor within the United States.

23 (b) CONTENTS OF REPORT.—Such status report  
24 shall include, at a minimum, all information known by the  
25 Secretaries and FBI concerning—

1           (1) the age, sex, and location (including the city  
2           and State) for each child;

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

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

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

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

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

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

22          (8) whether all the adults in the home have  
23          been subject to a fingerprint-based check of national  
24          crime information databases (as defined in section  
25          534(f)(3)(A) of title 28, United States Code);

1           (9) whether a fingerprint or other background  
2 check has revealed an adult in the home has a  
3 record of a conviction for child abuse or neglect, for  
4 spousal abuse, for a crime against children (includ-  
5 ing child pornography), or for a crime involving vio-  
6 lence, including rape, sexual assault, or homicide, a  
7 felony drug-related offense or three or more mis-  
8 demeanor drug offenses, or crimes of involving moral  
9 turpitude; and

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

13       (c) UPDATE AND RESUBMISSION OF REPORT.—The  
14 joint status report required by this section shall be up-  
15 dated and resubmitted every 60 days to the Committee  
16 on the Judiciary of the House of Representatives, the  
17 Committee on Energy and Commerce of the House of  
18 Representatives, the Committee on Homeland Security of  
19 the House of Representatives, the Committee on Home-  
20 land Security and Government Affairs of the Senate, the  
21 Committee on the Judiciary of the Senate, and the Com-  
22 mittee on Health, Education, Labor, and Pensions of the  
23 Senate.

24       (d) TERMINATION DATE.—The reporting require-  
25 ments under this section shall remain in effect until the

1 unaccompanied alien children described in subsection (a)  
2 have been adequately accounted for, or that three years  
3 have elapsed since the first report, whichever comes first.

4 **SEC. 4. FUNDING CONDITIONS.**

5 (a) IN GENERAL.—For each day the required status  
6 report is submitted late to the Committee on the Judiciary  
7 of the House of Representatives, the Committee on En-  
8 ergy and Commerce of the House of Representatives, the  
9 Committee on Homeland Security of the House of Rep-  
10 resentatives, the Committee on Homeland Security and  
11 Government Affairs of the Senate, the Committee on the  
12 Judiciary of the Senate, and the Committee on Health,  
13 Education, Labor, and Pensions of the Senate, as deter-  
14 mined by the relevant committee chairs and ranking mem-  
15 bers—

16 (1) \$100,000 shall be rescinded from unobli-  
17 gated funds made available for the salaries and ex-  
18 penses of the Office of the Secretary for Health and  
19 Human Services;

20 (2) \$100,000 shall be rescinded from unobli-  
21 gated funds made available for the salaries and ex-  
22 penses of the Office of the Secretary for Homeland  
23 Security; and

24 (3) \$100,000 shall be rescinded from unobli-  
25 gated funds made available for the salaries and ex-

1       penses of the Office the Director of the Federal Bu-  
2       reau of Investigation.

3       (b) LIMITATION ON RESCISSION.—The amount of  
4 funds rescinded for each office shall not exceed  
5 \$10,000,000 per fiscal year.

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