

115TH CONGRESS
2D SESSION

H. R. 6173

To amend section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to clarify the standards for family detention, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2018

Mr. KNIGHT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to clarify the standards for family detention, and for other purposes.

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

3 **SECTION 1. CLARIFICATION OF STANDARDS FOR FAMILY**
4 **DETENTION.**

5 (a) IN GENERAL.—Section 235 of the William Wil-
6 berforce Trafficking Victims Protection Reauthorization

1 Act of 2008 (8 U.S.C. 1232) is amended by adding at
2 the end the following:

3 “(j) CONSTRUCTION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, judicial determination, consent de-
6 cree, or settlement agreement, the detention of any
7 alien child who is not an unaccompanied alien child
8 shall be governed by sections 217, 235, 236, and
9 241 of the Immigration and Nationality Act (8
10 U.S.C. 1187, 1225, 1226, and 1231). There exists
11 no presumption that an alien child who is not an un-
12 accompanied alien child should not be detained, and
13 all such determinations shall be in the discretion of
14 the Secretary of Homeland Security.

15 “(2) RELEASE OF MINORS OTHER THAN UNAC-
16 COMPANIED ALIENS.—In no circumstances shall an
17 alien minor who is not an unaccompanied alien child
18 be released by the Secretary of Homeland Security
19 other than to a parent or legal guardian.

20 “(3) FAMILY DETENTION.—The Secretary of
21 Homeland Security shall—

22 “(A) maintain the care and custody of an
23 alien, during the period during which the
24 charges described in clause (i) are pending,
25 who—

1 “(i) is charged only with a mis-
2 demeanor offense under section 275(a) of
3 the Immigration and Nationality Act (8
4 U.S.C. 1325(a)); and

5 “(ii) entered the United States with
6 the alien’s child who has not attained 18
7 years of age; and

8 “(B) detain the alien with the alien’s
9 child.”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on the date of the enact-
12 ment of this Act and shall apply to all actions that occur
13 before, on, or after the date of the enactment of this Act.

14 (c) PREEMPTION OF STATE LICENSING REQUIRE-
15 MENTS.—Notwithstanding any other provision of law, ju-
16 dicial determination, consent decree, or settlement agree-
17 ment, no State may require that an immigration detention
18 facility used to detain children who have not attained 18
19 years of age, or families consisting of one or more of such
20 children and the parents or legal guardians of such chil-
21 dren, that is located in that State, be licensed by the State
22 or any political subdivision thereof.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY**
2 **DETENTION.**

3 There are authorized to be appropriated for family
4 detention facilities \$50,000,000 to the Department of
5 Homeland Security—U.S. Customs and Border Protec-
6 tion—Procurement, Construction, and Improvements ac-
7 count.

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