

KAYLA HAMILTON ACT

OCTOBER 17, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4371]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4371) to amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to enhance efforts to combat the trafficking of children, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:
Strike all that follows after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kayla Hamilton Act”.

SEC. 2. PLACEMENT DETERMINATIONS FOR UNACCOMPANIED ALIEN CHILDREN.

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

“(2) **PLACEMENT DETERMINATIONS FOR UNACCOMPANIED ALIEN CHILDREN.**—The Director of the Office of Refugee Resettlement shall make determinations under paragraph (1)(C) in accordance with section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)).”.

SEC. 3. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.

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

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

“(2) **SAFE AND SECURE PLACEMENTS.**—

“(A) **INITIAL ACTIONS.**—The Secretary of Health and Human Services may not make a placement determination under this paragraph for an unaccompanied alien child who is in Federal custody by reason of the immigration status 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

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

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

“(I) contact the consulate or embassy of the country of citizenship, nationality, or last habitual residence for the unaccompanied alien child to obtain any relevant arrest records, pending criminal charges, or conviction documents involving such child; and

“(II) conduct an examination of the unaccompanied alien child to determine if such child has any gang-related tattoos and other gang-related markings.

“(B) **PLACEMENT GENERALLY.**—

“(i) **IN GENERAL.**—Except as otherwise provided in this paragraph, an unaccompanied alien child who is in the custody of the Department of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child.

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

“(C) **PLACEMENT OF CERTAIN UNACCOMPANIED ALIEN CHILDREN IN SECURE FACILITIES.**—In the case of an unaccompanied alien child 12 years of age or older, the unaccompanied alien child shall be placed in a secure facility for the duration of any immigration proceedings (and, if ordered removed, until such unaccompanied alien child is removed) if the unaccompanied alien child—

“(i) is a flight risk; or

“(ii) is a danger to self, other individuals, or the community, including if the unaccompanied alien child—

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

“(II) has been convicted of a serious criminal offense (as defined in section 101(h) of the Immigration and Nationality Act (8 U.S.C. 1101(h))) in any State or territory of the United States or in the

unaccompanied alien child's country of citizenship, nationality, or last habitual residence;

"(III) has been convicted of any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

"(IV) has, for conduct in connection with gang affiliation or gang activity in any State or territory of the United States or in the unaccompanied alien child's country of citizenship, nationality, or last habitual residence—

"(aa) any arrest record;

"(bb) any pending criminal charge;

"(cc) any other pending proceeding; or

"(dd) any conviction.

"(D) PROHIBITIONS ON PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN WITH CERTAIN INDIVIDUALS.—The Secretary of Health and Human Services shall not place an unaccompanied alien child in the custody of any individual who is one or more of the following:

"(i) SECURE AND STABLE SPONSORS.—An individual who is not a United States citizen or a lawful permanent resident of the United States.

"(ii) INDIVIDUALS WITH CRIMINAL HISTORY.—An individual who has been convicted of, or who resides in a household with an individual who has been convicted of—

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

"(II) a crime involving severe forms of trafficking in persons (as defined in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)));

"(III) a crime of domestic violence (as defined in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)));

"(IV) a crime of child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (Public Law 93–247; 42 U.S.C. 5101 note));

"(V) murder, manslaughter, or an attempt to commit murder or manslaughter (as defined in sections 1111, 1112, and 1113 of title 18, United States Code);

"(VI) a crime involving the receipt, distribution, or possession of a visual depiction of a minor engaging in sexually explicit conduct (as described in section 2252 of title 18, United States Code);

"(VII) any crime for which an alien is required to be taken into custody pursuant to section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1));

"(VIII) any aggravated felony (as defined in section 101 of the Immigration and Nationality Act);

"(IX) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local);

"(X) any crime punishable by more than 1 year of imprisonment; or

"(XI) any other criminal offense as designated by the Attorney General, in the Attorney General's sole and unreviewable discretion."; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "Subject to the requirements of subparagraph (B)" and inserting "Subject to the requirements of subparagraphs (B) and (D)"; and

(B) by inserting at the end the following:

"(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—Before placing a child with any individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, with regard to the individual with whom the child will be placed and each adult resident of the individual's household, information on—

"(i) the name of the individual and each adult resident of the individual's household;

"(ii) the social security number or individual taxpayer identification number of the individual and each adult resident of the individual's household;

"(iii) the date of birth of the individual and of each adult resident of the individual's household;

“(iv) the physical location and address of the individual’s residence where the child will be placed;

“(v) the immigration status of the individual and each adult resident of the individual’s household;

“(vi) contact information for the individual and for each adult resident of the individual’s household, including telephone numbers, email addresses, and work telephone numbers (if available); and

“(vii) the results of all background and criminal records checks conducted on the individual and each adult resident of the individual’s household, which shall include at a minimum an investigation of the Dru Sjodin National Sex Offender Public Website, a public records background check, and a national criminal history background check based on fingerprints.”.

SEC. 4. CONSTRUCTION; SEVERABILITY.

Any provision of this Act or an amendment made by this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be utterly invalid or unenforceable, in which event such provision shall be deemed severable from this Act and shall not affect the remainder of this Act, or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

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

(a) **PAPERWORK REDUCTION ACT.**—Nothing in this Act may be construed to require the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of State, or the Attorney General to comply with the requirements of chapter 35 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”) if such individuals determine that compliance would impede the immediate implementation of this Act or the amendments made by this Act.

(b) **ADMINISTRATIVE PROCEDURE ACT.**—Nothing in this Act may be construed to require the Secretary of Homeland Security, the Secretary of Health and Human Services, the Secretary of State, or the Attorney General to promulgate regulations under subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the “Administrative Procedure Act”), if such individuals determine that compliance would impede the immediate implementation of this Act or the amendments made by this Act.

SEC. 6. EFFECTIVE DATE; APPLICABILITY.

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

(b) **APPLICABILITY.**—This Act and the amendments made by this Act shall apply to any release and custody determinations for an unaccompanied alien child (as defined in section 642(g)(2) of the Homeland Security Act of 2002), that are pending or occur on or after the date of the enactment of this Act, and all release redeterminations.

Amend the title so as to read:

A bill 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.

Purpose and Summary

H.R. 4371, the Kayla Hamilton Act, introduced by Rep. Russell Fry (R-SC), would require the Department of Health and Human Services (HHS), for children 12 years of age and older, to request the criminal records of unaccompanied alien children (UACs) in their home country and determine if they have gang tattoos. Under the bill, UACs determined to have gang tattoos or a criminal history relating to gang activity or affiliation would not be released to a sponsor but instead placed in a secure facility—a facility designed for UACs who are determined to be a danger to themselves or others—for the pendency of their immigration proceedings. The bill would also require UACs with convictions for certain serious crimes to be placed in a secure facility, stronger background checks

and criminal history requirements for sponsors and adult members of their household, and would close a loophole in current law that allows illegal aliens to serve as UAC sponsors.

Background and Need for the Legislation

UNACCOMPANIED ALIEN CHILDREN

The UAC program began as a result of the passage of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), which created rules governing the treatment of UACs encountered by U.S. Customs and Border Protection (CBP) at the border.¹ The TVPRA created different sets of rules for UACs from contiguous and non-contiguous countries.² Under the TVPRA, minors from contiguous countries (*i.e.* Mexico and Canada) can be immediately returned to their home country if they consent, have not been trafficked, and do not have a credible fear of persecution.³ However, minors from non-contiguous countries—meaning any country other than Mexico and Canada—must be referred to the custody of HHS pending lengthy removal proceedings in immigration court.⁴ After their transfer to HHS, UACs are generally released into the United States to a sponsor.⁵

The number of UACs arriving at the southwest border doubled the year following the passage of the TVPRA, with more than 19,000 UAC encounters compared to just 8,000 the prior year.⁶ Indeed, rather than preventing the smuggling and trafficking of UACs into the United States, the TVPRA created a significant pull factor—encouraging the very behavior the law was intended to prevent. In 2012, President Obama unlawfully circumvented Congress to create the Deferred Action for Childhood Arrivals (DACA) program to stay the removal of certain illegal aliens who entered the United States as children.⁷ Predictably, after the Obama-Biden Administration instituted DACA in fiscal year 2012, the number of UACs arriving at the southwest border again surged to roughly 24,000 and then more than doubled to nearly 70,000 by fiscal year 2014.⁸

In June 2014, recognizing the out-of-control increase in UAC numbers, President Obama asked Congress to “provid[e] the DHS Secretary additional authority to exercise discretion in processing the return and removal of unaccompanied minor children from non-contiguous countries like Guatemala, Honduras, and El Salvador.”⁹

¹ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110–457 § 235, 112 Stat. 5044, 5077 (2008) (8 U.S.C. § 1232(b)(1)).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ U.S. GOV’T ACCOUNTABILITY OFF., GAO-16-180, UNACCOMPANIED CHILDREN: HHS CAN TAKE FURTHER ACTION TO MONITOR THEIR CARE (2016).

⁶ H. Comm. on the Judiciary, Interim Staff Rep., New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs at 6 (June 17, 2024).

⁷ Off. of the Press Sec’y, *Remarks by the President on Immigr.*, THE WHITE HOUSE (June 15, 2012), <https://obamawhitehouse.archives.gov/the-press-office/2012/06/15/remarks-president-immigration>.

⁸ H. Comm. on the Judiciary, Interim Staff Rep., New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs at 6 (June 17, 2024).

⁹ *Letter from the President, Efforts to Address the Humanitarian Situation in the Rio Grande Valley Areas of Our Nation’s Southwest Border*, THE WHITE HOUSE (June 30, 2014), <https://www.whitehouse.gov/the-press-office/2014/06/30/letter-to-congress-rio-grande-valley>.

Continued

At the time, House Republicans passed a bill to do just that; however, the Democrat-controlled Senate refused to consider the legislation.¹⁰ A similar scenario occurred in 2023 when House Republicans passed H.R. 2, the Secure the Border Act of 2023, which contained provisions to fix the loopholes in the UAC process. Once again, however, the Democrat-controlled Senate refused to consider the House-passed legislation.¹¹

Unlike the Biden-Harris Administration, the first Trump Administration implemented policies to deter illegal immigration and discourage adults and children alike from taking the perilous journey to the southwest border.¹² These policies ranged from proposing regulations to replace the *Flores* Settlement Agreement, enforcing a “zero-tolerance policy” to prosecute all adults who illegally crossed regardless of whether crossing as a family unit (and as a result, reclassifying children crossing with a parent in legal proceedings as UACs), and, in the late days of the first Trump presidency, by implementing the Title 42 public health authority.¹³ These policies brought apprehensions of illegal aliens at the southwest border to a standstill.¹⁴

THE BIDEN-HARRIS HHS “ASSEMBLY LINE” APPROACH TO UACS

Under the Biden-Harris Administration’s open-borders, no-consequences policies, UAC encounters and releases reached new heights. An astonishing 465,000 UACs were released to sponsors during the Biden-Harris Administration.¹⁵ These numbers are all the more troubling given that most UACs are never removed from the United States¹⁶ and have a pathway to citizenship, including through the flawed special immigrant juvenile (SIJ) classification,¹⁷ the asylum process, or even through the T- or U-visa process.¹⁸

While the UAC program was created with the intent to prevent trafficking, once the word got out that UACs encountered at the border could simply be released to a sponsor, the program spiraled out of control. In addition, the program lacks safeguards to prevent

obamawhitehouse.archives.gov/the-press-office/2014/06/30/letter-president-efforts-address-humanitarian-situation-rio-grande-valle.

¹⁰ Making Supplemental Appropriations for the Fiscal Year ending September 30, 2014, H.R. 5320, 113th Cong. (2014).

¹¹ The Secure the Border Act of 2023, H.R. 2, 118th Cong. (2023).

¹² Fact Sheet, The White House, *President Donald J. Trump is Acting to Enforce the Law, While Keeping Families Together* (June 20, 2018), <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-acting-enforce-law-keeping-families-together/>.

¹³ *Id.*

¹⁴ See generally U.S. Customs and Border Prot., *Southwest Land Border Encounters*, U.S. DEPT OF HOMELAND SEC., <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>, (last accessed July 15, 2025).

¹⁵ *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEPT OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEPT OF HEALTH AND HUMAN SERVS. (last accessed Jan 15, 2025).

¹⁶ U.S. Customs and Border Prot., *Unaccompanied Alien Children and Family Units Are Flooding the Border Because of Catch and Release Loopholes*, U.S. DEPT OF HOMELAND SEC. (Feb. 15, 2018), <https://www.dhs.gov/news/2018/02/15/unaccompanied-alien-children-and-family-units-are-flooding-border-because-catch-and> (“Once released into the interior of the United States, with few exceptions, UACs will generally remain in the country . . . Only 3.5 percent of unaccompanied minors apprehended are eventually removed from the United States”).

¹⁷ U.S. Citizenship and Immigr. Servs., *Special Immigrant Juveniles*, U.S. DEPT OF HOMELAND SEC., <https://www.uscis.gov/working-in-US/eb4/SIJ> (last accessed Nov. 8, 2024).

¹⁸ U.S. Citizenship and Immigr. Servs., *Green Card for a Victim of Trafficking (T Non-immigrant)*, U.S. DEPT OF HOMELAND SEC., <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-a-victim-of-trafficking-t-nonimmigrant> (last accessed Nov. 13, 2024); U.S. Citizenship and Immigr. Servs., *Green Card for a Victim of a Crime (U Nonimmigrant)*, U.S. DEPT OF HOMELAND SEC., <https://www.uscis.gov/green-card/green-card-eligibility/green-card-for-a-victim-of-a-crime-u-nonimmigrant> (last accessed Nov. 13, 2024).

illegal aliens from sponsoring UACs, incentivizing bad actors seeking to exploit UACs and, in many cases, the illegal alien parents of UACs to pay coyotes to smuggle them across the border. As of May 2025, according to HHS, approximately 85 percent of UAC sponsors lack lawful immigration status.¹⁹

As UAC encounters surged in 2021, the Biden-Harris Administration loosened safety standards for the placement of UACs with sponsors. HHS “par[ed] back protections that had been in place for years[,] including some background checks and reviews of children’s files” to move them out of the government’s custody more quickly.²⁰ In July 2021, HHS’s Office of Refugee Resettlement (ORR) management drafted a memo documenting concerns within the agency, with staff expressing concern that “labor trafficking was increasing” and complaining that the agency had become “one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.”²¹ In a staff meeting around that time, then-HHS Secretary Xavier Becerra, apparently undeterred by these concerns, compared placing UACs with sponsors to building automobiles. He said:

If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line and kids aren’t widgets, I get it. But we can do far better than this.²²

Secretary Becerra made his demands clear to senior leadership at ORR. According to press reports, Becerra told then-ORR Director Cindy Huang that “if she could not increase the number of discharges, he would find someone who could.”²³ Huang resigned a month later.²⁴ These policies directly resulted in UACs being exploited and working in extremely dangerous jobs that children are legally prohibited from performing, such as working in meatpacking facilities and jobs involving operating dangerous equipment.²⁵ Most recently, on July 10, 2025, eight UACs were found during the execution of a criminal warrant by DHS at a marijuana facility, Glass House Farms, in southern California.²⁶ During the raid, these juveniles were found in the presence of at least one dangerous illegal alien previously convicted of child molestation.²⁷

On February 8, 2023, the HHS Office of the Inspector General (OIG) released a report entitled, “Gaps in Sponsor Screening and Followup Raise Safety Concerns for Unaccompanied Children,” doc-

¹⁹Information provided to the H. Comm. on the Judic. by U.S. Dep’t of Health and Human Servs. (Apr. 30, 2025).

²⁰*Id.*

²¹*Id.*

²²Hannah Dreier (@hannahdreier), X (Feb 25, 2023, 6:13PM) <https://twitter.com/hannahdreier/status/1629620674984648704>.

²³Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. TIMES (Feb. 28, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

²⁴*Id.*

²⁵*Id.*

²⁶CBP Commissioner Rodney Scott (@CBPCommissioner), X (July 10, 2025, 11:25 PM), <https://x.com/CBPCommissioner/status/1943511972441391376>.

²⁷Peter D’Abrosca & Bill Melugin, *Child predator among more than 300 nabbed in cannabis farm ICE raid, largest of Trump’s second term*, FOX NEWS (July 12, 2025), <https://www.foxnews.com/us/child-predatory-among-more-than-300-nabbed-cannabis-farm-ice-raid-largest-trumps-second-term>.

umenting the inadequacy of sponsor vetting under the Biden-Harris Administration.²⁸ Specifically, the OIG found:

- Case files for 16 percent of UACs examined by the OIG “did not contain any documentation that indicated one or more required safety checks for sponsors were conducted.”²⁹ In some case files that contained references to purportedly completed public background checks (e.g. sex offender registry name and address checks and internet criminal public records checks) or address checks, the OIG was unable to identify ORR-required documentation to verify that the checks were truly completed.³⁰
- For 19 percent of UACs in the audit whose sponsors required an FBI fingerprint check or a child abuse and neglect registry check, the OIG found documentation in UAC’s case files indicating that a check was initiated, but the results were pending at the time of the children’s release—and UAC case files were not updated to include the results of these checks after the children’s release.³¹
- Of the 342 UAC case files reviewed during the OIG audit, HHS failed to conduct required sex offender address checks in 13 cases and required sex offender name checks in one case.³²
- In several cases, sponsors’ records were not updated or flagged after staff identified concerns following the UACs’ release to sponsors.³³ For example, a case manager conducting a follow-up call in the case of another UAC discovered that the whereabouts of a 3-year-old UAC placed with an unrelated sponsor were unknown—but that no notes or flags had been added to the sponsor’s record in HHS’s UAC Portal.³⁴ As such, a case manager screening this sponsor for a future sponsorship may not learn of this information if the individual attempted to sponsor another UAC.

A report conducted by the HHS Office of the General Counsel (OGC) during the Biden-Harris Administration revealed that “‘significant issues’ in vetting sponsors . . . enabled children to be placed . . . with adults ‘extorting or exploiting children.’”³⁵ At the same time, fraud plagued the sponsor vetting process. For example, as proof of a relationship with a UAC’s mother, a potential sponsor submitted this obviously doctored photo.³⁶ However, in response to these findings, then-Secretary Becerra did nothing to tighten sponsor vetting.³⁷

The Trump-Vance Administration has committed to locating UACs that the Biden-Harris Administration lost track of, although

²⁸ See generally INSPECTOR GENERAL, U.S. DEP’T. OF HEALTH AND HUMAN SERVS., OEI-07-21-00250, GAPS IN SPONSOR SCREENING AND FOLLOWUP RAISE SAFETY CONCERNS FOR UNACCOMPANIED CHILDREN (2024).

²⁹ *Id.* at 16.

³⁰ *Id.*

³¹ *Id.* at 17.

³² *Id.* at 38.

³³ *Id.* at 17.

³⁴ *Id.*

³⁵ Jennie Taer & Chris Nesi, *Trump admin launches probe into extremely lax HHS vetting for migrant kids that left thousands vulnerable to sex trafficking and exploitation*, N.Y. POST (Feb. 21, 2025), <https://nypost.com/2025/02/21/us-news/trump-admin-launches-massive-probe-into-tens-of-thousands-of-migrant-kids-who-went-missing-under-biden/>.

³⁶ *Id.*

³⁷ *Id.*

many are no longer minors.³⁸ Thus far, “22,638 [UACs] have been located,” “more than 400 sponsors have been arrested,” and “27 of the minors [have been] found dead, either by murder, suicide, or drug overdose.”³⁹

KAYLA HAMILTON MURDERED BY MS 13–AFFILIATED UAC
RELEASED TO A SPONSOR

As the first Trump Administration recognized, the UAC program has been exploited by criminals, including “gang members who come to this country as wolves in sheep[’s] clothing” and “use th[e] UAC] program as a means by which to recruit new members.”⁴⁰ As the Committee’s oversight has shown, during the Biden-Harris Administration, HHS disregarded the potential gang affiliation of UACs.

Kayla Hamilton was a 20-year-old woman with autism living in Aberdeen, Maryland. As her mother, Tammy Nobles, testified before the Immigration Subcommittee, “Kayla was a happy and loving person. She loved life and God,” and “despite having autism[,] she was determined to make her way in this world.”⁴¹ However, in July 2022, Kayla’s life was tragically cut short when she was murdered by Walter Javier Martinez, a 16-year-old illegal alien and MS–13 gang member from El Salvador who was allowed to enter the U.S. as a UAC.⁴²

Years before coming to the U.S., Martinez was arrested in El Salvador for “illicit association” with MS–13, a fact discovered by police only after Kayla Hamilton was murdered.⁴³ Tragically, this information could have been verified sooner had anyone bothered to call Salvadoran officials and simply ask, as law enforcement officials investigating Kayla’s murder later did.⁴⁴ In August 2022, law enforcement officials also noted that Martinez had gang tattoos, a fact not previously noted by HHS in his case file.⁴⁵

Incredibly, in response to requests for information about Martinez’s case, on several occasions, HHS noted to the Committee that its focus was on protecting Martinez’s privacy—the privacy of Kayla’s murderer.⁴⁶ Although local police quickly identified Martinez as the primary suspect in the murder and expressed their concern about the threat he posed to society, according to press reports, Martinez was placed in a Maryland foster home with other

³⁸ Information provided to the H. Comm. on the Judiciary by U.S. Dep’t of Health and Human Servs.

³⁹ Brooke Taylor (@Broketaylortv), X (Sept. 5, 2025, 9:55 AM), <https://x.com/Broketaylortv/status/1963964188847403027>.

⁴⁰ *Attorney General Sessions Gives Remarks to Federal Law Enforcement in Boston About Transnational Criminal Organizations*, U.S. DEPT OF JUSTICE (Sept. 21, 2017), <https://www.justice.gov/opa/speech/attorney-general-sessions-gives-remarks-federal-law-enforcement-boston-about>.

⁴¹ *The Biden-Harris Border Crisis: Victim Perspectives, Hearing Before the H. Subcomm. on Immigration Integrity, Security, and Enforcement*, 118th Cong. (Sept. 10, 2024) (Testimony of Mrs. Tammy Nobles).

⁴² See H. Comm. on the Judiciary, Interim Staff Rep., *The Murder of Kayla Hamilton: A Case for Immigr. Enft. and Border Sec.* at 1–2 (May 23, 2023).

⁴³ *Id.* at 2.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ E-mail from Off. of Ass. Sec’y for Leg. staff, U.S. Dep’t of Health and Human Servs. to Comm. staff, H. Comm. on the Judiciary (May 22, 2023) (on file with Comm.); E-mail from Off. of Ass. Sec’y for Leg. staff, U.S. Dep’t of Health and Human Servs. to Comm. staff, H. Comm. on the Judiciary (May 24, 2023) (on file with Comm.).

children and enrolled in high school.⁴⁷ Later, while in custody for Kayla’s murder, Martinez wrote a letter in which he “admitted to committing [four] murders, [two] rapes, and additional other crimes.”⁴⁸ Martinez has since been sentenced to more than 70 years in prison.⁴⁹ As the Harford County, Maryland State’s Attorney said in a statement, Martinez was “residing in our country illegally, had no legal right to be here, preying on the members of our communities, and perpetuating the same violent gang activity that he did in his own country.”⁵⁰

Despite having released Martinez—an illegal alien with gang tattoos and a history of “illicit association” with MS-13—to a sponsor, HHS during the Biden-Harris Administration told the Committee that it did not have a policy to refer known or suspected gang members to the Justice Department for investigation or, where appropriate, prosecution.⁵¹ In 2023, ORR Director Robin Dunn Marcos, a senior HHS official in charge of the UAC program at the time, admitted that while HHS contacts the consulate or embassy of the UAC’s country of origin or last habitual residence to verify certain documents or claimed familial relationships, HHS does not request UACs’ criminal records from those same home countries.⁵² At the same time, HHS admitted that it did not have any secure facilities “in-network”—that is, facilities designed for the secure placement of UACs who pose a danger to themselves or others or who have been determined to have a criminal record.⁵³

Instances of violent crime committed by UACs released to sponsors, such as in Kayla Hamilton’s case, are part of a larger, disturbing pattern. The Committee detailed in a 2024 staff report how, in 2023, a UAC, Juan Carlos Garcia Rodriguez, released by the Biden-Harris Administration to a sponsor in Louisiana, brutally assaulted and murdered Maria Gonzalez, a 10-year-old girl.⁵⁴ There is also the case of Yery Noel Medina Uloa, a 24-year-old posing as a UAC by claiming to be 17 years old, who murdered his sponsor in 2021, stabbing the man repeatedly and beating him with a chair.⁵⁵ More recently, on May 12, 2025, six illegal aliens were charged with the murder of Larisha Sharell Thompson, a South Carolina mother of two.⁵⁶ Three of the six illegal aliens

⁴⁷ Chris Papst, *MS-13 gang member attends Maryland High School as murder suspect, school not told*, FOX 5 BALTIMORE (Sept. 9, 2024), <https://www.foxbaltimore.com/news/project-baltimore/ms-13-gang-member-attends-maryland-high-school-as-murder-suspect-school-not-told>.

⁴⁸ *Press Release*, Off. of the State’s Att’y, Harford County (Aug. 21, 2024), https://www.harfordcountystatesattorney.org/illegal-immigrant-ms-13-gang-member-pleads-guilty-in-brutal-2022-murder/?fbclid=IwY2xjawEzd-NleHRuA2FlbQIxMQABHaAfjtcHc4YCUfwaoHPE90LeFeGazUN0C0UDUNfeQX9Y6UhBbTOL0WrWqg_aem_zd2qdQ41se4z14WoUKhJcG.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ H. Comm. on the Judiciary, Interim Staff Rep., New Information and Testimony From Biden Administration Officials Reveal Disregard for Potential Gang Affiliation of UACs at 3 (June 17, 2024).

⁵² *Id.* at 2.

⁵³ *Id.* at 3.

⁵⁴ See H. Comm. on the Judiciary, Interim Staff Rep., The Consequences of the Biden-Harris Administration’s Open-Borders Policies: The Case of the Illegal Alien Who Brutally Assaulted and Murdered Maria Gonzalez (Aug. 12, 2024).

⁵⁵ Jack Morphet, Lee Brown, & Jorge Fitz-Gibbon, *Illegal immigrant who posed as minor while crossing border charged with murder in Florida*, N.Y. POST (Nov. 4, 2021), <https://nypost.com/2021/11/04/illegal-immigrant-who-posed-as-minor-while-crossing-border-charged-with-murder/>.

⁵⁶ *Press Release, Six Illegal Aliens Charged For Brutal Murder Of South Carolina Mother in Random Attempted Robbery*, U.S. DEPT OF HOMELAND SEC. (May 15, 2025), <https://www.dhs.gov/news/2025/05/15/six-illegal-aliens-charged-brutal-murder-south-carolina-mother-random-attempted>; Information provided to the H. Comm. on the Judiciary.

charged in her murder—a 13-year-old, a 14-year-old, and a 15-year-old—were previously UACs who were released to sponsors by HHS.⁵⁷ The illegal aliens schemed to rob a car on the rural road in Lancaster, South Carolina, on which the mother of two was traveling on her way to a birthday party.⁵⁸ The criminal aliens, who were later captured on surveillance footage appearing “excited” and “giddy” after murdering her, ultimately “surrounded her car” and “shot [her] to death.”⁵⁹ Other recent instances of UAC crime include:

- Former UAC #1: Entered the U.S. as a UAC in 2022 and received a final order of removal in July 2024. Arrested on August 15, 2025, this individual is wanted in Honduras for illegal possession of a firearm and drug trafficking. ICE ERO confirmed the case is active in Honduras.⁶⁰
- Former UAC #2: Entered the U.S. as a UAC in 2021. Arrested in Virginia in 2025 for aggravated sexual battery involving a victim under 13 years old. Taken into custody on August 18, 2025.⁶¹
- Former UAC #3: Entered the U.S. as a UAC and was released upon turning 18 due to statutory requirements under the Violence Against Women Reauthorization Act (VAWA) of 2013 and the *Garcia-Ramirez* injunction, which requires Immigration and Customs Enforcement (ICE) to first consider placing UACs that age out of HHS custody in less restrictive settings before ICE may detain them. This individual failed to appear for immigration proceedings and was later arrested for first-degree murder and felony obstruction of justice. As of September 2025, the UAC is detained in Louisiana pending criminal prosecution and removal proceedings.⁶²
- Former UAC #4: Entered the U.S. as a UAC and was reunified with a parent. This individual failed to appear for multiple immigration court hearings, resulting in a removal order in absentia. They were subsequently arrested for offenses including felony hit-and-run causing injury and fraud-related crimes. As of September 2025, the UAC is currently staged in ICE custody pending removal to Guatemala.⁶³

Since February 2025, ICE has arrested an estimated 6,600 criminal aliens who were previously released as UACs by HHS.⁶⁴

The Kayla Hamilton Act is designed to prevent tragedies similar to Kayla’s murder by requiring HHS to request UACs’ criminal records from their home countries. If the UAC has a criminal record related to gang affiliation, the UAC must be placed in a secure placement, rather than released to a sponsor. UACs convicted of other serious crimes would also be required to be placed in a secure placement for the pendency of their immigration proceedings. This legislation also protects UACs by ensuring HHS conducts

⁵⁷ Information provided to the H. Comm. on the Judiciary.

⁵⁸ Andrew Dys, *Court hearing details evidence against suspects in ‘innocent’ SC woman’s killing*, THE HERALD (May 14, 2025), https://www.heraldonline.com/news/local/crime/article/306299686.html?taid=6824604c0a972000016ab463&utm_campaign=trueanthem&utm_medium=social&utm_source=twitter.

⁵⁹ *Id.*

⁶⁰ Information provided to the H. Comm. on the Judiciary.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

thorough background checks of potential sponsors and all adult residents of the potential sponsor’s household and subjecting potential sponsors to rigorous requirements relating to criminal history. Finally, the Kayla Hamilton Act will end the incentive of the illegal alien parents of UACs to have their children smuggled across the border by prohibiting illegal aliens from sponsoring UACs, instead requiring all sponsors to be either U.S. citizens or lawful permanent residents. H.R. 1, the One Big Beautiful Bill Act, provided HHS with \$300 million for sponsor background and UAC gang checks.⁶⁵ DHS also received funding under H.R. 1 to conduct criminal and gang checks of UACs.⁶⁶ As a result of these investments, today, Homeland Security Investigations (HSI) investigators who are trained to interview children are interviewing all UACs for potential criminal history and gang affiliation, including by assessing UACs for gang tattoos.⁶⁷

Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 4371: “Restoring Immigration Enforcement in America,” a hearing held on January 22, 2025, before the Subcommittee on Immigration Integrity, Security, and Enforcement of the Committee on the Judiciary. The Subcommittee heard testimony from the following witnesses:

- John Fabbriatore, Former Field Office Director, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations; Visiting Fellow, The Heritage Foundation;
- Jessica Vaughan, Director of Policy Studies, Center for Immigration Studies (CIS);
- Grant Newman, Director of Government Relations, Immigration Accountability Project; and
- David Bier, Director of Immigration Studies, CATO Institute.

The hearing addressed how the Trump Administration can restore immigration enforcement in the United States and reverse the Biden-Harris Administration’s open-borders, no-consequences immigration policies, including as it relates to the UAC program.

Committee Consideration

On September 10, 2025, the Committee met in open session and ordered the bill, H.R. 4371, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 16–13, a quorum being present.

Committee Votes

In compliance with clause 3(b) of House rule XIII, the following roll call votes occurred during the Committee’s consideration of H.R. 4371:

1. Vote on Tabling the Motion to Appeal the Ruling of the Chair (Germaneness with respect to Amendment #1 to the H.R. 4371 ANS, offered by Mr. Raskin)—agreed to 14 ayes to 12 nays.

⁶⁵ The One Big Beautiful Bill Act, H.R. 1, 119th Cong. (2025).

⁶⁶ *Id.*

⁶⁷ Information provided to the H. Comm. on the Judiciary.

2. Vote on Tabling the Motion to Appeal the Ruling of the Chair (Germaneness with respect to Amendment #2 to the H.R. 4371 ANS, offered by Mr. Raskin)—agreed to 20 ayes to 19 nays.

3. Vote on Tabling the Motion to Appeal the Ruling of the Chair (Germaneness with respect to Amendment #3 to the H.R. 4171 ANS, offered by Ms. Jayapal)—agreed to 20 ayes to 16 nays.

4. Vote on Amendment #4 to the H.R. 4371 ANS, offered by Ms. Crockett—failed 12 ayes to 13 nays.

5. Vote on favorably reporting H.R. 4371, as amended—passed 16 ayes to 13 nays.

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 9/19/25

Vote on: Motion to Table [Appealing the Ruling of the Chair] Roll Call #: 1

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. RASKIN (MD) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MR. NADLER (NY)		✓	
MR. BIGGS (AZ)				MS. LOFGREN (CA)			
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)		✓	
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)	✓			MS. JAYAPAL (WA)		✓	
MR. CLINE (VA)				MR. CORREA (CA)		✓	
MR. GOODEN (TX)	✓			MS. SCANLON (PA)			
MR. VAN DREW (NJ)				MR. NEGUSE (CO)			
MR. NEHLS (TX)	✓			MS. McBATH (GA)		✓	
MR. MOORE (AL)				MS. ROSS (NC)			
MR. KILEY (CA)				MS. BALINT (VT)		✓	
MS. HAGEMAN (WY)	✓			MR. GARCIA (IL)		✓	
MS. LEE (FL)	✓			MS. KAMLAGER-DOVE (CA)		✓	
MR. HUNT (TX)				MR. MOSKOWITZ (FL)		✓	
MR. FRY (SC)	✓			MR. GOLDMAN (NY)		✓	
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)			
MR. KNOTT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)							
MR. SCHMIDT (KS)	✓						
MR. GILL (TX)							
MR. BAUMGARTNER (WA)	✓						

Roll Call Totals: X

Ayes: 14

Nays: 12

Present:

Passed: X

Failed: _____

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 9/10/25

Vote on: Motion to Table [appealing the ruling of the chair] Roll Call #: 2

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. RASKIN (MD) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MR. NADLER (NY)		✓	
MR. BIGGS (AZ)	✓			MS. LOFGREN (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)		✓	
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)		✓	
MR. ROY (TX)				MR. LIEU (CA)		✓	
MR. FITZGERALD (WI)	✓			MS. JAYAPAL (WA)		✓	
MR. CLINE (VA)				MR. CORREA (CA)		✓	
MR. GOODEN (TX)	✓			MS. SCANLON (PA)		✓	
MR. VAN DREW (NJ)	✓			MR. NEGUSE (CO)		✓	
MR. NEHLS (TX)	✓			MS. McBATH (GA)		✓	
MR. MOORE (AL)	✓			MS. ROSS (NC)		✓	
MR. KILEY (CA)	✓			MS. BALINT (VT)		✓	
MS. HAGEMAN (WY)	✓			MR. GARCIA (IL)		✓	
MS. LEE (FL)	✓			MS. KAMLAGER-DOVE (CA)		✓	
MR. HUNT (TX)				MR. MOSKOWITZ (FL)		✓	
MR. FRY (SC)	✓			MR. GOLDMAN (NY)		✓	
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)		✓	
MR. KNOTT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)	✓						
MR. SCHMIDT (KS)	✓						
MR. GILL (TX)	✓						
MR. BAUMGARTNER (WA)	✓						

Roll Call Totals: Ayes: 20 Nays: 19 Present: _____
 Passed: X Failed: _____

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 9/10/25

Vote on: Motion to Table [appealing the Ruling of the Chair]

Roll Call #: 3

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. RASKIN (MD) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MR. NADLER (NY)		✓	
MR. BIGGS (AZ)	✓			MS. LOFGREN (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)	✓			MR. JOHNSON (GA)		✓	
MR. MASSIE (KY)		✓		MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)		✓	
MR. FITZGERALD (WI)	✓			MS. JAYAPAL (WA)		✓	
MR. CLINE (VA)				MR. CORREA (CA)		✓	
MR. GOODEN (TX)	✓			MS. SCANLON (PA)		✓	
MR. VAN DREW (NJ)				MR. NEGUSE (CO)			
MR. NEHLS (TX)	✓			MS. McBATH (GA)		✓	
MR. MOORE (AL)	✓			MS. ROSS (NC)		✓	
MR. KILEY (CA)				MS. BALINT (VT)		✓	
MS. HAGEMAN (WY)	✓			MR. GARCIA (IL)		✓	
MS. LEE (FL)	✓			MS. KAMLAGER-DOVE (CA)		✓	
MR. HUNT (TX)	✓			MR. MOSKOWITZ (FL)		✓	
MR. FRY (SC)	✓			MR. GOLDMAN (NY)			
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)		✓	
MR. KNOTT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)	✓						
MR. SCHMIDT (KS)	✓						
MR. GILL (TX)	✓						
MR. BAUMGARTNER (WA)	✓						

Roll Call Totals:

Ayes:

20

Nays:

16

Present:

Passed:

X

Failed:

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 9/10/25

Vote on: CROCKETT AMMEND #4 to HR 4371 ANS

Roll Call #: 9

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>		✓		MR. RASKIN (MD) <i>Ranking Member</i>	✓		
MR. ISSA (CA)				MR. NADLER (NY)	✓		
MR. BIGGS (AZ)				MS. LOFGREN (CA)	✓		
MR. McCLINTOCK (CA)		✓		MR. COHEN (TN)			
MR. TIFFANY (WI)		✓		MR. JOHNSON (GA)			
MR. MASSIE (KY)				MR. SWALWELL (CA)			
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)	✓		
MR. CLINE (VA)		✓		MR. CORREA (CA)	✓		
MR. GOODEN (TX)				MS. SCANLON (PA)	✓		
MR. VAN DREW (NJ)				MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)	✓		
MR. MOORE (AL)		✓		MS. ROSS (NC)	✓		
MR. KILEY (CA)				MS. BALINT (VT)	✓		
MS. HAGEMAN (WY)		✓		MR. GARCIA (IL)	✓		
MS. LEE (FL)		✓		MS. KAMLAGER-DOVE (CA)			
MR. HUNT (TX)				MR. MOSKOWITZ (FL)	✓		
MR. FRY (SC)		✓		MR. GOLDMAN (NY)			
MR. GROTHMAN (WI)		✓		MS. CROCKETT (TX)	✓		
MR. KNOTT (NC)							
MR. HARRIS (NC)		✓					
MR. ONDER (MO)		✓					
MR. SCHMIDT (KS)		✓					
MR. GILL (TX)							
MR. BAUMGARTNER (WA)		✓					

Roll Call Totals: Ayes: 12 Nays: 13 Present: X
 Passed: _____ Failed: _____

COMMITTEE ON THE JUDICIARY

119th CONGRESS

25-19

ROLL CALL

Date: 9/10/25

Vote on: Final Passage of HR 437, as amended

Roll Call #: 5

REPUBLICANS	AYE	NO	PRESENT	DEMOCRATS	AYE	NO	PRESENT
MR. JORDAN (OH) <i>Chairman</i>	✓			MR. RASKIN (MD) <i>Ranking Member</i>		✓	
MR. ISSA (CA)	✓			MR. NADLER (NY)		✓	
MR. BIGGS (AZ)				MS. LOFGREN (CA)		✓	
MR. McCLINTOCK (CA)	✓			MR. COHEN (TN)			
MR. TIFFANY (WI)				MR. JOHNSON (GA)			
MR. MASSIE (KY)				MR. SWALWELL (CA)		✓	
MR. ROY (TX)				MR. LIEU (CA)			
MR. FITZGERALD (WI)				MS. JAYAPAL (WA)		✓	
MR. CLINE (VA)	✓			MR. CORREA (CA)		✓	
MR. GOODEN (TX)	✓			MS. SCANLON (PA)		✓	
MR. VAN DREW (NJ)				MR. NEGUSE (CO)			
MR. NEHLS (TX)				MS. McBATH (GA)		✓	
MR. MOORE (AL)	✓			MS. ROSS (NC)		✓	
MR. KILEY (CA)	✓			MS. BALINT (VT)		✓	
MS. HAGEMAN (WV)	✓			MR. GARCIA (IL)		✓	
MS. LEE (FL)	✓			MS. KAMLAGER-DOVE (CA)			
MR. HUNT (TX)				MR. MOSKOWITZ (FL)		✓	
MR. FRY (SC)	✓			MR. GOLDMAN (NY)			
MR. GROTHMAN (WI)	✓			MS. CROCKETT (TX)		✓	
MR. KNOTT (NC)	✓						
MR. HARRIS (NC)	✓						
MR. ONDER (MO)	✓						
MR. SCHMIDT (KS)	✓						
MR. GILL (TX)							
MR. BAUMGARTNER (WA)	✓						

Roll Call Totals: Ayes: 16 Nays: 13 Present:

Passed: _____ Failed: _____

Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Committee Estimate of Budgetary Effects

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 4371 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 4371 would require the Department of Health and Human Services (HHS), for children 12 years of age and older, to request the criminal records of unaccompanied alien children (UACs) in their home country and determine if they have gang tattoos. UACs with a criminal history relating to gang activity or affiliation would be placed in a secure facility for the pendency of

their immigration proceedings. The bill would also prohibit illegal aliens from serving as a UAC sponsor.

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 4371 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

Federal Mandates Statement

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

Advisory Committee Statement

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

Section-by-Section Analysis

Sec. 1. Short title

The “Kayla Hamilton Act.”

Sec. 2. Placement determinations for unaccompanied alien children

This section amends the Homeland Security Act, providing that placement determinations for unaccompanied alien children shall be made in accordance with the Trafficking Victims Protection Reauthorization Act (TVPRA) as amended by this legislation.

Sec. 3. Enhancing efforts to combat the trafficking of children

This section amends the TVPRA provisions pertaining to the placement of UACs with sponsors. This section requires the HHS Secretary to consult with the Secretary of Homeland Security and the Attorney General to consider, when determining potential placements for UACs, whether the UAC poses a danger to himself or to the community, is a flight risk, or has been previously arrested, charged, or convicted of any criminal offense in the United States or in his or her home country, in addition to ensuring the UAC’s appearance at all relevant proceedings or hearings and protecting the child from smugglers, traffickers, gangs, and others. Under current law, a similar analysis of some of these factors is discretionary.

This section further requires, in the case of UACs 12 years of age and older, that HHS screen for gang-related activity and affiliation. HHS must contact the consulate or embassy of the UAC’s home

country to inquire whether the UAC has a criminal history relating to gang affiliation or gang activity. In addition, HHS is required to conduct an examination of the UAC for gang-related tattoos or markings. This would occur during the medical assessment that HHS already currently conducts at UAC intake. Homeland Security Investigations (HSI) investigators trained to interview children are currently performing these checks using funds appropriated for this purpose by Congress in the One Big Beautiful Bill Act. The bill also preserves provisions in current law that allow UACs not subject to these requirements to be placed in the least restrictive setting in the best interest of the child and prohibit UACs from being released on their own recognizance.

This section also clarifies specific circumstances in which UACs 12 years of age or older must be placed in secure facilities, including, but not limited to, if the UAC is a flight risk or is a danger to self, others, or the community including if the UAC has a gang tattoo or marking; has been convicted of a serious criminal offense; has been convicted of an aggravated felony; or has an arrest record, pending criminal charges or proceedings, or a conviction relating to gang affiliation or gang activity in his or her home country. Such UACs will be placed in secure facilities for the pendency of their immigration proceedings and, if ordered removed, until the UAC is removed. UACs who are not required to be placed in secure facilities must be placed in the least restrictive setting in the best interest of the child and may not be released on their own recognizance.

This section also bars UACs from being placed with sponsors who are themselves illegal aliens, limiting eligibility to serve as a sponsor to those with permanent immigration status in the country (e.g. U.S. citizens or lawful permanent residents). In addition, the bill prohibits UACs from being placed in the home of any individual who has been convicted of various crimes, including sex offenses, severe forms of trafficking in persons, domestic violence, child abuse and neglect, murder, manslaughter, and other serious crimes.

This section further requires the HHS Secretary to collect the following information about potential UAC sponsors and all adult members of the potential sponsor's household and share such information with the Department of Homeland Security: name(s); Social Security number(s) and/or taxpayer identification number(s); date(s) of birth; location and address of residence; Immigration status(es); contact information; and the results of all background and criminal records checks, including public records sex offender registry checks, a public records background check, and an FBI National Criminal history check using fingerprints.

Sec. 4. Construction; severability

This section provides that if any provision of this legislation is held unenforceable or invalid, the bill's provisions are to be construed as severable.

Sec. 5. Exemption from Paperwork Reduction Act and the Administrative Procedure Act

This section exempts the bill's provisions from the Paperwork Reduction Act and the Administrative Procedure Act.

Sec. 6. Effective date; applicability

This section governs when these changes become effective.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

* * * * *

**TITLE IV—BORDER, MARITIME, AND
TRANSPORTATION SECURITY**

* * * * *

**Subtitle E—Citizenship and Immigration
Services**

* * * * *

SEC. 462. CHILDREN'S AFFAIRS.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Director of the Office of Refugee Resettlement of the Department of Health and Human Services functions under the immigration laws of the United States with respect to the care of unaccompanied alien children that were vested by statute in, or performed by, the Commissioner of Immigration and Naturalization (or any officer, employee, or component of the Immigration and Naturalization Service) immediately before the effective date specified in subsection (d).

(b) FUNCTIONS.—

(1) IN GENERAL.—Pursuant to the transfer made by subsection (a), the Director of the Office of Refugee Resettlement shall be responsible for—

(A) coordinating and implementing the care and placement of unaccompanied alien children who are in Federal custody by reason of their immigration status, including developing a plan to be submitted to Congress on how to ensure that qualified and independent legal counsel is timely appointed to represent the interests of each such child, consistent with the law regarding appointment of counsel that is in effect on the date of the enactment of this Act;

(B) ensuring that the interests of the child are considered in decisions and actions relating to the care and custody of an unaccompanied alien child;

(C) making placement determinations for all unaccompanied alien children who are in Federal custody by reason of their immigration status;

(D) implementing the placement determinations;

(E) implementing policies with respect to the care and placement of unaccompanied alien children;

(F) identifying a sufficient number of qualified individuals, entities, and facilities to house unaccompanied alien children;

(G) overseeing the infrastructure and personnel of facilities in which unaccompanied alien children reside;

(H) reuniting unaccompanied alien children with a parent abroad in appropriate cases;

(I) compiling, updating, and publishing at least annually a state-by-state list of professionals or other entities qualified to provide guardian and attorney representation services for unaccompanied alien children;

(J) maintaining statistical information and other data on unaccompanied alien children for whose care and placement the Director is responsible, which shall include—

(i) biographical information, such as a child's name, gender, date of birth, country of birth, and country of habitual residence;

(ii) the date on which the child came into Federal custody by reason of his or her immigration status;

(iii) information relating to the child's placement, removal, or release from each facility in which the child has resided;

(iv) in any case in which the child is placed in detention or released, an explanation relating to the detention or release; and

(v) the disposition of any actions in which the child is the subject;

(K) collecting and compiling statistical information from the Department of Justice, the Department of Homeland Security, and the Department of State on each department's actions relating to unaccompanied alien children; and

(L) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside, including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements.

[(2) COORDINATION WITH OTHER ENTITIES; NO RELEASE ON OWN RECOGNIZANCE.—In making determinations described in paragraph (1)(C), the Director of the Office of Refugee Resettlement—

[(A) shall consult with appropriate juvenile justice professionals, the Director of the Bureau of Citizenship and Immigration Services, and the Assistant Secretary of the Bureau of Border Security to ensure that such determinations ensure that unaccompanied alien children described in such subparagraph—

[(i) are likely to appear for all hearings or proceedings in which they are involved;

[(ii) are protected from smugglers, traffickers, or others who might seek to victimize or otherwise engage them in criminal, harmful, or exploitive activity; and

[(iii) are placed in a setting in which they are not likely to pose a danger to themselves or others; and

[(B) shall not release such children upon their own recognition.]

(2) *PLACEMENT DETERMINATIONS FOR UNACCOMPANIED ALIEN CHILDREN.*—*The Director of the Office of Refugee Resettlement shall make determinations under paragraph (1)(C) in accordance with section 235(c)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(2)).*

(3) *DUTIES WITH RESPECT TO FOSTER CARE.*—In carrying out the duties described in paragraph (1), the Director of the Office of Refugee Resettlement is encouraged to use the refugee children foster care system established pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) for the placement of unaccompanied alien children.

(4) *RULE OF CONSTRUCTION.*—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for an unaccompanied alien child who is released to a qualified sponsor.

(c) *RULE OF CONSTRUCTION.*—Nothing in this section may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) from the authority of any official of the Department of Justice, the Department of Homeland Security, or the Department of State.

(d) *EFFECTIVE DATE.*—Notwithstanding section 4, this section shall take effect on the date on which the transfer of functions specified under section 441 takes effect.

(e) *REFERENCES.*—With respect to any function transferred by this section, any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a component of government from which such function is transferred—

(1) to the head of such component is deemed to refer to the Director of the Office of Refugee Resettlement; or

(2) to such component is deemed to refer to the Office of Refugee Resettlement of the Department of Health and Human Services.

(f) *OTHER TRANSITION ISSUES.*—

(1) *EXERCISE OF AUTHORITIES.*—Except as otherwise provided by law, a Federal official to whom a function is transferred by this section may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date specified in subsection (d).

(2) *SAVINGS PROVISIONS.*—Subsections (a), (b), and (c) of section 1512 shall apply to a transfer of functions under this section in the same manner as such provisions apply to a transfer of functions under this Act to the Department of Homeland Security.

(3) **TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.**—The personnel of the Department of Justice employed in connection with the functions transferred by this section, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to, the Immigration and Naturalization Service in connection with the functions transferred by this section, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Director of the Office of Refugee Resettlement for allocation to the appropriate component of the Department of Health and Human Services. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

(g) **DEFINITIONS.**—As used in this section—

(1) the term “placement” means the placement of an unaccompanied alien child in either a detention facility or an alternative to such a facility; and

(2) the term “unaccompanied alien child” means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained 18 years of age; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

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WILLIAM WILBERFORCE TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2008

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TITLE II—COMBATING TRAFFICKING IN PERSONS IN THE UNITED STATES

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Subtitle D—Activities of the United States Government

* * * * *

SEC. 235. ENHANCING EFFORTS TO COMBAT THE TRAFFICKING OF CHILDREN.

(a) **COMBATING CHILD TRAFFICKING AT THE BORDER AND PORTS OF ENTRY OF THE UNITED STATES.**—

(1) **POLICIES AND PROCEDURES.**—In order to enhance the efforts of the United States to prevent trafficking in persons, the Secretary of Homeland Security, in conjunction with the Sec-

retary of State, the Attorney General, and the Secretary of Health and Human Services, shall develop policies and procedures to ensure that unaccompanied alien children in the United States are safely repatriated to their country of nationality or of last habitual residence.

(2) SPECIAL RULES FOR CHILDREN FROM CONTIGUOUS COUNTRIES.—

(A) DETERMINATIONS.—Any unaccompanied alien child who is a national or habitual resident of a country that is contiguous with the United States shall be treated in accordance with subparagraph (B), if the Secretary of Homeland Security determines, on a case-by-case basis, that—

(i) such child has not been a victim of a severe form of trafficking in persons, and there is no credible evidence that such child is at risk of being trafficked upon return to the child's country of nationality or of last habitual residence;

(ii) such child does not have a fear of returning to the child's country of nationality or of last habitual residence owing to a credible fear of persecution; and

(iii) the child is able to make an independent decision to withdraw the child's application for admission to the United States.

(B) RETURN.—An immigration officer who finds an unaccompanied alien child described in subparagraph (A) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may—

(i) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(ii) return such child to the child's country of nationality or country of last habitual residence.

(C) CONTIGUOUS COUNTRY AGREEMENTS.—The Secretary of State shall negotiate agreements between the United States and countries contiguous to the United States with respect to the repatriation of children. Such agreements shall be designed to protect children from severe forms of trafficking in persons, and shall, at a minimum, provide that—

(i) no child shall be returned to the child's country of nationality or of last habitual residence unless returned to appropriate employees or officials, including child welfare officials where available, of the accepting country's government;

(ii) no child shall be returned to the child's country of nationality or of last habitual residence outside of reasonable business hours; and

(iii) border personnel of the countries that are parties to such agreements are trained in the terms of such agreements.

(3) RULE FOR OTHER CHILDREN.—The custody of unaccompanied alien children not described in paragraph (2)(A) who are apprehended at the border of the United States or at a

United States port of entry shall be treated in accordance with subsection (b).

(4) SCREENING.—Within 48 hours of the apprehension of a child who is believed to be described in paragraph (2)(A), but in any event prior to returning such child to the child's country of nationality or of last habitual residence, the child shall be screened to determine whether the child meets the criteria listed in paragraph (2)(A). If the child does not meet such criteria, or if no determination can be made within 48 hours of apprehension, the child shall immediately be transferred to the Secretary of Health and Human Services and treated in accordance with subsection (b). Nothing in this paragraph may be construed to preclude an earlier transfer of the child.

(5) ENSURING THE SAFE REPATRIATION OF CHILDREN.—

(A) REPATRIATION PILOT PROGRAM.—To protect children from trafficking and exploitation, the Secretary of State shall create a pilot program, in conjunction with the Secretary of Health and Human Services and the Secretary of Homeland Security, nongovernmental organizations, and other national and international agencies and experts, to develop and implement best practices to ensure the safe and sustainable repatriation and reintegration of unaccompanied alien children into their country of nationality or of last habitual residence, including placement with their families, legal guardians, or other sponsoring agencies.

(B) ASSESSMENT OF COUNTRY CONDITIONS.—The Secretary of Homeland Security shall consult the Department of State's Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(C) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of Health and Human Services, with assistance from the Secretary of Homeland Security, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to improve repatriation programs for unaccompanied alien children. Such report shall include—

(i) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(ii) a statement of the nationalities, ages, and gender of such children;

(iii) a description of the policies and procedures used to effect the removal of such children from the United States and the steps taken to ensure that such children were safely and humanely repatriated to their country of nationality or of last habitual residence, including a description of the repatriation pilot program created pursuant to subparagraph (A);

(iv) a description of the type of immigration relief sought and denied to such children;

(v) any information gathered in assessments of country and local conditions pursuant to paragraph (2); and

(vi) statistical information and other data on unaccompanied alien children as provided for in section 462(b)(1)(J) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(J)).

(D) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child sought to be removed by the Department of Homeland Security, except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2), shall be—

(i) placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a);

(ii) eligible for relief under section 240B of such Act (8 U.S.C. 1229c) at no cost to the child; and

(iii) provided access to counsel in accordance with subsection (c)(5).

(b) COMBATING CHILD TRAFFICKING AND EXPLOITATION IN THE UNITED STATES.—

(1) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN.—Consistent with section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279), and except as otherwise provided under subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services.

(2) NOTIFICATION.—Each department or agency of the Federal Government shall notify the Department of Health and Human Services within 48 hours upon—

(A) the apprehension or discovery of an unaccompanied alien child; or

(B) any claim or suspicion that an alien in the custody of such department or agency is under 18 years of age.

(3) TRANSFERS OF UNACCOMPANIED ALIEN CHILDREN.—Except in the case of exceptional circumstances, any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child.

(4) AGE DETERMINATIONS.—The Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, shall develop procedures to make a prompt determination of the age of an alien, which shall be used by the Secretary of Homeland Security and the Secretary of Health and Human Services for children in their respective custody. At a minimum, these procedures shall take into account multiple forms of evidence, including the non-exclusive use of radiographs, to determine the age of the unaccompanied alien.

(c) PROVIDING SAFE AND SECURE PLACEMENTS FOR CHILDREN.—

(1) POLICIES AND PROGRAMS.—The Secretary of Health and Human Services, Secretary of Homeland Security, Attorney General, and Secretary of State shall establish policies and

programs to ensure that unaccompanied alien children in the United States are protected from traffickers and other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity, including policies and programs reflecting best practices in witness security programs.

[(2) SAFE AND SECURE PLACEMENTS.—

[(A) MINORS IN DEPARTMENT OF HEALTH AND HUMAN SERVICES CUSTODY.—Subject to section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Secretary of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child. In making such placements, the Secretary may consider danger to self, danger to the community, and risk of flight. Placement of child trafficking victims may include placement in an Unaccompanied Refugee Minor program, pursuant to section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)), if a suitable family member is not available to provide care. A child shall not be placed in a secure facility absent a determination that the child poses a danger to self or others or has been charged with having committed a criminal offense. The placement of a child in a secure facility shall be reviewed, at a minimum, on a monthly basis, in accordance with procedures prescribed by the Secretary, to determine if such placement remains warranted.

[(B) ALIENS TRANSFERRED FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEPARTMENT OF HOMELAND SECURITY CUSTODY.—If a minor described in subparagraph (A) reaches 18 years of age and is transferred to the custody of the Secretary of Homeland Security, the Secretary shall consider placement in the least restrictive setting available after taking into account the alien's danger to self, danger to the community, and risk of flight. Such aliens shall be eligible to participate in alternative to detention programs, utilizing a continuum of alternatives based on the alien's need for supervision, which may include placement of the alien with an individual or an organizational sponsor, or in a supervised group home.]

(2) SAFE AND SECURE PLACEMENTS.—

(A) INITIAL ACTIONS.—*The Secretary of Health and Human Services may not make a placement determination under this paragraph for an unaccompanied alien child who is in Federal custody by reason of the immigration status 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)—*

(1) 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

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

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

(I) contact the consulate or embassy of the country of citizenship, nationality, or last habitual residence for the unaccompanied alien child to obtain any relevant arrest records, pending criminal charges, or conviction documents involving such child; and

(II) conduct an examination of the unaccompanied alien child to determine if such child has any gang-related tattoos and other gang-related markings.

(B) **PLACEMENT GENERALLY.**—

(i) **IN GENERAL.**—Except as otherwise provided in this paragraph, an unaccompanied alien child who is in the custody of the Department of Health and Human Services shall be promptly placed in the least restrictive setting that is in the best interest of the child.

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

(C) **PLACEMENT OF CERTAIN UNACCOMPANIED ALIEN CHILDREN IN SECURE FACILITIES.**—In the case of an unaccompanied alien child 12 years of age or older, the unaccompanied alien child shall be placed in a secure facility for the duration of any immigration proceedings (and, if ordered removed, until such unaccompanied alien child is removed) if the unaccompanied alien child—

(i) is a flight risk; or

(ii) is a danger to self, other individuals, or the community, including if the unaccompanied alien child—

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

(II) has been convicted of a serious criminal offense (as defined in section 101(h) of the Immigration and Nationality Act (8 U.S.C. 1101(h))) in any State or territory of the United States or in the un-

accompanied alien child's country of citizenship, nationality, or last habitual residence;

(III) has been convicted of any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(IV) has, for conduct in connection with gang affiliation or gang activity in any State or territory of the United States or in the unaccompanied alien child's country of citizenship, nationality, or last habitual residence—

(aa) any arrest record;

(bb) any pending criminal charge;

(cc) any other pending proceeding; or

(dd) any conviction.

(D) PROHIBITIONS ON PLACEMENT OF UNACCOMPANIED ALIEN CHILDREN WITH CERTAIN INDIVIDUALS.—*The Secretary of Health and Human Services shall not place an unaccompanied alien child in the custody of any individual who is one or more of the following:*

(i) SECURE AND STABLE SPONSORS.—An individual who is not a United States citizen or a lawful permanent resident of the United States.

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

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

(II) a crime involving severe forms of trafficking in persons (as defined in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11)));

(III) a crime of domestic violence (as defined in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)));

(IV) a crime of child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (Public Law 93–247; 42 U.S.C. 5101 note));

(V) murder, manslaughter, or an attempt to commit murder or manslaughter (as defined in sections 1111, 1112, and 1113 of title 18, United States Code);

(VI) a crime involving the receipt, distribution, or possession of a visual depiction of a minor engaging in sexually explicit conduct (as described in section 2252 of title 18, United States Code);

(VII) any crime for which an alien is required to be taken into custody pursuant to section 236(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1));

(VIII) any aggravated felony (as defined in section 101 of the Immigration and Nationality Act);

(IX) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local);
 (X) any crime punishable by more than 1 year of imprisonment; or

(XI) any other criminal offense as designated by the Attorney General, in the Attorney General's sole and unreviewable discretion.

(3) SAFETY AND SUITABILITY ASSESSMENTS.—

(A) IN GENERAL.—[Subject to the requirements of subparagraph (B)] *Subject to the requirements of subparagraphs (B) and (D), an unaccompanied alien child may not be placed with a person or entity unless the Secretary of Health and Human Services makes a determination that the proposed custodian is capable of providing for the child's physical and mental well-being. Such determination shall, at a minimum, include verification of the custodian's identity and relationship to the child, if any, as well as an independent finding that the individual has not engaged in any activity that would indicate a potential risk to the child.*

(B) HOME STUDIES.—Before placing the child with an individual, the Secretary of Health and Human Services shall determine whether a home study is first necessary. A home study shall be conducted for a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. The Secretary of Health and Human Services shall conduct follow-up services, during the pendency of removal proceedings, on children for whom a home study was conducted and is authorized to conduct follow-up services in cases involving children with mental health or other needs who could benefit from ongoing assistance from a social welfare agency.

(C) ACCESS TO INFORMATION.—Not later than 2 weeks after receiving a request from the Secretary of Health and Human Services, the Secretary of Homeland Security shall provide information necessary to conduct suitability assessments from appropriate Federal, State, and local law enforcement and immigration databases.

(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—*Before placing a child with any individual, the Secretary of Health and Human Services shall provide to the Secretary of Homeland Security, with regard to the individual with whom the child will be placed and each adult resident of the individual's household, information on—*

(i) the name of the individual and each adult resident of the individual's household;

(ii) *the social security number or individual taxpayer identification number of the individual and each adult resident of the individual's household;*

(iii) *the date of birth of the individual and of each adult resident of the individual's household;*

(iv) *the physical location and address of the individual's residence where the child will be placed;*

(v) *the immigration status of the individual and each adult resident of the individual's household;*

(vi) *contact information for the individual and for each adult resident of the individual's household, including telephone numbers, email addresses, and work telephone numbers (if available); and*

(vii) *the results of all background and criminal records checks conducted on the individual and each adult resident of the individual's household, which shall include at a minimum an investigation of the Dru Sjodin National Sex Offender Public Website, a public records background check, and a national criminal history background check based on fingerprints.*

(4) **LEGAL ORIENTATION PRESENTATIONS.**—The Secretary of Health and Human Services shall cooperate with the Executive Office for Immigration Review to ensure that custodians receive legal orientation presentations provided through the Legal Orientation Program administered by the Executive Office for Immigration Review. At a minimum, such presentations shall address the custodian's responsibility to attempt to ensure the child's appearance at all immigration proceedings and to protect the child from mistreatment, exploitation, and trafficking.

(5) **ACCESS TO COUNSEL.**—The Secretary of Health and Human Services shall ensure, to the greatest extent practicable and consistent with section 292 of the Immigration and Nationality Act (8 U.S.C. 1362), that all unaccompanied alien children who are or have been in the custody of the Secretary or the Secretary of Homeland Security, and who are not described in subsection (a)(2)(A), have counsel to represent them in legal proceedings or matters and protect them from mistreatment, exploitation, and trafficking. To the greatest extent practicable, the Secretary of Health and Human Services shall make every effort to utilize the services of pro bono counsel who agree to provide representation to such children without charge.

(6) **CHILD ADVOCATES.**—

(A) **IN GENERAL.**—The Secretary of Health and Human Services is authorized to appoint independent child advocates for child trafficking victims and other vulnerable unaccompanied alien children. A child advocate shall be provided access to materials necessary to effectively advocate for the best interest of the child. The child advocate shall not be compelled to testify or provide evidence in any proceeding concerning any information or opinion received from the child in the course of serving as a child advocate. The child advocate shall be presumed to be acting in good

faith and be immune from civil liability for lawful conduct of duties as described in this provision.

(B) APPOINTMENT OF CHILD ADVOCATES.—

(i) INITIAL SITES.—Not later than 2 years after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Secretary of Health and Human Services shall appoint child advocates at 3 new immigration detention sites to provide independent child advocates for trafficking victims and vulnerable unaccompanied alien children.

(ii) ADDITIONAL SITES.—Not later than 3 years after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Secretary shall appoint child advocates at not more than 3 additional immigration detention sites.

(iii) SELECTION OF SITES.—Sites at which child advocate programs will be established under this subparagraph shall be located at immigration detention sites at which more than 50 children are held in immigration custody, and shall be selected sequentially, with priority given to locations with—

(I) the largest number of unaccompanied alien children; and

(II) the most vulnerable populations of unaccompanied children.

(C) RESTRICTIONS.—

(i) ADMINISTRATIVE EXPENSES.—A child advocate program may not use more than 10 percent of the Federal funds received under this section for administrative expenses.

(ii) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of a child advocate program under this section to apply for or obtain funding from any other source to carry out the programs described in this section.

(iii) CONTRIBUTION OF FUNDS.—A child advocate program selected under this section shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the child advocate program in an amount that is not less than 25 percent of the total amount of Federal funds received by the child advocate program under this section. In-kind contributions may not exceed 40 percent of the matching requirement under this clause.

(D) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, and annually thereafter, the Secretary of Health and Human Services shall submit a report describing the activities undertaken by the Secretary to authorize the appointment of independent Child Advocates for trafficking victims and vulnerable unaccompanied alien children to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(E) ASSESSMENT OF CHILD ADVOCATE PROGRAM.—

(i) IN GENERAL.—As soon as practicable after the date of the enactment of the Violence Against Women Reauthorization Act of 2013, the Comptroller General of the United States shall conduct a study regarding the effectiveness of the Child Advocate Program operated by the Secretary of Health and Human Services.

(ii) MATTERS TO BE STUDIED.—In the study required under clause (i), the Comptroller General shall— collect information and analyze the following:

(I) analyze the effectiveness of existing child advocate programs in improving outcomes for trafficking victims and other vulnerable unaccompanied alien children;

(II) evaluate the implementation of child advocate programs in new sites pursuant to subparagraph (B);

(III) evaluate the extent to which eligible trafficking victims and other vulnerable unaccompanied children are receiving child advocate services and assess the possible budgetary implications of increased participation in the program;

(IV) evaluate the barriers to improving outcomes for trafficking victims and other vulnerable unaccompanied children; and

(V) make recommendations on statutory changes to improve the Child Advocate Program in relation to the matters analyzed under subclauses (I) through (IV).

(iii) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit the results of the study required under this subparagraph to—

(I) the Committee on the Judiciary of the Senate;

(II) the Committee on Health, Education, Labor, and Pensions of the Senate;

(III) the Committee on the Judiciary of the House of Representatives; and

(IV) the Committee on Education and the Workforce of the House of Representatives.

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this subsection—

(i) \$1,000,000 for each of the fiscal years 2014 and 2015; and

(ii) \$2,000,000 for each of fiscal years 2018 through 2021.

(d) PERMANENT PROTECTION FOR CERTAIN AT-RISK CHILDREN.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(A) in clause (i), by striking “State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment;” and inserting “State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification

with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;"; and

(B) in clause (iii)—

(i) in the matter preceding subclause (I), by striking "the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;" and inserting "the Secretary of Homeland Security consents to the grant of special immigrant juvenile status;"; and

(ii) in subclause (I), by striking "in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction;" and inserting "in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction;".

(2) EXPEDITIOUS ADJUDICATION.—All applications for special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) shall be adjudicated by the Secretary of Homeland Security not later than 180 days after the date on which the application is filed.

(3) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

"(A) paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A), and (9)(B) of section 212(a) shall not apply; and".

(4) ELIGIBILITY FOR ASSISTANCE.—

(A) IN GENERAL.—A child who has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) and who was in the custody of the Secretary of Health and Human Services at the time a dependency order was granted for such child, was receiving services pursuant to section 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time such dependency order was granted, or has been granted status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), shall be eligible for placement and services under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) until the earlier of—

(i) the date on which the child reaches the age designated in section 412(d)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1522(d)(2)(B)); or

(ii) the date on which the child is placed in a permanent adoptive home.

(B) STATE REIMBURSEMENT.—Subject to the availability of appropriations, if State foster care funds are expended on behalf of a child who is not described in subparagraph (A) and has been granted special immigrant status under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), or status under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), the Federal Government shall re-

imburse the State in which the child resides for such expenditures by the State.

(5) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(6) TRANSITION RULE.—Notwithstanding any other provision of law, an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by paragraph (1), may not be denied special immigrant status under such section after the date of the enactment of this Act based on age if the alien was a child on the date on which the alien applied for such status.

(7) ACCESS TO ASYLUM PROTECTIONS.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(A) in subsection (a)(2), by adding at the end the following:

“(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))).”; and

(B) in subsection (b)(3), by adding at the end the following:

“(C) INITIAL JURISDICTION.—An asylum officer (as defined in section 235(b)(1)(E)) shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child (as defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))), regardless of whether filed in accordance with this section or section 235(b).”.

(8) SPECIALIZED NEEDS OF UNACCOMPANIED ALIEN CHILDREN.—Applications for asylum and other forms of relief from removal in which an unaccompanied alien child is the principal applicant shall be governed by regulations which take into account the specialized needs of unaccompanied alien children and which address both procedural and substantive aspects of handling unaccompanied alien children’s cases.

(e) TRAINING.—The Secretary of State, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Attorney General shall provide specialized training to all Federal personnel, and upon request, state and local personnel, who have substantive contact with unaccompanied alien children. Such personnel shall be trained to work with unaccompanied alien children, including identifying children who are victims of severe forms of trafficking in persons, and children for whom asylum or special immigrant relief may be appropriate, including children described in subsection (a)(2).

(f) AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) ADDITIONAL RESPONSIBILITIES.—Section 462(b)(1)(L) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)(L)) is amended by striking the period at the end and inserting “, including regular follow-up visits to such facilities, placements,

and other entities, to assess the continued suitability of such placements.”.

(2) TECHNICAL CORRECTIONS.—Section 462(b) of such Act (6 U.S.C. 279(b)) is further amended—

(A) in paragraph (3), by striking “paragraph (1)(G),” and inserting “paragraph (1),”; and

(B) by adding at the end the following:

“(4) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for an unaccompanied alien child who is released to a qualified sponsor.”.

(g) DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For purposes of this section, the term “unaccompanied alien child” has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

(h) EFFECTIVE DATE.—This section—

(1) shall take effect on the date that is 90 days after the date of the enactment of this Act; and

(2) shall also apply to all aliens in the United States in pending proceedings before the Department of Homeland Security or the Executive Office for Immigration Review, or related administrative or Federal appeals, on the date of the enactment of this Act.

(i) GRANTS AND CONTRACTS.—The Secretary of Health and Human Services may award grants to, and enter into contracts with, voluntary agencies to carry out this section and section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

* * * * *

Dissenting Views

What happened to Kayla Hamilton was a terrible tragedy and an outrageous crime. No parent should ever have to feel the devastating heartbreak of losing a child. But H.R. 4371 is not the right response.

Of course, I understand that faced with such awful circumstances, anyone would be moved to search for some sort of a solution—something to try to prevent other parents from experiencing the same horrors.

But rather than preventing future harm, this bill would create problems—and likely hurt the very people it claims to protect. The Majority has drafted a bill that puts their politics—not children or parents—first.

For example, this bill requires that all unaccompanied children over the age of 12 be strip-searched so that some government handler can inspect their bodies for “gang related tattoos.” If such tattoos are discovered, the children would be detained in a secure facility—essentially sending children to prison. Remember that our immigration agencies are notoriously bad at interpreting the meaning of tattoos. The Trump Administration implausibly claimed that an autism awareness tattoo meant Neri Jose Alvarado Borges, a baker and asylum seeker, was a member of Tren de Aragua, and carted him off to the notorious Salvadoran gulag, CECOT.¹ Rep.

¹ Matt Lavietes, *Asylum-seeker sent to Salvadoran mega-prison over autism awareness tattoo, family says*, NBC News (Apr. 17, 2025), <https://www.nbcnews.com/news/us-news/asylum-seeker-sent-el-salvador-mega-jail-autism-awareness-tattoo-famil-rcna201720>.

Jasmine Crockett (D-TX) offered an amendment to remove this strip-search provision, which was defeated along party lines.

The bill also requires any child with an arrest record related to gang activity be detained in a secure facility. This sounds reasonable at first, until you think of where these children might be coming from. Under this bill, would a teenager arrested by Maduro's dictatorial government in Venezuela, or Putin's authoritarian regime in Russia, be placed in jail because he protested for democracy? We do not know, because this bill does not define "gang activity" and leaves it up to the Trump Administration to decide. This is the same Administration that sent Jerce Reyes Barrios to CECOT.² Mr. Barrios is a professional soccer player who protested Maduro and was detained and tortured by the regime before seeking safety in the U.S.³ He was sent to CECOT after being accused of being a gang member—the only evidence for which was a tattoo of a soccer team logo on his body.⁴

Additionally, this legislation gratuitously attacks immigrant families. It says that children cannot be placed with a sponsor unless the sponsor is a U.S. citizen or lawful permanent resident.

This flies in the face of what is in the best interest of the child. Children should be placed with the adults who are best positioned to take care of them. But this bill prohibits family members who are lawfully in the U.S. to take custody of these children if they are nonimmigrant visa holders or refugees, or here under any number of lawful statuses. This provision will deny children the ability to go to loving homes and force them to languish in government custody for months.

This bill's purported purpose is "to enhance efforts to combat the trafficking of children." Subjecting children to strip searches and forcing them to remain in government custody when loving families are ready, able, and willing to take them in does not help stop child trafficking.

Instead of addressing one of the most notorious child traffickers in history, it is unfortunate the Majority chose to take up this legislation while refusing to take action on the Epstein files.

The President of the United States, the leader of their party, and a longstanding friend of Jeffrey Epstein, called his Administration's attempts to cover up the evidence they have regarding Mr. Epstein's prolific child trafficking scheme a "hoax" that is "totally irrelevant."⁵ Deputy Attorney General Todd Blanche interviewed Jeffrey Epstein's partner in crime, convicted sex offender and serial fabulist Ghislaine Maxwell, not to gain new information about the case, but to try to exculpate his boss, who has long been implicated in the scandal due to his close friendship with Mr. Epstein.⁶ It was clear from the interview Mr. Blanche believes he is still the criminal lawyer for Donald Trump, as opposed to serving the American

² Armando Garcia, *Man deported to El Salvador under Alien Enemies Act because of soccer logo tattoo: Attorney*, ABC NEWS (Mar. 20, 2025), <https://abcnews.go.com/Politics/man-deported-el-salvador-alien-enemies-act-soccer-logo-tattoo-attorney/story?id=119983892>.

³ *Id.*

⁴ *Id.*

⁵ Lauren Peller, et. al., *Trump calls Epstein files 'irrelevant' as Massie petition picks up steam*, ABC NEWS (Sept. 3, 2025), <https://abcnews.go.com/Politics/trump-calls-epstein-files-irrelevant-push-release-gains/story?id=125225706>.

⁶ Ruth Marcus, *What Ghislaine Maxwell Told the Justice Department*, NEW YORKER (Aug. 30, 2025), <https://www.newyorker.com/news/the-lede/what-ghislaine-maxwell-told-the-justice-department>.

people as Deputy Attorney General. Following their conversation, Ms. Maxwell, who is seeking a pardon from the famously transactional president, was moved to a minimum-security prison colloquially known as “Club Fed.”⁷

Meanwhile, House Republicans, with a few notable exceptions, remain complicit in the coverup and dismissive attitude toward the survivors. I want to commend Rep. Massie (R-KY) and the few Republican colleagues who have signed onto the discharge petition calling for the complete release of the Epstein files for having the courage of their convictions and standing up for the survivors.

Unfortunately, H.R. 4371 will do nothing to address this ongoing scandal and is simply punitive and ineffective. If the Majority wants to combat child trafficking, a good place to start is by ensuring transparency regarding one of the most prolific and horrifying trafficking rings in the 21st century. We must make it clear that anyone who participated in the exploitation of children, regardless of their position or their party, will be held accountable.

Democrats stand united on this. I’m sorry to say that Republicans do not.

I oppose this legislation, and I urge all of my colleagues to do the same.

JAMIE RASKIN,
Ranking Member.



⁷*Id.*