

Union Calendar No. 297

119TH CONGRESS
1ST SESSION

H. R. 4371

[Report No. 119-345]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2025

Mr. FRY (for himself, Mr. NEHLS, and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 17, 2025

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 14, 2025]

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. PLACEMENT DETERMINATIONS FOR UNACCOM-**
 6 **PANIED ALIEN CHILDREN.**

7 *Section 462(b)(2) of the Homeland Security Act of*
 8 *2002 (6 U.S.C. 279(b)(2)) is amended to read as follows:*

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

16 **SEC. 3. ENHANCING EFFORTS TO COMBAT THE TRAF-**
 17 **FICKING OF CHILDREN.**

18 *Section 235(c) of the William Wilberforce Trafficking*
 19 *Victims Protection Reauthorization Act of 2008 (8 U.S.C.*
 20 *1232(c)) is amended—*

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

22 *“(2) SAFE AND SECURE PLACEMENTS.—*

23 *“(A) INITIAL ACTIONS.—The Secretary of*
 24 *Health and Human Services may not make a*
 25 *placement determination under this paragraph*

1 *for an unaccompanied alien child who is in Fed-*
2 *eral custody by reason of the immigration status*
3 *of that child until the Secretary does the fol-*
4 *lowing:*

5 “(i) *CONSULTATIONS.—The Secretary*
6 *of Health and Human Services shall consult*
7 *with the Secretary of Homeland Security*
8 *and the Attorney General (including appro-*
9 *priate juvenile justice officials)—*

10 “(I) *to ensure that the unaccom-*
11 *panied alien child will appear for all*
12 *immigration, administrative, and judi-*
13 *cial hearings or proceedings in which*
14 *the child is involved;*

15 “(II) *to ensure that the unaccom-*
16 *panied alien child will be protected*
17 *from smugglers, traffickers, gangs, and*
18 *others who might seek to victimize or*
19 *otherwise engage the child in criminal,*
20 *harmful, or exploitative activity; and*

21 “(III) *to determine if the unac-*
22 *companied alien child—*

23 “(aa) *is a flight risk;*

1 “(bb) is a danger to self, an-
2 other individual, or the commu-
3 nity; or

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

10 “(ii) *SCREENING FOR GANG RELATED*
11 *ACTIVITY; REQUIREMENT TO OBTAIN CRIMI-*
12 *NAL RECORDS.—In the case of an unaccom-*
13 *panied alien child 12 years of age or older,*
14 *the Secretary of Health and Human Serv-*
15 *ices shall—*

16 “(I) *contact the consulate or em-*
17 *bassy of the country of citizenship, na-*
18 *tionality, or last habitual residence for*
19 *the unaccompanied alien child to ob-*
20 *tain any relevant arrest records, pend-*
21 *ing criminal charges, or conviction*
22 *documents involving such child; and*

23 “(II) *conduct an examination of*
24 *the unaccompanied alien child to de-*
25 *termine if such child has any gang-re-*

lated 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

1 “(ii) is a danger to self, other individ-
2 uals, or the community, including if the un-
3 accompanied alien child—

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

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

14 “(III) has been convicted of any
15 aggravated felony (as defined in sec-
16 tion 101(a)(43) of the Immigration
17 and Nationality Act (8 U.S.C.
18 1101(a)(43)); or

19 “(IV) has, for conduct in connec-
20 tion with gang affiliation or gang ac-
21 tivity in any State or territory of the
22 United States or in the unaccompanied
23 alien child’s country of citizenship, na-
24 tionality, or last habitual residence—

25 “(aa) any arrest record;

1 “(bb) any pending criminal
2 charge;

3 “(cc) any other pending pro-
4 ceeding; or

5 “(dd) any conviction.

6 “(D) PROHIBITIONS ON PLACEMENT OF UN-
7 ACCOMPANIED ALIEN CHILDREN WITH CERTAIN
8 INDIVIDUALS.—*The Secretary of Health and*
9 *Human Services shall not place an unaccom-*
10 *panied alien child in the custody of any indi-*
11 *vidual who is one or more of the following:*

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

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

21 “(I) a sex offense (as defined in
22 section 111(5) of the Sex Offender Reg-
23 istration and Notification Act (34
24 U.S.C. 20911(5)));

1 “(II) a crime involving severe
2 forms of trafficking in persons (as de-
3 fined in section 103(11) of the Traf-
4 ficking Victims Protection Act of 2000
5 (22 U.S.C. 7102(11)));

6 “(III) a crime of domestic violence
7 (as defined in section 40002(a)(12) of
8 the Violence Against Women Act of
9 1994 (34 U.S.C. 12291(a)(12)));

10 “(IV) a crime of child abuse and
11 neglect (as defined in section 3 of the
12 Child Abuse Prevention and Treatment
13 Act (Public Law 93–247; 42 U.S.C.
14 5101 note));

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

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

1 “(VII) any crime for which an
 2 alien is required to be taken into cus-
 3 tody pursuant to section 236(c)(1) of
 4 the Immigration and Nationality Act
 5 (8 U.S.C. 1226(c)(1));

6 “(VIII) any aggravated felony (as
 7 defined in section 101 of the Immigra-
 8 tion and Nationality Act);

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

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

14 “(XI) any other criminal offense
 15 as designated by the Attorney General,
 16 in the Attorney General’s sole and
 17 unreviewable discretion.”; and

18 (2) in paragraph (3)—

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

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

24 “(D) INFORMATION ABOUT INDIVIDUALS
 25 WITH WHOM CHILDREN ARE PLACED.—Before

1 *placing a child with any individual, the Sec-*
2 *retary of Health and Human Services shall pro-*
3 *vide to the Secretary of Homeland Security, with*
4 *regard to the individual with whom the child*
5 *will be placed and each adult resident of the in-*
6 *dividual’s household, information on—*

7 *“(i) the name of the individual and*
8 *each adult resident of the individual’s*
9 *household;*

10 *“(ii) the social security number or in-*
11 *dividual taxpayer identification number of*
12 *the individual and each adult resident of*
13 *the individual’s household;*

14 *“(iii) the date of birth of the indi-*
15 *vidual and of each adult resident of the in-*
16 *dividual’s household;*

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

20 *“(v) the immigration status of the in-*
21 *dividual and each adult resident of the in-*
22 *dividual’s household;*

23 *“(vi) contact information for the indi-*
24 *vidual and for each adult resident of the in-*
25 *dividual’s household, including telephone*

1 numbers, email addresses, and work tele-
2 phone numbers (if available); and

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

12 **SEC. 4. CONSTRUCTION; SEVERABILITY.**

13 Any provision of the this Act or an amendment made
14 by this Act held to be invalid or unenforceable by its terms,
15 or as applied to any person or circumstance, shall be con-
16 strued so as to give it the maximum effect permitted by
17 law, unless such holding shall be utterly invalid or unen-
18 forceable, in which event such provision shall be deemed sev-
19 erable from this Act and shall not affect the remainder of
20 this Act, or the application of such provision to other per-
21 sons not similarly situated or to other, dissimilar cir-
22 cumstances.

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

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

12 (b) *ADMINISTRATIVE PROCEDURE ACT.*—*Nothing in*
 13 *this Act may be construed to require the Secretary of Home-*
 14 *land Security, the Secretary of Health and Human Serv-*
 15 *ices, the Secretary of State, or the Attorney General to pro-*
 16 *mulgate regulations under subchapter II of chapter 5 of title*
 17 *5, United States Code (commonly referred to as the “Ad-*
 18 *ministrative Procedure Act”)*, *if such individuals determine*
 19 *that compliance would impede the immediate implementa-*
 20 *tion of this Act or the amendments made by this Act.*

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

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

25 (b) *APPLICABILITY.*—*This Act and the amendments*
 26 *made by this Act shall apply to any release and custody*

1 *determinations for an unaccompanied alien child (as de-*
2 *fin ed in section 642(g)(2) of the Homeland Security Act*
3 *of 2002), that are pending or occur on or after the date*
4 *of the enactment of this Act, and all release redetermina-*
5 *tions.*

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.”.

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