

118TH CONGRESS
1ST SESSION

H. R. 4164

To amend the Homeland Security Act of 2002 to direct the Director of the Office of Refugee Resettlements of the Department of Health and Human Services to establish additional procedures for making placement determinations for all unaccompanied alien children who are in Federal custody by reason of their immigration status, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2023

Mr. GARBARINO (for himself, Mr. D'ESPOSITO, and Mr. CISCOMANI) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Homeland Security Act of 2002 to direct the Director of the Office of Refugee Resettlements of the Department of Health and Human Services to establish additional procedures for making placement determinations for all unaccompanied alien children who are in Federal custody by reason of their immigration status, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting UACs
3 Through Enhanced Sponsor Vetting Act of 2023”.

4 **SEC. 2. ADDITIONAL PROCEDURES FOR PLACEMENT DECISIONS FOR UNACCOMPANIED ALIEN CHILDREN.**

7 Section 462 of the Homeland Security Act of 2002
8 (6 U.S.C. 279) is amended—

9 (1) in subsection (b)(1)—

10 (A) in subparagraph (K), by striking “;
11 and” at the end;

12 (B) in subparagraph (L), by striking the
13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(M) providing notification of the prospec-
16 tive placement of an unaccompanied alien child
17 with a sponsor to the Governor of the State and
18 the chief executive of the county in which the
19 sponsor resides.”;

20 (2) in subsection (b)(2), by amending subpara-
21 graph (A) to read as follows:

22 “(A) shall coordinate with appropriate ju-
23 venile justice professionals, the Director of the
24 Bureau of Citizenship and Immigration Serv-
25 ices, the Assistant Secretary of the Bureau of
26 Border Security, the Director of the Federal

1 Bureau of Investigation, and appropriate State
2 and local law enforcement officials to ensure
3 that such determinations ensure that unaccom-
4 panied alien children described in such subpara-
5 graph—

6 “(i) are likely to appear for all hear-
7 ings or proceedings in which they are in-
8 volved;

9 “(ii) are protected from smugglers,
10 traffickers, members of a designated
11 transnational criminal organization, or oth-
12 ers who might seek to victimize or other-
13 wise engage them in criminal, harmful, or
14 exploitive activity, including by conducting
15 a thorough criminal history background
16 check utilizing the Next Generation Identifi-
17 cation System or its successor system on
18 prospective sponsors;

19 “(iii) are placed in a setting in which
20 they are not likely to pose a danger to
21 themselves or others; and”;

22 (3) by redesignating subsection (g) as sub-
23 section (h) and—

24 (A) in paragraph (1) of such subsection,
25 by striking “and” at the end;

1 (B) in paragraph (2) of such subsection,
2 by striking the period at the end and inserting
3 “; and”; and

4 (C) by adding at the end the following:

5 “(3) the term ‘transnational criminal organiza-
6 tion’ means a criminal organization that has been
7 designated as a transnational criminal organization
8 by the Office of Foreign Assets Control at the De-
9 partment of the Treasury.”; and

10 (4) by inserting after subsection (f) the fol-
11 lowing:

12 “(g) ADDITIONAL PROCEDURES FOR MAKING PLACE-
13 MENT DETERMINATIONS.—

14 “(1) CRIMINAL RECORDS CHECKS.—The Direc-
15 tor shall coordinate with the Attorney General to
16 conduct a thorough criminal history background
17 check utilizing the Next Generation Identification
18 System or its successor system for all prospective
19 sponsors before placement of an unaccompanied
20 alien child.

21 “(2) CONSULTATION WITH RELEVANT LAW EN-
22 FORCEMENT ENTITIES.—The Director shall consult
23 with relevant law enforcement entities, including
24 Federal, State, and local law enforcement, prior to
25 making a determination on whether it is appropriate

1 to place an unaccompanied alien child with a pro-
2 spective sponsor. This consultation will examine any
3 criminal activity in which the prospective sponsor
4 may have been, or is currently, involved.

5 “(3) NOTIFICATION TO STATE AND LOCAL GOV-
6 ERNMENTS.—The Director shall notify relevant
7 State and local governments of the decision to place
8 an unaccompanied alien child with a sponsor. This
9 notification will include the Governor of the State
10 where the sponsor resides, as well as the mayor or
11 equivalent officeholder of the locality where the
12 sponsor resides.

13 “(4) TRANSNATIONAL CRIMINAL ORGANIZATION
14 INTELLIGENCE SHARING.—The Director shall pro-
15 vide to the Terrorist Screening Center information
16 uncovered during the placement process of an unac-
17 companied alien child that establishes membership
18 in, or affiliation with, a designated transnational
19 criminal organization of either an unaccompanied
20 alien child or a prospective sponsor.”.

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