

119TH CONGRESS
1ST SESSION

H. R. 4371

AN ACT

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and the Homeland Security Act of 2002 to enhance efforts to combat the trafficking of children.

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 “Kayla Hamilton Act”.

3 **SEC. 2. PLACEMENT DETERMINATIONS FOR UNACCOM-**
 4 **PANIED ALIEN CHILDREN.**

5 Section 462(b)(2) of the Homeland Security Act of
 6 2002 (6 U.S.C. 279(b)(2)) is amended to read as follows:

7 “(2) PLACEMENT DETERMINATIONS FOR UNAC-
 8 COMPANIED ALIEN CHILDREN.—The Director of the
 9 Office of Refugee Resettlement shall make deter-
 10 minations under paragraph (1)(C) in accordance
 11 with section 235(c)(2) of the William Wilberforce
 12 Trafficking Victims Protection Reauthorization Act
 13 of 2008 (8 U.S.C. 1232(c)(2)).”.

14 **SEC. 3. ENHANCING EFFORTS TO COMBAT THE TRAF-**
 15 **FICKING OF CHILDREN.**

16 Section 235(c) of the William Wilberforce Trafficking
 17 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
 18 1232(c)) is amended—

19 (1) in paragraph (2), to read as follows:

20 “(2) SAFE AND SECURE PLACEMENTS.—

21 “(A) INITIAL ACTIONS.—The Secretary of
 22 Health and Human Services may not make a
 23 placement determination under this paragraph
 24 for an unaccompanied alien child who is in Fed-
 25 eral custody by reason of the immigration sta-

tus of that child until the Secretary does the following:

“(i) CONSULTATIONS.—The Secretary of Health and Human Services shall consult with the Secretary of Homeland Security and the Attorney General (including appropriate juvenile justice officials)—

“(I) to ensure that the unaccompanied alien child will appear for all immigration, administrative, and judicial hearings or proceedings in which the child is involved;

“(II) to ensure that the unaccompanied alien child will be protected from smugglers, traffickers, gangs, and others who might seek to victimize or otherwise engage the child in criminal, harmful, or exploitative activity; and

“(III) to determine if the unaccompanied alien child—

“(aa) is a flight risk;

“(bb) is a danger to self, another individual, or the community; or

1 “(cc) has been arrested for,
2 charged with, or convicted of any
3 criminal offense in the United
4 States or in his or her country of
5 citizenship, nationality, or last
6 habitual residence.

7 “(ii) SCREENING FOR GANG RELATED
8 ACTIVITY; REQUIREMENT TO OBTAIN
9 CRIMINAL RECORDS.—In the case of an
10 unaccompanied alien child 12 years of age
11 or older, the Secretary of Health and
12 Human Services shall—

13 “(I) contact the consulate or em-
14 bassy of the country of citizenship,
15 nationality, or last habitual residence
16 for the unaccompanied alien child to
17 obtain any relevant arrest records,
18 pending criminal charges, or convic-
19 tion documents involving such child;
20 and

21 “(II) conduct an examination of
22 the unaccompanied alien child to de-
23 termine if such child has any gang-re-
24 lated tattoos and other gang-related
25 markings.

1 “(B) PLACEMENT GENERALLY.—

2 “(i) IN GENERAL.—Except as other-
3 wise provided in this paragraph, an unac-
4 companied alien child who is in the custody
5 of the Department of Health and Human
6 Services shall be promptly placed in the
7 least restrictive setting that is in the best
8 interest of the child.

9 “(ii) PROHIBITION ON RELEASE ON
10 OWN RECOGNIZANCE.—An unaccompanied
11 alien child may not be released on his or
12 her own recognizance.

13 “(C) PLACEMENT OF CERTAIN UNACCOM-
14 PANIED ALIEN CHILDREN IN SECURE FACILI-
15 TIES.—In the case of an unaccompanied alien
16 child 12 years of age or older, the unaccom-
17 panied alien child shall be placed in a secure fa-
18 cility for the duration of any immigration pro-
19 ceedings (and, if ordered removed, until such
20 unaccompanied alien child is removed) if the
21 unaccompanied alien child—

22 “(i) is a flight risk; or

23 “(ii) is a danger to self, other individ-
24 uals, or the community, including if the
25 unaccompanied alien child—

1 “(I) has a gang-related tattoo or
2 any other gang-related marking;

3 “(II) has been convicted of a se-
4 rious criminal offense (as defined in
5 section 101(h) of the Immigration and
6 Nationality Act (8 U.S.C. 1101(h)))
7 in any State or territory of the United
8 States or in the unaccompanied alien
9 child’s country of citizenship, nation-
10 ality, or last habitual residence;

11 “(III) has been convicted of any
12 aggravated felony (as defined in sec-
13 tion 101(a)(43) of the Immigration
14 and Nationality Act (8 U.S.C.
15 1101(a)(43)); or

16 “(IV) has, for conduct in connec-
17 tion with gang affiliation or gang ac-
18 tivity in any State or territory of the
19 United States or in the unaccom-
20 panied alien child’s country of citizen-
21 ship, nationality, or last habitual resi-
22 dence—

23 “(aa) any arrest record;

24 “(bb) any pending criminal
25 charge;

1 “(cc) any other pending pro-
2 ceeding; or

3 “(dd) any conviction.

4 “(D) PROHIBITIONS ON PLACEMENT OF
5 UNACCOMPANIED ALIEN CHILDREN WITH CER-
6 TAIN INDIVIDUALS.—The Secretary of Health
7 and Human Services shall not place an unac-
8 companied alien child in the custody of any in-
9 dividual who is one or more of the following:

10 “(i) SECURE AND STABLE SPON-
11 SORS.—An individual who is not a United
12 States citizen or a lawful permanent resi-
13 dent of the United States.

14 “(ii) INDIVIDUALS WITH CRIMINAL
15 HISTORY.—An individual who has been
16 convicted of, or who resides in a household
17 with an individual who has been convicted
18 of—

19 “(I) a sex offense (as defined in
20 section 111(5) of the Sex Offender
21 Registration and Notification Act (34
22 U.S.C. 20911(5)));

23 “(II) a crime involving severe
24 forms of trafficking in persons (as de-
25 fined in section 103(11) of the Traf-

1 ficking Victims Protection Act of
2 2000 (22 U.S.C. 7102(11)));

3 “(III) a crime of domestic vio-
4 lence (as defined in section
5 40002(a)(12) of the Violence Against
6 Women Act of 1994 (34 U.S.C.
7 12291(a)(12)));

8 “(IV) a crime of child abuse and
9 neglect (as defined in section 3 of the
10 Child Abuse Prevention and Treat-
11 ment Act (Public Law 93–247; 42
12 U.S.C. 5101 note));

13 “(V) murder, manslaughter, or
14 an attempt to commit murder or man-
15 slaughter (as defined in sections 1111,
16 1112, and 1113 of title 18, United
17 States Code);

18 “(VI) a crime involving the re-
19 ceipt, distribution, or possession of a
20 visual depiction of a minor engaging
21 in sexually explicit conduct (as de-
22 scribed in section 2252 of title 18,
23 United States Code);

24 “(VII) any crime for which an
25 alien is required to be taken into cus-

1 tody pursuant to section 236(c)(1) of
2 the Immigration and Nationality Act
3 (8 U.S.C. 1226(c)(1));

4 “(VIII) any aggravated felony (as
5 defined in section 101 of the Immi-
6 gration and Nationality Act);

7 “(IX) any crime defined as a fel-
8 ony by the relevant jurisdiction (Fed-
9 eral, State, tribal, or local);

10 “(X) any crime punishable by
11 more than 1 year of imprisonment; or

12 “(XI) any other criminal offense
13 as designated by the Attorney Gen-
14 eral, in the Attorney General’s sole
15 and unreviewable discretion.”; and

16 (2) in paragraph (3)—

17 (A) in subparagraph (A), by striking “Sub-
18 ject to the requirements of subparagraph (B)”
19 and inserting “Subject to the requirements of
20 subparagraphs (B) and (D)”; and

21 (B) by inserting at the end the following:

22 “(D) INFORMATION ABOUT INDIVIDUALS
23 WITH WHOM CHILDREN ARE PLACED.—Before
24 placing a child with any individual, the Sec-
25 retary of Health and Human Services shall pro-

1 vide to the Secretary of Homeland Security,
2 with regard to the individual with whom the
3 child will be placed and each adult resident of
4 the individual's household, information on—

5 “(i) the name of the individual and
6 each adult resident of the individual's
7 household;

8 “(ii) the social security number or in-
9 dividual taxpayer identification number of
10 the individual and each adult resident of
11 the individual's household;

12 “(iii) the date of birth of the indi-
13 vidual and of each adult resident of the in-
14 dividual's household;

15 “(iv) the physical location and address
16 of the individual's residence where the
17 child will be placed;

18 “(v) the immigration status of the in-
19 dividual and each adult resident of the in-
20 dividual's household;

21 “(vi) contact information for the indi-
22 vidual and for each adult resident of the
23 individual's household, including telephone
24 numbers, email addresses, and work tele-
25 phone numbers (if available); and

1 “(vii) the results of all background
2 and criminal records checks conducted on
3 the individual and each adult resident of
4 the individual’s household, which shall in-
5 clude at a minimum an investigation of the
6 Dru Sjodin National Sex Offender Public
7 Website, a public records background
8 check, and a national criminal history
9 background check based on fingerprints.”.

10 **SEC. 4. CONSTRUCTION; SEVERABILITY.**

11 Any provision of the this Act or an amendment made
12 by this Act held to be invalid or unenforceable by its
13 terms, or as applied to any person or circumstance, shall
14 be construed so as to give it the maximum effect permitted
15 by law, unless such holding shall be utterly invalid or un-
16 enforceable, in which event such provision shall be deemed
17 severable from this Act and shall not affect the remainder
18 of this Act, or the application of such provision to other
19 persons not similarly situated or to other, dissimilar cir-
20 cumstances.

21 **SEC. 5. EXEMPTION FROM PAPERWORK REDUCTION ACT**
22 **AND THE ADMINISTRATIVE PROCEDURE ACT.**

23 (a) PAPERWORK REDUCTION ACT.—Nothing in this
24 Act may be construed to require the Secretary of Home-
25 land Security, the Secretary of Health and Human Serv-

1 ices, the Secretary of State, or the Attorney General to
2 comply with the requirements of chapter 35 of title 44,
3 United States Code (commonly referred to as the “Paper-
4 work Reduction Act”) if such individuals determine that
5 compliance would impede the immediate implementation
6 of this Act or the amendments made by this Act.

7 (b) ADMINISTRATIVE PROCEDURE ACT.—Nothing in
8 this Act may be construed to require the Secretary of
9 Homeland Security, the Secretary of Health and Human
10 Services, the Secretary of State, or the Attorney General
11 to promulgate regulations under subchapter II of chapter
12 5 of title 5, United States Code (commonly referred to
13 as the “Administrative Procedure Act”), if such individ-
14 uals determine that compliance would impede the imme-
15 diate implementation of this Act or the amendments made
16 by this Act.

17 **SEC. 6. EFFECTIVE DATE; APPLICABILITY.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), this Act and the amendments made by this shall take
20 effect on the date of the enactment of this Act.

21 (b) APPLICABILITY.—This Act and the amendments
22 made by this Act shall apply to any release and custody
23 determinations for an unaccompanied alien child (as de-
24 fined in section 642(g)(2) of the Homeland Security Act
25 of 2002), that are pending or occur on or after the date

1 of the enactment of this Act, and all release redetermina-
2 tions.

Passed the House of Representatives December 16,
2025.

Attest:

Clerk.

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