

117TH CONGRESS  
1ST SESSION

# H. R. 4201

To transfer functions related to unaccompanied alien children to the Department of Homeland Security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2021

Mr. GREEN of Tennessee introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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 transfer functions related to unaccompanied alien children to the Department of Homeland Security, 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 “Migrant Accountability  
5       Act of 2021”.

1 **SEC. 2. TRANSFER OF FUNCTIONS RELATED TO UNACCOM-**  
2 **PANIED ALIEN CHILDREN.**

3 Section 462 of the Homeland Security Act of 2002  
4 (6 U.S.C. 279) is amended—

5 (1) by amending subsection (a) to read as fol-  
6 lows:

7 “(a) TRANSFER OF FUNCTIONS.—There are trans-  
8 ferred to the Secretary of Homeland Security functions  
9 under the immigration laws of the United States with re-  
10 spect to the care of unaccompanied alien children that  
11 were vested by statute in, or performed by, the Director  
12 of the Office of Refugee Resettlement of the Department  
13 of Health and Human Services immediately before the ef-  
14 fective date specified in subsection (d).”;

15 (2) in subsection (b)—

16 (A) by striking “Director of the Office of  
17 Refugee Resettlement” each place it appears  
18 and inserting “Secretary of Homeland Secu-  
19 rity”; and

20 (B) in paragraph (1), by striking “Direc-  
21 tor” and inserting “Secretary”;

22 (3) by amending subsection (d) to read as fol-  
23 lows:

24 “(d) EFFECTIVE DATE.—The effective date specified  
25 in this subsection is the date of enactment of the Migrant  
26 Accountability Act of 2021.”.

1 (4) in subsection (e)—

2 (A) in paragraph (1), by striking “Director  
3 of the Office of Refugee Resettlement” and in-  
4 serting “Secretary of Homeland Security”; and

5 (B) in paragraph (2), by striking “Office  
6 of Refugee Resettlement of the Department of  
7 Health and Human Services” and inserting  
8 “Department of Homeland Security”; and

9 (5) in subsection (f)—

10 (A) by repealing paragraph (2);

11 (B) in paragraph (3)—

12 (i) by striking “Department of Jus-  
13 tice” and inserting “Department of Health  
14 and Human Services”;

15 (ii) by striking “the Immigration and  
16 Naturalization Service” and inserting “the  
17 Office of Refugee Resettlement”; and

18 (iii) by striking “Director of the Of-  
19 fice of Refugee Resettlement for allocation  
20 to the appropriate component of the De-  
21 partment of Health and Human Services”  
22 and inserting “Secretary of Homeland Se-  
23 curity for allocation to the appropriate  
24 component of the Department of Home-  
25 land Security”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 Section 235 of the William Wilberforce Trafficking  
3 Victims Protection Reauthorization Act of 2008 (8 U.S.C.  
4 1232) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (2)—

7 (i) by amending the heading to read  
8 as follows: “RULES FOR UNACCOMPANIED  
9 ALIEN CHILDREN”;

10 (ii) in subparagraph (A), by striking  
11 “who is a national or habitual resident of  
12 a country that is contiguous with the  
13 United States”; and

14 (iii) in subparagraph (C)—

15 (I) by amending the heading to  
16 read as follows: “COUNTRY AGREE-  
17 MENTS”; and

18 (II) by striking “countries contig-  
19 uous to the United States” and in-  
20 serting “other countries”;

21 (B) by striking paragraph (3);

22 (C) in paragraph (4), by striking “imme-  
23 diately be transferred to the Secretary of  
24 Health and Human Services and treated in ac-  
25 cordance with subsection (b)” and inserting “be  
26 treated in accordance with subsection (b)”;

1 (D) in paragraph (5)(D), by striking “con-  
2 tiguous”; and

3 (2) in subsection (b)—

4 (A) by amending paragraph (1) to read as  
5 follows:

6 “(1) CARE AND CUSTODY OF UNACCOMPANIED  
7 ALIEN CHILDREN.—The care and custody of all un-  
8 accompanied alien children, including responsibility  
9 for their detention, where appropriate, shall be the  
10 responsibility of the Secretary of Homeland Secu-  
11 rity.”.

12 (B) in paragraph (2), by striking “Depart-  
13 ment of Health and Human services” and in-  
14 serting “Department of Homeland Security”;

15 (C) in paragraph (3), by striking “Sec-  
16 retary of Health and Human Services” and in-  
17 serting “Secretary of Homeland Security”; and

18 (D) in paragraph (4), by amending the  
19 first sentence to read as follows: “The Sec-  
20 retary of Homeland Security, in consultation  
21 with the Secretary of Health and Human Serv-  
22 ices, shall develop procedures to make a prompt  
23 determination of the age of an alien, which  
24 shall be used by the Secretary of Homeland Se-  
25 curity for children in their custody.”;

1 (3) in subsection (c)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (A)—

4 (I) by amending the heading to  
5 read as follows: “MINORS IN DEPART-  
6 MENT OF HOMELAND SECURITY CUS-  
7 TODY”; and

8 (II) by striking “Secretary of  
9 Health and Human Services” and in-  
10 serting “Secretary of Homeland Secu-  
11 rity”; and

12 (ii) by striking subparagraph (B);

13 (B) in paragraph (3)—

14 (i) by striking “Secretary of Health  
15 and Human Services” each place it ap-  
16 pears and inserting “Secretary of Home-  
17 land Security”; and

18 (ii) by repealing subparagraph (C);

19 (C) in paragraph (4), by striking “Sec-  
20 retary of Health and Human Services” and in-  
21 serting “Secretary of Homeland Security”;

22 (D) in paragraph (5), by striking “Sec-  
23 retary of Health and Human Services” and in-  
24 serting “Secretary of Homeland Security”; and

1                   (E) in paragraph (6), by striking “Sec-  
2                   retary of Health and Human Services” each  
3                   place it appears and inserting “Secretary of  
4                   Homeland Security”;

5                   (4) in subsection (d)(4)(A), by striking “Sec-  
6                   retary of Health and Human Services” and inserting  
7                   “Secretary of Homeland Security”; and

8                   (5) by adding at the end the following:

9                   “(j) DNA TESTING.—Prior to placing an unaccom-  
10                  panied alien child into the custody of a sponsor who claims  
11                  to be a biological relative of the child, the Secretary shall  
12                  confirm the existence of such a relationship using DNA  
13                  technology. For purposes of this subsection, a biological  
14                  relative includes a grandfather, grandmother, brother, sis-  
15                  ter, aunt, uncle, parent, and first cousin.

16                  “(k) LIMITATION ON PLACEMENT.—The Secretary of  
17                  Homeland Security, or their designee, shall not place an  
18                  unaccompanied alien child in a State, including in a Fed-  
19                  eral Government facility in a State, if the Governor of that  
20                  State does not consent to such placement. This subsection  
21                  does not apply to the placement of an unaccompanied alien  
22                  child with a biological relative with whom the existence  
23                  of such a relationship has been confirmed using DNA  
24                  technology in accordance with subsection (j).”.

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