

118TH CONGRESS
1ST SESSION

S. 1461

To establish vetting standards for the placement of unaccompanied alien children with sponsors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

Mr. SCOTT of Florida (for himself, Mr. COTTON, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish vetting standards for the placement of unaccompanied alien children with sponsors, 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 “Stop Human Traf-
5 ficking of Unaccompanied Migrant Children Act of 2023”.

6 **SEC. 2. VETTING STANDARDS FOR PLACEMENT OF UNAC-**
7 **COMPANIED ALIEN CHILDREN WITH SPON-**
8 **SORS.**

9 (a) VETTING OF PROSPECTIVE SPONSORS.—

1 (1) IN GENERAL.—Before an unaccompanied
2 alien child (as defined in section 462(g) of the
3 Homeland Security Act of 2002 (6 U.S.C. 279(g)))
4 may be released from the custody of the Secretary
5 of Health and Human Services to the custody of a
6 sponsor, the sponsor shall undergo and complete, to
7 the satisfaction of the Secretary of Health and
8 Human Services and the head of the department of
9 children and family services of the applicable State
10 (or the equivalent State agency) and in consultation
11 with the Attorney General and the Secretary of
12 Homeland Security, a fingerprint background check
13 and vetting process that includes—

14 (A) a public records check;

15 (B) a check of the National Sex Offender
16 Registry of the Department of Justice, con-
17 ducted through the public internet website for
18 such registry;

19 (C) a Federal Bureau of Investigation Na-
20 tional Criminal History check based on digital
21 fingerprints or digitized fingerprints submitted
22 on paper;

23 (D) a Child Abuse and Neglect check, ob-
24 tained on a State-by-State basis; and

1 (E) a check of the criminal history reposi-
2 tory of the applicable 1 or more States and a
3 police records check of the applicable localities.

4 (2) ADULTS HOUSEHOLD MEMBERS.—As part
5 of the vetting process under paragraph (1), each in-
6 dividual who is 18 years of age or older in the
7 household of a prospective sponsor shall undergo
8 and complete all vetting processes required by para-
9 graph (1), to the satisfaction of the Secretary of
10 Health and Human Services and the head of the de-
11 partment of children and family services of the ap-
12 plicable State (or the equivalent State agency) and
13 in consultation with the Attorney General and the
14 Secretary of Homeland Security, before an unaccom-
15 panied alien child may be placed in such household.

16 (b) LIMITATION ON PLACEMENT WITH ILLEGAL
17 ALIENS.—The Secretary of Health and Human Services
18 may not release an unaccompanied alien child to the cus-
19 tody of a sponsor who is an alien unlawfully present in
20 the United States, unless such alien is a biological parent,
21 legal guardian, or relative of the child.

22 (c) MONITORING VISITS.—

23 (1) PRE-RELEASE.—Before an unaccompanied
24 alien child may be released from the custody of the
25 Secretary of Health and Human Services, the Sec-

1 retary shall conduct a home visit to the household in
2 which the child is proposed to be placed, regardless
3 of the sponsor category of the prospective sponsor.

4 (2) POST-RELEASE.—For each child released
5 from the custody of the Secretary of Health and
6 Human Services after the date of the enactment of
7 this Act, the Secretary shall conduct—

8 (A) during the 1-year period beginning on
9 the date on which the child is so released, not
10 fewer than 5 unannounced in-person home vis-
11 its; and

12 (B) during the subsequent 1-year period, 1
13 in-person home visit each quarter.

14 (d) RETROACTIVE VETTING.—The Secretary of
15 Health and Human Services, in collaboration with the
16 head of the department of children and family services of
17 each applicable State (or the equivalent State agency) and
18 in consultation with the Attorney General and the Sec-
19 retary of Homeland Security, shall immediately conduct
20 the fingerprint background check and vetting process de-
21 scribed in subsection (a) for each sponsor with whom a
22 child released from the custody of the Secretary of Health
23 and Human Services has been placed since January 20,
24 2021, until the sponsor of each such child has been vetted
25 in accordance with this Act.

1 (e) MONTHLY REPORTS.—

2 (1) CHILDREN IN CUSTODY AND RELEASED TO
3 SPONSORS.—Not later than 30 days after the date
4 of the enactment of this Act, and every 30 days
5 thereafter, the Secretary of Health and Human
6 Services and the Secretary of Homeland Security
7 shall jointly submit to the Committee on Homeland
8 Security and Governmental Affairs of the Senate
9 and the Committee on Homeland Security of the
10 House of Representatives a report that contains, for
11 the preceding month—

12 (A) the number of unaccompanied alien
13 children encountered by the Secretary of Home-
14 land Security;

15 (B) the number of unaccompanied alien
16 children released by the Secretary of Homeland
17 Security into the custody of the Secretary of
18 Health and Human Services;

19 (C) the number of sponsor background
20 checks completed under subsection (a);

21 (D) the number of sponsor background
22 checks in progress under such subsection;

23 (E) the number of pre-release home visits
24 completed;

1 (F) the number of post-release home visits
2 completed;

3 (G) the number of unaccompanied alien
4 children released to sponsors, disaggregated by
5 sponsor category;

6 (H) total number of unaccompanied alien
7 children in the custody of the Secretary of
8 Health and Human Services, disaggregated by
9 State and Department of Health and Human
10 Services facility; and

11 (I) the rate at which the Secretary of
12 Health and Human Services rejected sponsor-
13 ship applications.

14 (2) MISSING CHILDREN.—Not later than 30
15 days after the date of the enactment of this Act, and
16 every 30 days thereafter, the Secretary of Health
17 and Human Services and the Secretary of Homeland
18 Security shall jointly submit to Congress a report on
19 all efforts made, during the preceding month, by the
20 Department of Health and Human Services and the
21 Department of Homeland Security to account for all
22 children—

23 (3) who were released from the custody of the
24 Secretary of Health and Human Services to a spon-
25 sor on or after January 20, 2021; and

1 (4) as of the date of the enactment of this
2 Act—

3 (A) who have been reported missing; or

4 (B) with respect to whom the Secretary of
5 Health and Human Services has no record
6 since the date of release from custody.

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