

118TH CONGRESS
1ST SESSION

S. 1843

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.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2023

Mrs. BLACKBURN (for herself, Mr. HAGERTY, Mr. TILLIS, Mr. HOEVEN, Mr. CASSIDY, Mrs. HYDE-SMITH, Mr. CRUZ, Mr. LEE, Mr. DAINES, Mr. VANCE, and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 Chapter 2 of title II of the Immigration and Nation-
3 ality Act (8 U.S.C. 1181 et seq.) is amended by inserting
4 after section 211 the following:

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) 1 or more documents that prove that
16 such alien is a relative or guardian of such
17 minor; and

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

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

1 unable to determine, based on the evidence presented in
2 accordance with subsection (b)(1), that an adult alien is
3 a relative or guardian of the minor accompanying such
4 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 such alien has presented insuf-
10 ficient 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.—If the results of a DNA
20 test administered pursuant to subsection (c) fail to prove
21 that an alien described in subsection (a) is a relative of
22 a minor accompanying such alien, an immigration officer
23 shall conduct such interviews as may be necessary to de-
24 termine whether such alien is a relative or guardian of
25 such minor.

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

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

7 “(2) has reason to believe that such alien is
8 guilty of a felony offense, including the offenses of
9 human trafficking, recycling of a minor, or 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 that a minor is being used to enter the United
16 States on more than 1 occasion by an alien who has
17 attained 18 years of age and is not the relative or
18 the guardian of such 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.—Any person 18 years of age or
3 older who 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:

“1430. Recycling of minors.”.

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